

THIRTY-SEVENTH DAY

Friday, March 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 Vice President in the Chair.

The Divine Blessing was invoked by Mrs. Linda B. Cravalho, a member of the parish at St. Anthony's Church in Kailua, after which the Roll was called showing all Senators present with the exception of Senator Wong who was excused.

The Vice President announced that the President had read and approved the Journal of the Thirty-Sixth Day.

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

Senator Yee introduced 100 students from the fifth grade at the Ala Wai Elementary School with their teachers, Mrs. Thelma Odo, Mrs. Jean Dollar, Mrs. Betty Muraoka and Mrs. Alice Arakaki.

Senator Anderson introduced a group of forty-eight members of a senior citizens group from Makiki. Senator Chong introduced Mr. and Mrs. Kenneth Chun from among that group.

Senator Chong then introduced three seniors from Iolani High School: Karlton Tomomitsu, Mark Hirokawa and Ed Taniguchi, who are studying the Legislature at work.

Senator Carpenter introduced Police Captain Charles Rose of the Criminal Investigation Division of the County of Hawaii Police Department.

HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 304), transmitting House Concurrent Resolution No. 41, which was adopted by the House of Representatives on March 13, 1980, was read by the Clerk and was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII TO RECOGNIZE APRIL 1980 AS CANCER CONTROL MONTH", was adopted.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 182 to 186) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 182), entitled: "SENATE RESOLUTION HONORING JACQUELINE P. WAIWAIOLÉ FOR COMMUNITY SERVICE ACHIEVEMENTS", was jointly offered by Senators Yim, Wong, Kawasaki, Campbell, Mizuguchi, Saiki, Ajifu, Soares, Carroll, Yee, Machida, Ushijima, Yamasaki, Kuroda, Hara, Carpenter, Abercrombie, Anderson, Toyofuku, Chong, O'Connor, Cobb, Young, George and Cayetano.

On motion by Senator Yim, seconded by Senator Mizuguchi and carried, S.R. No. 182 was adopted.

A resolution (S.R. No. 183), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE VIABILITY AND IMPACT OF A STATE-RUN LOTTERY", was jointly offered by Senators Hara, Abercrombie, Toyofuku, Machida, Kuroda, Carpenter and Cayetano.

By unanimous consent, S.R. No. 183 was referred to the Committee on Ways and Means, then to the Committee on Legislative Management.

A resolution (S.R. No. 184), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE EFFECTS OF HIGH VOLTAGE POWER LINES ON THE HEALTH AND WELL-BEING OF THE CITIZENS OF HAWAII", was jointly offered by Senators Cobb and Chong.

By unanimous consent, S.R. No. 184 was referred to the Committee on Health.

A resolution (S.R. No. 185), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON ELECTRIC SMOG IN HAWAII INCLUDING ITS EFFECT ON THE CITIZENS OF THIS STATE", was jointly offered by Senators Chong, Cobb and Carpenter.

By unanimous consent, S.R. No. 185 was referred to the Committee on Health.

A resolution (S.R. No. 186), entitled: "SENATE RESOLUTION CONGRATULATING THE SPONSOR AND THE FIVE HUNDRED PARTICIPANTS OF THE SECOND ANNUAL POKAI BAY BONANZA JACKPOT FISHING TOURNAMENT", was jointly offered by Senators Kuroda, Yee, Young, Saiki, George, Cobb, O'Connor, Anderson, Cayetano, Toyofuku, Machida, Ushijima, Hara, Abercrombie, Carpenter, Chong, Yim, Kawasaki, Yamasaki, Ajifu, Carroll and Soares.

On motion by Senator Yee, seconded by Senator Mizuguchi and carried, S.R. No. 186 was adopted.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee

on Legislative Management, presented a report (Stand. Com. Rep. No. 712-80) informing the Senate that Senate Resolution Nos. 179 to 181 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 Kawasaki, for the Committee on Government Operations and Efficiency, presented a report (Stand. Com. Rep. No. 713-80) recommending that Senate Resolution No. 80, as amended in S.D. 1, be adopted.

On motion by Senator Toyofuku, seconded by Senator Mizuguchi and carried, the report of the Committee was adopted and S.R. No. 80, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE IMPLEMENTATION OF A CENTRALIZED COPIER AND COPIER/ DUPLICATOR MANAGEMENT PROGRAM AND REVIEW OF THE COMPETITIVE BIDDING FOR COPIER AND COPIER/DUPLICATOR EQUIPMENT IN HAWAII", was adopted.

Senator Kawasaki, for the Committee on Government Operations and Efficiency, presented a report (Stand. Com. Rep. No. 714-80) recommending that Senate Concurrent Resolution No. 15, as amended in S.D. 1, be adopted.

On motion by Senator Toyofuku, seconded by Senator Mizuguchi and carried, the report of the Committee was adopted and S.C.R. No. 15, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF A CENTRALIZED COPIER AND COPIER/DUPLICATOR MANAGEMENT PROGRAM AND REVIEW OF THE COMPETITIVE BIDDING FOR COPIER AND COPIER/DUPLICATOR EQUIPMENT IN HAWAII", was adopted.

At 11: 45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11: 47 o'clock a.m.

ORDER OF THE DAY

MATTERS DEFERRED FROM MARCH 13, 1980

Senate Bill No. 2134-80, H.D. 1:

On motion by Senator Carpenter, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2134-80 and requested a conference on the subject matter thereof.

The Vice President then appointed Senators Carpenter, Chairman and Cobb and Yee as Managers on the part of the Senate at such conference.

FINAL READING

Senate Bill No. 1115, S.D. 2, H.D. 2:

Senator Cobb moved that the Senate agree to the amendments proposed by the House to S.B. No. 1115, S.D. 2 and that S.B. No. 1115, S.D. 2, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Cayetano.

Senator Campbell then stated as follows:

"Mr. President, I rise to speak in favor of Senate Bill No. 1115, S.D. 2, H.D. 2.

"It is about time that the legislature came to the rescue of the beleaguered automobile owner. If there is any segment of the Hawaii population which has been made the target of every kind of conceivable tax, it has been the automobile owner.

"In January 1978, the automobile owner was slapped with a dollar registration fee. He has to pay a weight tax to the county and the State. The City and County of Honolulu has increased its gasoline tax 3¢ as of this year which makes a total of 11-1/2¢ for the auto owner.

"It goes without saying that the passage of the windfall profits tax on oil companies is going to mean an increase in the cost of gasoline at the stations for our citizens. At the present time, retail gasoline prices at the station keeps going up.

"At a recent session of the legislature, the temporary 3.5% gasoline tax was made permanent over the strong objections of some of us in the State Legislature. I pointed out at that time that the confidence level of our people will be seriously damaged if we made the tax permanent because we had promised the people that this tax would be phased out and that it would not be made permanent.

"In addition to the tax burden which the automobile owner has to bear, the 1977 session of the legislature added an additional burden to him. It extended for five years, the open rating period for the automobile insurance companies.

"Automobile insurance rates have been going up consistently and it seems logical to me that the rates would stabilize if we closed the open rating period and mandated the State Insurance Commissioner to step in and regulate these rates.

"Mr. President, when I was a member of the House of Representatives, I addressed that body concerning my serious reservations about the long extension of the present open competitive rating system.

"Mr. President, I had another reservation which I shared with members of the House several years ago. I said at that time and I say again today that our State should not be involved in making auto insurance mandatory, giving insurance companies a captive audience and at the same time giving these companies the right to set their own insurance rates.

"I have a strong feeling that our legislature has abdicated its objective role as a consumer advocate in following this policy. Today I am positively impressed by the modest attempts of Senate Bill No. 1115, S.D. 2, H.D. 2, to come to the rescue of besieged automobile owners.

"While this bill simply scratches the surface when it comes to aiding our driving public, it does help as the insured seeks the most reasonable rates against the high insurance rates we find in existence today.

"I strongly urge support of this bill hopefully as a basis for launching the elimination of the open rating period."

The motion was then put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1115, S.D. 2, and S.B. No. 1115, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE RATES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Abercrombie and Wong).

At 11: 50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11: 51 o'clock a.m.

RE-REFERRAL OF HOUSE BILLS

The Vice President then made the

following re-referral of a House bill that was received on Monday, March 12, 1979:

House Bill Referred to:

No. 1655 Jointly to the Committee on Health and the Committee on Consumer Protection and Commerce

The Vice President then made the following re-referral of House bills that were received on Wednesday, March 12, 1980:

House Bill Referred to:

No. 2328-80 Committee on Ecology, Environment and Recreation, then to the Committee on Transportation

No. 2458-80 Committee on Intergovernmental Relations, then to the Committee on Ways and Means

RECONSIDERATION OF ACTION TAKEN

Conference Committee Report No. 1-80 (H.B. No. 1494, H.D. 1, S.D. 2, C.D. 1):

Senator O'Connor moved that the Senate reconsider its action taken on March 4, 1980, in adopting Conf. Com. Rep. No. 1-80 and passing H.B. No. 1494, H.D. 1, S.D. 2, C.D. 1, on Final Reading, seconded by Senator Cobb and carried.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 1-80 and H.B. No. 1494, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", were recommitted to the Committee on Conference.

ADJOURNMENT

At 11: 53 o'clock a.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried by a rising vote, the Senate adjourned until 11: 30 o'clock a.m., Monday, March 17, 1980 in memory of the twenty-two members of the United States amateur boxing team who were killed in a crash of a Polish jetliner on a flight from New York to Warsaw, Poland.