

THIRTY-NINTH DAY

Tuesday, March 18, 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 the Reverend John Witte, Director, Hospitality House of the Christian Reformed Church, after which the Roll was called showing all Senators present with the exception of Senators Abercrombie and Saiki, who were excused.

The President announced that he had read and approved the Journal of the Thirty-Eighth Day.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 106), transmitting the Sixth Annual Progress Report on Mental Health Services for Children and Youth, prepared by the Department of Health pursuant to Section 321-176, Hawaii Revised Statutes, was read by the Clerk and was referred to the Committee on Health.

HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 306), informing the Senate that the House of Representatives had reconsidered its action taken on March 5, 1980, on Senate Bill No. 1703, S.D. 1, H.D. 1, C.D. 2, was read by the Clerk and was placed on file.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 191 to 193) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 191), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY OF MANAGEMENT SYSTEM OPTIONS FOR A HAWAII MASS TRANSPORTATION SYSTEM", was jointly offered by Senators Anderson, Saiki, Soares, George, Yee, Carroll and Yim.

By unanimous consent, S.R. No. 191 was referred to the Committee on Transportation.

A resolution (S.R. No. 192), entitled: "SENATE RESOLUTION CONGRATULATING THE CASTLE HIGH SCHOOL KNIGHTS ON WINNING THE 1980 HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION BOYS HIGH SCHOOL SOCCER CHAMPIONSHIP,

THE OAHU INTERSCHOLASTIC ASSOCIATION (OIA) TITLE AND THE OIA EASTERN DIVISION TITLE", was jointly offered by Senators Anderson, George, Saiki, Machida, Young, Cobb, Hara, Mizuguchi, Ushijima, Yamasaki, Yee, Abercrombie and Kawasaki.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, S.R. No. 192 was adopted.

A resolution (S.R. No. 193), entitled: "SENATE RESOLUTION CONGRATULATING THE CASTLE HIGH SCHOOL KNIGHTS ON WINNING THE 1980 OAHU INTERSCHOLASTIC ASSOCIATION GIRLS SOCCER CHAMPIONSHIP", was jointly offered by Senators Anderson, George, Saiki, Hara, Machida, Young, Cobb, Mizuguchi, Ushijima, Yamasaki, Yee, Abercrombie and Kawasaki.

On motion by Senator Anderson, seconded by Senator George and carried, S.R. No. 193 was adopted.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 718-80) informing the Senate that Senate Resolution Nos. 187 to 190 and Standing Committee Report Nos. 716-80 and 717-80 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 Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 719-80) recommending that House Bill No. 1945-80, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yim, seconded by Senator Carpenter and carried, Stand. Com. Rep. No. 719-80 was received and placed on file.

The President then re-referred H.B. No. 1945-80, H.D. 1, to the Committee on Economic Development, then to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Senator Carpenter and carried, H.B. No. 1945-80, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Yim, for the Committee on Economic Development, presented a

report (Stand. Com. Rep. No. 720-80) recommending that House Bill No. 1982-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and H.B. No. 1982-80, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF PUBLIC LANDS", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 20, 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. 1982-80.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 721-80) recommending that House Bill No. 1983-80 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. 1983-80, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS".

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 722-80) recommending that House Bill No. 2185-80 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and 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", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 723-80) recommending that House Bill No. 2418-80, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and H.B. No. 2418-80, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY PRODUCTION FACILITIES IN AGRICULTURE DISTRICTS",

passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 20, 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. 2418-80, H.D. 1, S.D. 1.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 724-80) recommending that House Bill No. 2535-80, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and H.B. No. 2535-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE BY FUEL IMPORTERS, MANUFACTURERS, DISTRIBUTORS, AND EXPORTERS", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 20, 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. 2535-80, S.D. 1.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 725-80) recommending that the Senate consent to the nomination of James H. Wakatsuki as Fourth Judge for the Circuit Court of the First Circuit, for a ten year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, in accordance with Gov. Msg. No. 92.

By unanimous consent, action on Stand. Com. Rep. No. 725-80 and Gov. Msg. No. 92 was deferred until Wednesday, March 19, 1980.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 726-80) recommending that the Senate consent to the nomination of Wendell K. Huddy as Sixth Judge for the Circuit Court of the First Circuit, for a ten year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, in accordance with Gov. Msg. No. 93.

By unanimous consent, action on Stand. Com. Rep. No. 726-80 and Gov. Msg. No. 93 was deferred until Wednesday, March 19, 1980.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 727-80) recommending that the Senate consent to the nomination of Simeon R. Acoba, Jr., as Twelfth Judge

for the Circuit Court of the First Circuit, for a ten year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, in accordance with Gov. Msg. No. 94.

By unanimous consent, action on Stand. Com. Rep. No. 727-80 and Gov. Msg. No. 94 was deferred until Wednesday, March 19, 1980.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 728-80) recommending that the Senate consent to the nomination of Philip T. Chun, as Fourteenth Judge for the Circuit Court of the First Circuit, for a ten year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, in accordance with Gov. Msg. No. 95.

By unanimous consent, action on Stand. Com. Rep. No. 728-80 and Gov. Msg. No. 95 was deferred until Wednesday, March 19, 1980.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 729-80) recommending that the Senate consent to the nomination of Ronald B. Greig, as Fifteenth Judge for the Circuit Court of the First Circuit, for a ten year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, in accordance with Gov. Msg. No. 96.

By unanimous consent, action on Stand. Com. Rep. No. 729-80 and Gov. Msg. No. 96 was deferred until Wednesday, March 19, 1980.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 730-80) recommending that the Senate consent to the nomination of Kei Hirano, as Circuit Judge of the Fifth Circuit, for a ten year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, in accordance with Gov. Msg. No. 100.

By unanimous consent, action on Stand. Com. Rep. No. 730-80 and Gov. Msg. No. 100 was deferred until Wednesday, March 19, 1980.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 731-80) recommending that House Bill No. 713, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded

by Senator Chong and carried, the report of the Committee was adopted and H.B. No. 713, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BANKS", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 20, 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. 713, S.D. 1.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 732-80) recommending that House Bill No. 714, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Chong and carried, the report of the Committee was adopted and H.B. No. 714, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAVINGS AND LOAN ASSOCIATIONS", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 20, 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. 714, S.D. 1.

Senator Carpenter, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 733-80) recommending that House Bill No. 25, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Carpenter, seconded by Senator Campbell and carried, the report of the majority of the Committee was adopted and H.B. No. 25, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE", passed Second Reading and was referred to the Committee on Judiciary.

Senator Carpenter, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 734-80) recommending that House Bill No. 1162, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Carpenter, seconded by Senator Campbell and carried, the report of the majority of the Committee was adopted and H.B. No. 1162, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chong, for the Committee on

Public Utilities, presented a report (Stand. Com. Rep. No. 735-80) recommending that House Bill No. 1222, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chong, seconded by Senator Mizuguchi and carried, the report of the Committee was adopted and H.B. No. 1222, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS (CONSTITUTIONAL AMENDMENTS OF ARTICLE VII, SECTION 12)", passed Second Reading and was referred to the Committee on Judiciary.

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

ORDER OF THE DAY

MATTERS DEFERRED FROM MARCH 17, 1980

Standing Committee Report No. 716-80 (S.R. No. 51, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 716-80 be received and placed on file, seconded by Senator Chong and carried.

On motion by Senator Cobb, seconded by Senator Chong and carried, S.R. No. 51, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF HAWAII'S LIMITED BRANCH BANKING LAW", was referred to the Committee on Legislative Management.

Standing Committee Report No. 717-80 (S.C.R. No. 12, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 717-80 be adopted and S.C.R. No. 12, S.D. 1, be adopted, seconded by Senator Chong.

Senator Anderson then spoke against the resolution as follows:

"Mr. President, I'm going to vote 'no' on this as I don't like the limitations of the study.

"I don't mind the study, Mr. President, but on page 2 of the resolution, it states that the limited branch banking law should be repealed. That's one determination already made.

"It also requests that a study be made on whether or not similar branching

restrictions should be placed on the savings and loan associations. That's the second determination, and I don't think it really gives the party studying the limited branch banking law the latitude that it needs to truly study it."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 717-80 was adopted and Roll Call vote having been requested, S.C.R. No. 12, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF HAWAII'S LIMITED BRANCH BANKING LAW", was adopted on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Anderson).
Excused, 2 (Abercrombie and Saiki).

MATTER DEFERRED FROM MARCH 7, 1980

Senate Bill No. 1703, S.D. 1, H.D. 1, C.D. 2:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 1703, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 2, OF THE HAWAII CONSTITUTION, TO SPECIFY VOTING PROCEDURE FOR CONSTITUTIONAL AMENDMENTS", having been read throughout, passed Final Reading by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

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

MISCELLANEOUS COMMUNICATION

A communication from the Honorable Daniel K. Inouye, United States Senator, (Misc. Com. No. 11) acknowledging receipt of Senate Resolution No. 159 (1980), was read by the Clerk and was placed on file.

RE-REFERRAL OF HOUSE BILLS

The President made the following re-referral of a House bill that was received on Friday, March 7, 1980:

House Bill Referred to:

No. 2026-80, H.D. 1 Committee on
Consumer Protection and Commerce

The President made the following re-referral of a House bill that was received on Wednesday, March 12, 1980:

House Bill Referred to:

No. 1985-80, H.D. 1 Committee on

Judiciary

The President then made the following re-referral of a House Bill that was received on Thursday, March 12, 1980:

House Bill Referred to:

No. 1611 Committee on Ways and Means

APPOINTMENT OF
ADDITIONAL CONFeree

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

The President appointed Senator

Campbell as an additional Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the House to Senate Bill No. 2134-80.

ADJOURNMENT

At 11:55 o'clock a.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate adjourned until 11:00 o'clock a.m., Wednesday, March 19, 1980.