

SIXTY-FIRST DAY

Monday, April 21, 1980

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:00 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Claude DuTeil of the Institute for Human Services, after which the Roll was called showing all Senators present with the exception of Senators Abercrombie, Hara and Kawasaki who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 302 to 304) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 302), advising the Senate of the withdrawal of the nomination to the Board of Regents, University of Hawaii, of Constance B. Smales, term to expire December 31, 1983, under Governor's Message No. 288, was placed on file.

In compliance with Gov. Msg. No. 302, the nomination listed under Gov. Msg. No. 288 was returned.

A message from the Governor (Gov. Msg. No. 303), advising the Senate of the withdrawal of the nomination to the Board of Regents, University of Hawaii, of William F. Mielcke, term to expire December 31, 1982, under Governor's Message No. 287, was placed on file.

In compliance with Gov. Msg. No. 303, the nomination listed under Gov. Msg. No. 287 was returned.

A message from the Governor (Gov. Msg. No. 304), advising the Senate of the withdrawal of the nomination to the Western Interstate Commission on Higher Education of Sumie F. McCabe, term to expire December 31, 1983, under Governor's Message No. 212, was placed on file.

In compliance with Gov. Msg. No. 304, the nomination listed under Gov. Msg. No. 212 was returned.

HOUSE COMMUNICATIONS

The following communications from

the House (Hse. Com. No. 762 to 778) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 762), transmitting House Concurrent Resolution No. 134 which was adopted by the House of Representatives on April 18, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE WEEK OF MAY 7 THROUGH MAY 14, 1980 AS ASIAN/PACIFIC AMERICAN HERITAGE WEEK", was adopted.

A communication from the House (Hse. Com. No. 763), transmitting House Concurrent Resolution No. 153 which was adopted by the House of Representatives on April 18, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 153, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING A WARM 'ALOHA' TO THE AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION AND ITS MANY DISTINGUISHED GUESTS ON THE OCCASION OF THE 94TH ANNUAL AMERICAN NEWSPAPER PUBLISHERS CONVENTION IN HONOLULU, HAWAII, FROM APRIL 21-23, 1980", was adopted.

A communication from the House (Hse. Com. No. 764), transmitting House Concurrent Resolution No. 70, H.D. 1, which was adopted by the House of Representatives on April 18, 1980, was placed on file.

By unanimous consent, H.C.R. No. 70, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION PROPOSING A CODE OF ETHICS FOR GOVERNMENT SERVICE", was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 765), transmitting House Concurrent Resolution No. 102 which was adopted by the House of Representatives on April 18, 1980, was placed on file.

By unanimous consent, H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE LIFE INSURANCE COST DISCLOSURE PROPOSALS AND RELATED SUGGESTIONS IN THE BUREAU OF CONSUMER PROTECTION'S 1979 STAFF REPORT TO THE FEDERAL TRADE COMMISSION AND THE NAIC MODEL COST DISCLOSURE REGULATION PROPOSAL", was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 766), transmitting House Concurrent

Resolution No. 128 which was adopted by the House of Representatives on April 18, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT THROUGH THE GOVERNOR'S ADVISORY COUNCIL ON CHINA AFFAIRS, TO INITIATE ESTABLISHMENT OF A SISTER-STATE/PROVINCE RELATIONSHIP BETWEEN THE STATE OF HAWAII AND GUANGDONG PROVINCE OF THE PEOPLE'S REPUBLIC OF CHINA", was adopted.

A communication from the House (Hse. Com. No. 767), transmitting House Concurrent Resolution No. 139 which was adopted by the House of Representatives on April 18, 1980, was placed on file.

By unanimous consent, H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO STATE FUNCTIONAL PLANS", was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 768), returning Senate Concurrent Resolution No. 55 which was adopted by the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 769), returning Senate Bill No. 1973-80 which passed Third Reading in the House of Representatives by not less than two-thirds vote of all the members to which the House is entitled on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 770), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1161, S.D. 1, was adopted by the House; and S.B. No. 1161, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 771), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1784-80, H.D. 1, was adopted by the House; and H.B. No. 1784-80, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House

(Hse. Com. No. 772), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1827-80, S.D. 1, was adopted by the House; and S.B. No. 1827-80, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 773), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1838-80, S.D. 3, was adopted by the House; and S.B. No. 1838-80, S.D. 3, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 774), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1851-80, S.D. 2, was adopted by the House; and S.B. No. 1851-80, S.D. 2, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 775), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2329-80, S.D. 2, was adopted by the House; and S.B. No. 2329-80, S.D. 2, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 776), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2741-80, S.D. 1, was adopted by the House; and S.B. No. 2741-80, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 777), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2784-80, S.D. 2, was adopted by the House; and S.B. No. 2784-80, S.D. 2, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 778), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2927-80, S.D. 2, was

adopted by the House; and S.B. No. 2927-80, S.D. 2, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 18, 1980, was placed on file.

MATTER DEFERRED
FROM APRIL 18, 1980

Senate Resolution No. 368:

Senator George moved that S.R. No. 368 be adopted, seconded by Senator Saiki.

Senator George then stated as follows:

"Mr. President, in asking for an 'aye' vote on this resolution, I would like to relate some of the information that I received about the Institute for Human Services. Maybe some of you here know it better as the 'peanut butter ministry', that's usually the way it is referred to.

"There are some things about it that maybe most of us haven't known before. One is that the Institute for Human Services is supported solely by church and private contributions; they don't come and ask for money from the state; they are not bound by federal or state red tape. The Institute can set its own standards, and its first rule is 'we don't turn anyone away.'

"Its success has been enormous as most of us know but its success is measured by a different yardstick from the one that most of us use to measure success. Success for the peanut butter ministry is when a hungry person is fed even a meal as simple as a peanut butter sandwich; success is when a lonely person finds companionship; success is when a frightened person is comforted; and success is when a bone-weary person can sleep without fear of being beaten and robbed and get cleaned and clothed for a job interview.

"Mr. President, the reason I read all this about the Institute for Human Services is that the resolution I'm asking you to vote for is in honor of the founder and the present 'spark plug' of the Institute for Human Services."

The motion was put by the Chair and carried, and S.R. No. 368, entitled: "SENATE RESOLUTION RECOGNIZING AND COMMENDING THE REVEREND DR. CLAUDE F. DUTEIL", was adopted.

Senator George then introduced to the members of the Senate Reverend Dr. Claude F. DuTeil and presented him with a lei, a certified copy of the resolution and a three pound can

of peanut butter.

At 11:22 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:24 o'clock a.m.

SENATE RESOLUTION

A resolution (S.R. No. 373), entitled: "SENATE RESOLUTION WELCOMING AND EXTENDING ALOHA TO THE NEW MEXICO AMIGOS AND THE HONORABLE BRUCE E. KING, GOVERNOR OF THE STATE OF NEW MEXICO", was jointly offered by Senators Kuroda, O'Connor, Cobb, Machida, Carpenter, Saiki, Anderson, Mizuguchi, Ushijima, Hara, Toyofuku, Young, Chong, Abercrombie, Ajifu, Yee, George, Yamasaki and Campbell and was read by the Clerk.

Senator Kuroda moved that S.R. No. 373 be adopted, seconded by Senator O'Connor.

Senator Kuroda then stated as follows:

"Mr. President, you will note that the fourth 'whereas' clause states that the Amigos have chosen to honor the State of Hawaii by placing Honolulu on the itinerary of the 1980 Goodwill Flight. Since 1962, this group has been going on goodwill flights all over the country. At the time they are here in Hawaii, those of us who will be participating with the Amigos will extend to them the good wishes of the Senate."

The motion was put by the Chair and carried, and S.R. No. 373 was adopted.

STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1171-80) informing the Senate that Senate Resolution Nos. 359 to 372 and Standing Committee Report Nos. 1134-80 to 1170-80 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.

ORDER OF THE DAY

MATTERS DEFERRED
FROM APRIL 18, 1980

FINAL READING

Conference Committee Report No. 32-80 (H.B. No. 2723-80, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf.

Com. Rep. No. 32-80 and H.B. No. 2723-80, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 67-80 (H.B. No. 2029-80, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 67-80 and H.B. No. 2029-80, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 87-80 (H.B. No. 2720-80, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 87-80 and H.B. No. 2720-80, S.D. 2, C.D. 1, was deferred to the end of the calendar.

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, was deferred to the end of the calendar.

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, was deferred to the end of the calendar.

Standing Committee Report No. 1095-80 (H.B. No. 1162, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1095-80 and H.B. No. 1162, H.D. 1, was deferred to the end of the calendar.

FINAL READING

Conference Committee Report No. 89-80 (S.B. No. 2914-80, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Toyofuku and carried, Conf. Com. Rep. No. 89-80 was adopted and S.B. No. 2914-80, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Abercrombie, Hara and Kawasaki).

At this time, Senator Machida introduced to the members of the Senate a large group of retired government employees

from the islands of Maui, Hawaii, Kauai and Oahu.

At 11:27 o'clock a.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate stood in recess until 8:00 o'clock p.m. tonight.

NIGHT SESSION

The Senate reconvened at 11:58 o'clock p.m.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 305), transmitting an Executive Order providing for an extension of the 1980 Session of the Tenth Legislature as follows:

"EXECUTIVE ORDER

"WHEREAS, Section 10, Article III of the Constitution of the State of Hawaii, provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members of which each house is entitled or may be granted by the governor'; and

"WHEREAS, pursuant thereto the governor extended the 1980 regular session of the Tenth Legislature of the State of Hawaii for a period of twenty-four hours, excluding Saturday and Sunday, to 12:00 midnight, April 21, 1980; and

"WHEREAS, it appears that a further extension is necessary in the public interest;

"NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of Hawaii, pursuant to the power vested in me by Section 10, Article III of the Constitution of the State of Hawaii, do hereby further extend the 1980 regular session of the Tenth Legislature of the State of Hawaii for a period of Twenty-Four (24) hours following 12:00 midnight, April 21, 1980.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 21st day of April, 1980.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii,

APPROVED AS TO FORM:

/s/ Wayne Minami

WAYNE MINAMI
Attorney General",

was read by the Clerk and was placed

on file.

MATTERS DEFERRED FROM
EARLIER ON THE CALENDAR

Conference Committee Report No.
32-80 (H.B. No. 2723-80, H.D. 2,
S.D. 2, C.D. 1):

By unanimous consent, action on
Conf. Com. Rep. No. 32-80 and H.B.
No. 2723-80, H.D. 2, S.D. 2, C.D.
1, entitled: "A BILL FOR AN ACT
RELATING TO THE HAWAII HOUSING
AUTHORITY", was deferred until
Tuesday, April 22, 1980.

Conference Committee Report No.
67-80 (H.B. No. 2029-80, H.D. 2,
S.D. 2, C.D. 1):

By unanimous consent, action on
Conf. Com. Rep. No. 67-80 and H.B.
No. 2029-80, H.D. 2, S.D. 2, C.D.
1, entitled: "A BILL FOR AN ACT
RELATING TO THE HAWAII HOUSING
AUTHORITY", was deferred until
Tuesday, April 22, 1980.

Conference Committee Report No.
87-80 (H.B. No. 2720-80, S.D. 2,
C.D. 1):

By unanimous consent, action on
Conf. Com. Rep. No. 87-80 and H.B.
No. 2720-80, S.D. 2, C.D. 1, entitled:
"A BILL FOR AN ACT MAKING AN
APPROPRIATION FOR PAYMENT OF
SETTLEMENT BETWEEN THE STATE
OF HAWAII AND MARK CONSTRUCTION,
INC.", was deferred until Tuesday,

April 22, 1980.

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 22, 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
22, 1980.

Standing Committee Report No. 1095-
80 (H.B. No. 1162, H.D. 1):

By unanimous consent, action on
Stand. Com. Rep. No. 1095-80 and H.B.
No. 1162, H.D. 1, entitled: "A BILL
FOR AN ACT RELATING TO HEALTH",
was deferred until Tuesday, April
22, 1980.

ADJOURNMENT

At 11:59 o'clock p.m., on motion
by Senator Mizuguchi, seconded by
Senator Soares and carried, the Senate
adjourned until 6:00 o'clock p.m.,
Tuesday, April 22, 1980.