

## SEVENTEENTH DAY

Thursday, February 7, 1980

The Senate of the Tenth Legislature, 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 the Reverend Warren Studer of the Kailua Presbyterian Church, after which the Roll was called showing all Senators present with the exception of Senators Abercrombie, Chong and Yim, who were excused.

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

Senator Ajifu introduced to the members of the Senate two visitors from California, Mrs. Toshiko Tokubo from Sacramento and Mrs. Kaye Hayashi from Oakland.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 51 to 56) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 51), transmitting the Annual Report of the Filipino 75th Anniversary Commemoration Commission in cooperation with the Hawaii Foundation for History and the Humanities, pursuant to Act 181, Session Laws of Hawaii, 1977, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 52), transmitting a Preliminary Report prepared by the Board of Nursing, pursuant to Senate Concurrent Resolution No. 75 and Senate Resolution No. 371, S.D. 1, (1979), which requested that the Board of Nursing study the issue of minimum educational requirement for entry into professional nursing practice, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 53), transmitting a report prepared by the Department of Accounting and General Services in response to Senate Resolution No. 436 (1979) which requested that department to review the parking facilities, policies and rates of all State and county agencies and their impact on traffic congestion in Hawaii, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 54), transmitting a report prepared by the Department of Accounting and General Services in response to House Resolution No. 271 (1979) which

requested that department to develop and implement a waste paper recovery program for major State office buildings in Honolulu, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 55), transmitting the sixth Annual Report of the Environmental Council entitled, "Hawaii's Environment 1979", which summarizes the recent progress of State, County and Federal agencies in achieving their environmental goals and policies and prepared in compliance with Chapter 341-6, Hawaii Revised Statutes, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 56), transmitting a report which was prepared by the Department of Land and Natural Resources in response to House Resolution No. 474 (1979) which requested that department to perform a study relating to the implementation of Article XI of the Constitution of the State of Hawaii, concerning State licensing of mariculture operations, was referred to the Committee on Economic Development.

## SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 14), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ADOPTION OF THE EDUCATION FUNCTIONAL PLAN", was offered by Senator Campbell and was read by the Clerk.

By unanimous consent, S.C.R. No. 14 was referred to the Committee on Education, then to the Committee on Economic Development, then to the Committee on Ways and Means.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 74 to 79) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 74), entitled: "SENATE RESOLUTION REQUESTING HAWAIIAN HOMES COMMISSIONERS TO REPORT TO THE SENATE COMMITTEE ON HOUSING AND HAWAIIAN HOMES THE STATUS OF ITS LEASE OF A 39 ACRE HAWAIIAN HOMES PARCEL IN HILO TO REDEVCO OF HONOLULU", was offered by Senator Young.

By unanimous consent, S.R. No. 74 was referred to the Committee on Housing and Hawaiian Homes.

A resolution (S.R. No. 75), entitled: "SENATE RESOLUTION REQUESTING DEVELOPMENT OF A PLAN OF STATEWIDE EMERGENCY RESPONSE IN THE EVENT OF NUCLEAR ACCIDENTS", was jointly offered by Senators Chong, Abercrombie, Carpenter, O'Connor,

Cobb, Campbell, Cayetano, Toyofuku, Yamasaki, Young and Kawasaki.

By unanimous consent, S.R. No. 75 was referred to the Committee on Intergovernmental Relations.

A resolution (S.R. No. 76), entitled: "SENATE RESOLUTION REQUESTING THE ASSISTANCE OF HAWAII'S CONGRESSIONAL DELEGATION IN PREVENTING STORAGE OR DISPOSAL OF NUCLEAR MATERIALS IN THE PACIFIC BASIN", was jointly offered by Senators Chong, Abercrombie, Carpenter, Campbell, Cayetano, Toyofuku, Yamasaki, Young and Kawasaki.

By unanimous consent, S.R. No. 76 was referred to the Committee on Intergovernmental Relations.

A resolution (S.R. No. 77), entitled: "SENATE RESOLUTION REQUESTING THE ASSISTANCE OF HAWAII'S CONGRESSIONAL DELEGATION IN OBTAINING INFORMATION ON THE WEST LOCH PROJECT", was jointly offered by Senators Chong, Abercrombie, Carpenter, Campbell, Cayetano, Yamasaki and Young.

By unanimous consent, S.R. No. 77 was referred to the Committee on Intergovernmental Relations.

A resolution (S.R. No. 78), entitled: "SENATE RESOLUTION URGING THE U.S. NAVY TO DISCLOSE AND NOTIFY PERSONS INVOLVED IN ATOMIC TEST 'OPERATION WIGWAM'", was jointly offered by Senators Chong, Abercrombie, Campbell and Young.

By unanimous consent, S.R. No. 78 was referred to the Committee on Intergovernmental Relations.

A resolution (S.R. No. 79), entitled: "SENATE RESOLUTION RELATING TO A RADIOLOGICAL MONITORING PROGRAM FOR THE STATE OF HAWAII", was jointly offered by Senators Chong, Abercrombie, Carpenter, O'Connor, Cobb, Campbell, Cayetano, Yamasaki, Young and Kawasaki.

By unanimous consent, S.R. No. 79 was referred to the Committee on Intergovernmental Relations.

At 11:37 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

#### INTRODUCTION OF SENATE BILLS

On motion by Senator Mizuguchi, seconded by Senator Anderson and

carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Friday, February 8, 1980:

#### Senate Bills

No. 2355-80 "A Bill for an Act Relating to the Budget."

Introduced by: Senators Cayetano, Abercrombie and Campbell.

No. 2356-80 "A Bill for an Act Relating to the Land Fire Protection Law."

Introduced by: Senator Cayetano.

No. 2363-80 "A Bill for an Act Making an Appropriation for a Study on the Possibility of Adding Integrated Microwave Data Transmission Capabilities or Other Modes of Electronic Data Processing Technology to the State Government Communication System."

Introduced by: Senator Cayetano, by request.

No. 2364-80 "A Bill for an Act Making an Appropriation for Civil Air Patrol Headquarters."

Introduced by: Senator Cayetano, by request.

No. 2365-80 "A Bill for an Act Relating to Newspapers."

Introduced by: Senators Kawasaki, Abercrombie, Toyofuku, Young, Carpenter, Cayetano, Ajifu and Machida.

No. 2366-80 "A Bill for an Act Relating to Newspapers."

Introduced by: Senators Kawasaki, Abercrombie, Toyofuku, Cayetano and Machida.

No. 2367-80 "A Bill for an Act Relating to Residential Leaseholds."

Introduced by: Senators Kawasaki, Cobb, Young, Yamasaki, Carpenter, Cayetano, Ajifu, Abercrombie, Carroll and Soares.

No. 2368-80 "A Bill for an Act Proposing an Amendment to Article VI, Section 3, of the Hawaii Constitution to Require the Judicial Selection Commission to Present its List of Nominees for a Judicial Vacancy to Both the Governor and the Senate."

Introduced by: Senators Kawasaki, Cayetano, Abercrombie, Wong and Cobb.

No. 2369-80 "A Bill for an Act Relating to Collective Bargaining."

Introduced by: Senators Kawasaki, George and Carpenter.

No. 2370-80 "A Bill for an Act Relating to Daylight Savings Time."

Introduced by: Senator Yim.

No. 2371-80 "A Bill for an Act Relating to Energy Production Facilities in Agriculture Districts."

Introduced by: Senator Yim.

No. 2372-80 "A Bill for an Act Relating to Collective Bargaining Arbitration."

Introduced by: Senator Carroll.

No. 2373-80 "A Bill for an Act Relating to Transferring the Public Utilities Commission Assistant to the Department of Regulatory Agencies, Public Utilities Division."

Introduced by: Senators Toyofuku, Hara, Machida, Carpenter, Yamasaki and Abercrombie.

No. 2374-80 "A Bill for an Act Relating to Employees of County Legislative Bodies."

Introduced by: Senators Toyofuku, Hara, Machida, Carpenter, Yamasaki and Abercrombie.

No. 2375-80 "A Bill for an Act Relating to Appropriations for Veterans Cemeteries."

Introduced by: Senators Toyofuku, Hara, Machida, Carpenter, Yamasaki and Abercrombie.

No. 2376-80 "A Bill for an Act Relating to the Authorization of Special Purpose Revenue Bonds to Assist Utilities Serving the General Public."

Introduced by: Senator Chong.

No. 2377-80 "A Bill for an Act Making an Appropriation for the Monitoring of Radioactivity In and Around Civilian Populated Areas in the Vicinity of Pearl Harbor."

Introduced by: Senator Chong.

No. 2378-80 "A Bill for an Act Making an Appropriation for Small Group Homes for the Elderly."

Introduced by: Senator Chong.

No. 2379-80 "A Bill for an Act Making an Appropriation for Stay Straight Program, Youth Awareness Program."

Introduced by: Senator Chong.

No. 2380-80 "A Bill for an Act Making an Appropriation for Volincor: Corrections Volunteer Services."

Introduced by: Senator Chong.

No. 2381-80 "A Bill for an Act Relating to the National Guard."

Introduced by: Senators Chong and Abercrombie.

No. 2382-80 "A Bill for an Act Relating to Tax Incentives for Generation of Electricity from Non-Fossil Fuel Sources."

Introduced by: Senator Chong.

No. 2383-80 "A Bill for an Act Relating to the Department of Regulatory Agencies."

Introduced by: Senator Chong.

No. 2384-80 "A Bill for an Act Relating to Tax Incentives for Self-Generation of Electricity."

Introduced by: Senator Chong.

No. 2385-80 "A Bill for an Act Relating to Public Utilities."

Introduced by: Senator Chong.

No. 2386-80 "A Bill for an Act Relating to the Anti-Trust Exemption of the Western Motor Tariff Bureau."

Introduced by: Senator Chong.

No. 2387-80 "A Bill for an Act Relating to Public Utilities."

Introduced by: Senator Chong.

No. 2388-80 "A Bill for an Act Relating to the Militia."

Introduced by: Senator Chong.

No. 2389-80 "A Bill for an Act Making an Appropriation for the Hawaii Medical Library, Oahu."

Introduced by: Senators Carpenter, Yamasaki, Machida, Abercrombie, Cayetano, Kuroda and Cobb.

No. 2390-80 "A Bill for an Act Making an Appropriation for Infant and Child Development Services."

Introduced by: Senators Carpenter, Yamasaki, Machida, Abercrombie, Cayetano, Cobb and Kuroda.

No. 2391-80 "A Bill for an Act Making an Appropriation for Child Abuse, Neglect, and Spouse Abuse Programs."

Introduced by: Senators Carpenter, Yamasaki, Machida, Abercrombie, Cayetano, Cobb and Kuroda.

No. 2392-80 "A Bill for an Act Relating to Frozen Food Products."

Introduced by: Senators Carpenter, Abercrombie, Kuroda, Yamasaki, Machida, Cayetano and Cobb.

No. 2393-80 "A Bill for an Act Making an Appropriation for a Grant-In-Aid to the Variety Club School."

Introduced by: Senators Carpenter, Yamasaki, Machida, Abercrombie and Cayetano.

No. 2394-80 "A Bill for an Act Making an Appropriation for a Grant-In-Aid to the Lamp Language Arts Multi-Cultural Program."

Introduced by: Senators Carpenter, Yamasaki, Machida, Abercrombie, Cayetano, Cobb and Kuroda.

No. 2395-80 "A Bill for an Act Making an Appropriation for Hilo Library, Hawaii."

Introduced by: Senators Carpenter, Yamasaki, Machida, Abercrombie, Cayetano and Kuroda.

No. 2396-80 "A Bill for an Act Making an Appropriation for a Grant-In-Aid to the Hawaii Medical Library, Oahu."

Introduced by: Senators Carpenter, Yamasaki, Machida, Abercrombie, Cayetano and Kuroda.

No. 2397-80 "A Bill for an Act Making an Appropriation for Respite Services for the Developmentally Disabled."

Introduced by: Senators Carpenter, Yamasaki, Machida, Abercrombie, Cayetano, Cobb and Kuroda.

No. 2398-80 "A Bill for an Act Making an Appropriation for the Expansion of Pre-Vocational, Day Activity Training Programs for Developmentally Disabled Adults."

Introduced by: Senators Carpenter, Yamasaki, Machida, Abercrombie, Cayetano, Cobb and Kuroda.

No. 2399-80 "A Bill for an Act Relating to Contractors."

Introduced by: Senators Wong, Kuroda, Yim and Young.

No. 2400-80 "A Bill for an Act Relating to Contractors."

Introduced by: Senators Wong, Kuroda, Yim and Young.

No. 2401-80 "A Bill for an Act Relating to Contractors."

Introduced by: Senators Wong, Kuroda, Yim and Young.

No. 2402-80 "A Bill for an Act Relating to Contractors."

Introduced by: Senators Wong, Kuroda, Yim, Young and Mizuguchi.

No. 2403-80 "A Bill for an Act Relating to Contractors."

Introduced by: Senators Wong and Yim.

No. 2404-80 "A Bill for an Act Relating to Contractors."

Introduced by: Senators Wong, Yim and Young.

No. 2405-80 "A Bill for an Act Relating to Contractors."

Introduced by: Senators Wong, Kuroda, Yim and Young.

No. 2406-80 "A Bill for an Act Relating to Securing Payment of Compensation to Sick, Injured, or Disabled Persons or to Persons Who Sustain Damage to Property."

Introduced by: Senators Wong, Kuroda, Yim and Young.

No. 2407-80 "A Bill for an Act Relating to the Importation, Purchase and Sale of Intoxicating Liquor."

Introduced by: Senator Wong.

No. 2408-80 "A Bill for an Act Relating to Discriminatory Pricing in Supplying Liquor."

Introduced by: Senator Wong.

No. 2409-80 "A Bill for an Act Making an Appropriation for Drilling Groundwater Exploratory Wells, Oahu."

Introduced by: Senator Wong, by request.

No. 2416-80 "A Bill for an Act Relating to the Compensation of Certain Persons Under the Criminal Injuries Compensation Act and Providing Appropriations Therefor."

Introduced by: Senator Cayetano, by request.

No. 2417-80 "A Bill for an Act Relating to Deposits of Public Funds."

Introduced by: Senator Cayetano.

No. 2418-80 "A Bill for an Act Making an Appropriation for the Okinawan Celebration Commission."

Introduced by: Senator Young.

No. 2419-80 "A Bill for an Act Relating to Family Courts."

Introduced by: Senators George, Kuroda, Campbell, Soares, Cobb, Yamasaki, Ajifu, Carroll, O'Connor, Machida, Mizuguchi and Young.

No. 2420-80 "A Bill for an Act Relating to County Vehicular Taxes."

Introduced by: Senators George and Mizuguchi.

No. 2435-80 "A Bill for an Act Making an Appropriation for Safety Improvements at Honokeana Cove and Kahana Sunset on Honoapiilani Highway, Lahaina, Maui."

Introduced by: Senators Yamasaki and Machida.

No. 2436-80 "A Bill for an Act Making an Appropriation for the Construction of Drainage Improvements on Kaahumanu Avenue, Kahului, Maui."

Introduced by: Senators Yamasaki and Machida.

No. 2437-80 "A Bill for an Act Making an Appropriation for Adult Boarding and Care Home Operators."

Introduced by: Senators Yamasaki, Machida, Carroll, Soares, Ajifu, George, Hara, Young, Ushijima, O'Connor, Campbell, Cayetano, Saiki and Toyofuku.

No. 2438-80 "A Bill for an Act Making an Appropriation for a Training Program for Care Home Operators."

Introduced by: Senators Yamasaki, Machida, Soares, Ajifu, George, Hara, Young, Ushijima, Toyofuku, Cayetano, Campbell, O'Connor and Saiki.

No. 2439-80 "A Bill for an Act Relating to Workers' Compensation."

Introduced by: Senators Yamasaki, Machida, Ushijima, Young, Toyofuku and Cayetano.

No. 2440-80 "A Bill for an Act Relating to Employment Practices."

Introduced by: Senators Yamasaki, Machida, Ushijima, Young and Cayetano.

No. 2441-80 "A Bill for an Act Relating to Closings and Relocations of Establishments of Business Concerns."

Introduced by: Senators Yamasaki, Machida, Ushijima, Young and Cayetano.

No. 2442-80 "A Bill for an Act Making an Appropriation for the Brantley Center, Inc."

Introduced by: Senators Hara, Ushijima and Carpenter.

No. 2443-80 "A Bill for an Act Relating to Liability of Dog Owners."

Introduced by: Senator Carroll.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the following bills were referred to print and were placed on the calendar for further consideration on Friday, February 8, 1980:

#### Senate Bills

No. 2357-80 "A Bill for an Act Relating to State Insurance Administration."

Introduced by: Senator Cayetano.

No. 2358-80 "A Bill for an Act Relating to Audit and Accounting."

Introduced by: Senator Cayetano.

No. 2359-80 "A Bill for an Act Relating to Disaster Relief."

Introduced by: Senator Cayetano.

No. 2360-80 "A Bill for an Act Relating to Compensation of Public Employees and Officers."

Introduced by: Senator Cayetano.

No. 2361-80 "A Bill for an Act Relating to the Revised Uniform Disposition of Unclaimed Property Act."

Introduced by: Senator Cayetano.

No. 2362-80 "A Bill for an Act Relating to Tax Appeals."

Introduced by: Senator Cayetano.

No. 2410-80 "A Bill for an Act Relating to Taxes."

Introduced by: Senator Cayetano.

No. 2411-80 "A Bill for an Act Relating to the Collection of Taxes."

Introduced by: Senator Cayetano.

No. 2412-80 "A Bill for an Act Relating to Cash Management."

Introduced by: Senator Cayetano.

No. 2413-80 "A Bill for an Act Relating to Emergency Medical Services."

Introduced by: Senator Cayetano.

No. 2414-80 "A Bill for an Act Relating to Deposits of Public Funds."

Introduced by: Senator Cayetano.

No. 2415-80 "A Bill for an Act Relating to School Athletic Programs."

Introduced by: Senator Cayetano.

No. 2421-80 "A Bill for an Act Relating to Improving Common Carrier Services in Hawaii."

Introduced by: Senator Chong.

No. 2422-80 "A Bill for an Act Relating to Improving Electric Utilities in Hawaii."

Introduced by: Senator Chong.

No. 2423-80 "A Bill for an Act Relating to Marginal Cost Calculations for Electric Utilities."

Introduced by: Senator Chong.

No. 2424-80 "A Bill for an Act Relating to Load Management Programs for Electric Utilities."

Introduced by: Senator Chong.

No. 2425-80 "A Bill for an Act Relating to Low-Interest Financing of Non-Nuclear, Non-Fossil Fuel Devices by Regulated Utilities."

Introduced by: Senator Chong.

No. 2426-80 "A Bill for an Act Relating to the Energy Cost-Adjustment Clause."

Introduced by: Senator Chong.

No. 2427-80 "A Bill for an Act Relating to the Fuel Adjustment Clause."

Introduced by: Senator Chong.

No. 2428-80 "A Bill for an Act Relating to the Fuel Adjustment Clause."

Introduced by: Senator Chong.

No. 2429-80 "A Bill for an Act Relating to the Price of Purchased Power, Electric Utilities Pay to Co-Generators or Small Power Producers."

Introduced by: Senator Chong.

No. 2430-80 "A Bill for an Act Relating to Utility Involvement in the Marketing, Sale, and Leasing of Non-Nuclear,

Non-Fossil Fuel Development Services."

Introduced by: Senator Chong.

No. 2431-80 "A Bill for an Act Relating to Improving Services of Public Utilities in Hawaii."

Introduced by: Senator Chong.

No. 2432-80 "A Bill for an Act Relating to Conservation Voltage Reduction Programs for Electric Utilities."

Introduced by: Senator Chong.

No. 2433-80 "A Bill for an Act Relating to Improving Telephone Services."

Introduced by: Senator Chong.

No. 2434-80 "A Bill for an Act Relating to Conservation-Oriented Energy Policy for Electric Utility Resources Investment Planning."

Introduced by: Senator Chong.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 17-80) informing the Senate that Senate Resolution Nos. 70 to 73 and Senate Bill Nos. 2326-80 to 2354-80 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.

At this time, the President discharged the Managers who were appointed on April 4, 1979, on the part of the Senate for the conference to consider the amendments proposed by the House to the following bills:

S.B. No. 1096, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1097, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1098, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1099, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1100, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN

APPROPRIATION FOR COLLECTIVE  
BARGAINING";

S.B. No. 1101, S.D. 2, H.D. 1,  
entitled: "A BILL FOR AN ACT MAKING  
AN APPROPRIATION FOR COLLECTIVE  
BARGAINING";

S.B. No. 1102, S.D. 2, H.D. 1,  
entitled: "A BILL FOR AN ACT MAKING  
AN APPROPRIATION FOR COLLECTIVE  
BARGAINING";

S.B. No. 1103, S.D. 2, H.D. 1,  
entitled: "A BILL FOR AN ACT MAKING  
AN APPROPRIATION FOR COLLECTIVE  
BARGAINING";

S.B. No. 1104, S.D. 2, H.D. 1,  
entitled: "A BILL FOR AN ACT MAKING  
AN APPROPRIATION FOR COLLECTIVE  
BARGAINING";

S.B. No. 1105, S.D. 2, H.D. 1,  
entitled: "A BILL FOR AN ACT MAKING  
AN APPROPRIATION FOR COLLECTIVE  
BARGAINING";

S.B. No. 1106, S.D. 2, H.D. 1,  
entitled: "A BILL FOR AN ACT MAKING  
AN APPROPRIATION FOR COLLECTIVE  
BARGAINING";

S.B. No. 1108, S.D. 2, H.D. 1,  
entitled: "A BILL FOR AN ACT MAKING  
AN APPROPRIATION FOR COLLECTIVE  
BARGAINING"; and

S.B. No. 1742, S.D. 1, H.D. 1,  
entitled: "A BILL FOR AN ACT MAKING  
APPROPRIATIONS FOR ADJUSTMENT  
AUTHORIZED BY CHAPTER 89C,  
HAWAII REVISED STATUTES."

Senator Cayetano, for the majority  
of the Committee on Ways and Means,  
presented a report (Stand. Com. Rep.  
No. 18-80), recommending that Senate  
Bill No. 1946-80 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 majority of the Committee  
was adopted and S.B. No. 1946-80,  
entitled: "A BILL FOR AN ACT MAKING  
APPROPRIATIONS FOR COLLECTIVE  
BARGAINING COST ITEMS", passed  
Second Reading and was placed on the  
calendar for further consideration  
on Monday, February 11, 1980.

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. 1946-80.

Senator Cayetano, for the majority  
of the Committee on Ways and Means,  
presented a report (Stand. Com. Rep.

No. 19-80) recommending that Senate Bill  
No. 1947-80 pass Second Reading and  
be placed on the calendar for Third  
Reading.

Senator Cayetano moved that the report  
of the Committee be adopted and that S.B.  
No. 1947-80 pass Second Reading and  
be placed on the calendar for Third  
Reading, seconded by Senator Kawasaki.

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

"Mr. President, I rise to urge the members  
of this body to vote in favor of passing  
this bill on Second Reading, and add that  
my comments will also relate to the previous  
bill.

"Mr. President, as all of the members  
of this Honorable Body are aware, there  
had been a disagreement between the  
House of Representatives and the Senate  
as to the procedure which would be followed  
to deal with the collective bargaining contracts  
recently negotiated between the public  
workers' unions and the State.

"During the last session, this Senate  
favored dealing with contracts on a separate  
basis. To this end, we introduced twelve  
separate collective bargaining bills.  
At the close of last session, these twelve  
bills, having passed both the House and  
Senate unanimously were positioned in  
conference awaiting the settlement of  
the collective bargaining negotiations.  
Those negotiations, Mr. President,  
were settled after the adjournment of  
last session.

"At the beginning of this session, the  
Governor sent an urgency message to  
the Legislature, listing two bills as  
urgency measures which could be passed  
prior to the passage of the supplemental  
budget.

"At the outset, Mr. President, my position  
and the position of some of the members  
of the Committee on Ways and Means was  
that the bills were in conference and  
that we should deal with those bills  
on an individual basis.

"If one were to believe the news media,  
Mr. President, I think the quotes of Mr.  
(David) Trask at a collective bargaining  
hearing held a few days ago would be  
very appropriate. The disagreement  
between the House and the Senate was  
a domestic between parents, and the  
children would get hurt. However, it  
is much more complex than that, Mr. President.

"Basically there were two reasons  
why I and some of the members of the  
Senate opted to deal with the bills on an  
individual basis.

"The first was one of procedure; we felt that it would give each individual senator much more latitude and leeway in terms of dealing or voting as he or she pleased on each individual contract.

"The second, Mr. President, was much more basic and real. One of the collective bargaining contracts worked out, the one between the teachers and the State, had a grievance filed by the Hawaii State Teachers Association against the State hanging over its head, and this grievance would have cost the State the sum of \$7,000,000.

"Most of us are aware of the reasons for this grievance so I shall not go into detail. However, unknown, I suppose, or maybe the House was unaware... this grievance arose from language in the existing contract and that very same language is embodied in the new contract which we are asked to ratify.

"As a result, Mr. President, by ratifying the collective bargaining measure for the teachers, this Senate would have abdicated its responsibility because, really, we would not have been solving any problems for the State.

"In the next collective bargaining round, the State would be faced with the very same problem; and I might make an analogy there that as a lawyer, I would be committing malpractice if I knew that there was some ambiguity in the contract and that same ambiguity existed in a renegotiated contract.

"In any event, last week or a couple of days ago, we held a hearing on the collective bargaining bills and at that hearing, the executive director of the HSTA was asked and testified that the grievance filed by the teachers had been withdrawn. Yesterday, Mr. President, I called Superintendent Charles Clark at about 3:00 o'clock in the afternoon and I asked him whether the grievance in fact had been withdrawn. Mr. Clark told me the following: 'No, the grievance had not been withdrawn,' and, in fact, he quoted to me a letter written to him by the HSTA dated January 23, 1980, in which the Association said that the grievance would be held in abeyance pending negotiation of the disagreement. Mr. President, the word 'abeyance' does not mean 'withdrawn'.

"Shortly thereafter, Mr. President, I relayed the message to you and I believe you called Mr. Clark, and then Mr. Clark called the HSTA Executive Director who was on Kauai, I believe. Then through the miracle of the telephone, he was urged to get back here to discuss

settlement and I understand that at about 9:00 o'clock last night, they reached a settlement.

"This morning, Mr. Clark appeared before the Ways and Means Committee and gave all of us a copy of a letter dated February 6, 1980 in which the settlement reached by the Association and the State is stated.

"So, Mr. President, my own personal objections and the objections of many of our Senators, I believe, to this \$7,000,000 price tag hanging over the collective bargaining contract has been allayed.

"I believe that we should still proceed with each contract on an individual basis because for this very reason in this particular case, we came up with a problem and now we have resolved it. However, Mr. President, no Senator should stand in the way of duly earned pay raises earned by the public employees of this State simply because of a difference in procedure between the House and the Senate.

"Many of you who have been here for many years longer than I, have counseled me on this matter; those of you who felt strongly that we should go ahead and deal with the bills on an individual basis have released me from my commitment to you, and you, Mr. President, have asked me to reconsider my position and I have, primarily because I believe that in the interim the House and Senate can get together and work out ground rules for dealing with the collective bargaining contracts next session.

"Also, Mr. President, I believe that it is time that we tended to the rest of the people's business; we have a lot of work to do. For those reasons, I'm asking everyone to vote yes on this bill.

"Thank you, Mr. President."

Senator Kawasaki then spoke for the measure, with reservations, as follows:

"Mr. President, I just want to say that I agree completely with the sentiments expressed by the very competent, very diligent chairman of the Ways and Means Committee. He and I discussed the philosophy of the method by which we ratify these contracts and I must say to his credit that he agreed with me on a point that I have been making for many years now.

"Mr. President, I have said this--it's almost like a litany--that we have the responsibility under the collective bargaining ratification procedure to examine each contract, contract by contract, because there might be certain terms incorporated in an agreement, in a particular contract, covering a particular unit

to which we may have objections.

"Indeed, I do have objections to some of the contracts in this year's session, but I do agree with the Chairman of Ways and Means Committee that perhaps we can just record our vote and our sentiment in this instance because the pay raise due deserving units are long past the deadline that we should have set forth. For that reason, I am willing to go on record as objecting to the manner in which we are ratifying this contract--that is to say, a single carte blanche bill that takes care of all twelve contracts.

"I have signed the committee report, 'I do not concur', which, however, does not mean that I disagree with the terms agreed upon on each and every unit's contract. There are some units' contracts that I approve of; there are others that I do not, and this should be noted along with 'I do not concur.'

"Mr. President, there is one other point that I want to touch on, and that is, may this be an object lesson to us. This instance when the spokesman for the teachers' union had told us in committee, in front of the entire committee, that the grievance which we speak about, that the Chairman speaks about, which has, as he put it, the \$7,000,000 tag (I consider it a little more than that--but a huge cost tag) when he said in committee, that the grievance had been settled and had been withdrawn. The end effect was that he perjured himself. I don't know that he intended to do this, but the object lesson here is that on an issue as important as this, when something like that is before us, perhaps it behooves us as a chairman of each committee to put some of these witnesses under oath. In this way, if we find that they really had perjured themselves knowingly, we can take steps to discourage such procedures in the future. I thought I'd just add that comment. This is one way to discourage any one from knowingly not telling a committee of the Senate the entire truth on a very important issue involving a lot of money.

"Thank you, Mr. President."

Senator Cayetano then rose and spoke as follows:

"Mr. President, I would like to make some additional remarks which I forgot to make, not intentionally because they are particularly important to me personally.

"As all of the Senators know, this whole episode has been given play in the press. I want to thank each and

every one of you, especially the Minority, I suppose, for not joining in the fray and sparing me from some of the criticisms which I think may be or would have been, well forthcoming.

"And I want to thank the members of the Majority, especially the senior members, those who have been around here for a long time, for their counsel and their support. Thank you."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and S.B. No. 1947-80, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR ADJUSTMENT AUTHORIZED BY CHAPTER 89C, HAWAII REVISED STATUTES", passed Second Reading and was placed on the calendar for Third Reading on Monday, February 11, 1980.

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. 1947-80.

## ORDER OF THE DAY

### REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Wednesday, February 6, 1980:

Senate Bills	Referred to:
No. 2326-80	Committee on Human Resources, then to the Committee on Ways and Means
No. 2327-80	Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means
No. 2328-80	Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means
No. 2329-80	Committee on Judiciary
No. 2330-80	Committee on Judiciary
No. 2331-80	Committee on Judiciary
No. 2332-80	Committee on Judiciary
No. 2333-80	Committee on Health, then to the Committee on Judiciary
No. 2334-80	Committee on Judiciary
No. 2335-80	Committee on Agriculture, then to the Committee on Ways and Means
No. 2336-80	Committee on Education, then to the Committee on Ways and Means
No. 2337-80	Committee on Public Utilities
No. 2338-80	Committee on Education,

then to the Committee on Ways and Means

No. 2339-80 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 2340-80 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 2341-80 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 2342-80 Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means

No. 2343-80 Committee on Transportation, then to the Committee on Ways and Means

No. 2344-80 Committee on Health, then to the Committee on Ways and Means

No. 2345-80 Committee on Transportation, then to the Committee on Ways and Means

No. 2346-80 Committee on Transportation, then to the Committee on Ways and Means

No. 2347-80 Committee on Transportation, then to the Committee on Ways and Means

No. 2348-80 Committee on Economic Development, then to the Committee on Ways and Means

No. 2349-80 Committee on Transportation, then to the Committee on Ways and Means

No. 2350-80 Committee on Transportation, then to the Committee on Ways and Means

No. 2351-80 Committee on Economic Development, then to the Committee on Ways and Means

No. 2352-80 Committee on Health, then to the Committee on Ways and Means

No. 2353-80 Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means

No. 2354-80 Committee on Economic Development, then to the Committee on Ways and Means

At this time, Senator Saiki stated as follows:

"Mr. President, I spent a good part of last week and the earlier part of this week on official business on behalf of the Western Interstate Commission for Higher Education and had the pleasure of meeting with the Governor and legislators of the states of Oregon and Alaska.

"We have many friends there and they wanted to extend to us their warmest wishes for a successful session.

"I had the honor of being introduced and then addressing the Senate in both Oregon and Alaska.

"Mr. President, from what I understand, Senator Yee went to Washington, D.C. and thought the snow there made everything look very white. Well, you should have seen it in Alaska. It's great to be back. Thank you."

#### ADJOURNMENT

At 12:31 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, February 8, 1980.