

SIXTY-FIFTH DAY

Friday, April 25, 1980

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 7:00 o'clock p.m., with the President in the Chair.

The Divine Blessing was invoked by Mrs. Linda 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 Yim who was excused.

The President announced that he had read and approved the Journal of the Sixty-Fourth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 307 to 309) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 307), informing the Senate that on April 17, 1980, he signed the following bills into law:

S.B. No. 1519 as Act 20, entitled: "RELATING TO HAWAII BANK ACT OF 1931";

S.B. No. 2066-80 as Act 21, entitled: "RELATING TO LIQUOR";

S.B. No. 3085-80 as Act 22, entitled: "RELATING TO ENVIRONMENTAL IMPACT STATEMENTS";

S.B. No. 3131-80 as Act 23, entitled: "RELATING TO MORTUARIES AND FUNERALS"; and

H.B. No. 2418-80 as Act 24, entitled: "RELATING TO ENERGY PRODUCTION FACILITIES IN AGRICULTURE DISTRICTS",

was placed on file.

A message from the Governor (Gov. Msg. No. 308), informing the Senate that on April 22, 1980, he signed the following bills into law:

S.B. No. 1871-80 as Act 25, entitled: "RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII";

S.B. No. 1992-80 as Act 26, entitled: "RELATING TO TRADEMARKS, PRINTS, LABELS, AND TRADE NAMES";

S.B. No. 2003-80 as Act 27, entitled: "RELATING TO MOTOR CARRIER SAFETY LAW";

S.B. No. 2004-80 as Act 28, entitled: "RELATING TO HIGHWAY SAFETY";

S.B. No. 2188-80 as Act 29, entitled: "RELATING TO ARTICLES OF INCORPORATION";

S.B. No. 2515-80 as Act 30, entitled: "RELATING TO CONTRACTORS";

S.B. No. 2740-80 as Act 31, entitled: "RELATING TO SHARES WITHOUT PAR VALUE";

S.B. No. 3026-80 as Act 32, entitled: "RELATING TO TEMPORARY DISABILITY INSURANCE";

H.B. No. 1827-80 as Act 33, entitled: "RELATING TO PARTNERSHIPS";

H.B. No. 2127-80 as Act 34, entitled: "RELATING TO THE IMPOUNDMENT OF VESSELS"; and

H.B. No. 2351-80 as Act 35, entitled: "RELATING TO EMPLOYMENT PRACTICES",

was placed on file.

A message from the Governor (Gov. Msg. No. 309), informing the Senate that on April 23, 1980, he signed the following bills into law:

H.B. No. 721 as Act 36, entitled: "RELATING TO CONSUMER TRANSACTIONS";

H.B. No. 1816-80 as Act 37, entitled: "RELATING TO TRUST COMPANIES";

H.B. No. 1817-80 as Act 38, entitled: "RELATING TO INSURANCE";

H.B. No. 1969-80 as Act 39, entitled: "RELATING TO PROPERTY";

H.B. No. 2284-80 as Act 40, entitled: "RELATING TO FROZEN FOOD PRODUCTS";

H.B. No. 2339-80 as Act 41, entitled: "RELATING TO PORT PILOTS"; and

H.B. No. 2487-80 as Act 42, entitled: "RELATING TO THE DEPARTMENT OF EDUCATION",

was placed on file.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 374 to 376) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 374), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO THE McCULLY AJA BASEBALL TEAM ON ITS WINNING THE OAHU AJA

SENIOR BASEBALL LEAGUE CHAMPIONSHIP", was jointly offered by Senators Toyofuku, Hara, Machida, Chong, Yamasaki, Carpenter, Kawasaki, Cayetano and Young.

On motion by Senator Campbell, seconded by Senator Young and carried, S.R. No. 374 was adopted.

A resolution (S.R. No. 375), entitled: "SENATE RESOLUTION ENCOURAGING AND EXTENDING WARMEST ALOHA TO ALL INDIVIDUALS, GROUPS, AND ORGANIZATIONS CHOOSING TO RECOGNIZE THE YEARS 1980 THROUGH 1989 AS 'HAWAII IN THE EIGHTIES: DECADE OF YOUTH'", was jointly offered by Senators Toyofuku, Hara, Machida, Chong, Yamasaki, Carpenter, Kawasaki, Young and Cayetano.

On motion by Senator Campbell, seconded by Senator Chong and carried, S.R. No. 375 was adopted.

A resolution (S.R. No. 376), entitled: "SENATE RESOLUTION HONORING BRUCE CRAIG BEETHAM, MEMBER OF PARLIAMENT AND LEADER OF THE SOCIAL CREDIT PARTY OF NEW ZEALAND ON HIS FACT FINDING TRIP TO HAWAII", was jointly offered by Senators Chong, Carpenter, Cayetano, Soares, Wong, Yamasaki, O'Connor, Hara, Yim, Mizuguchi, Machida, Kawasaki and Cobb.

On motion by Senator Chong, seconded by Senator Carpenter and carried, S.R. No. 376 was adopted.

Senator Chong introduced the honoree as follows:

"Mr. President, the man we are honoring today is a distinguished member of the New Zealand parliament and a leader of one of the three major political parties in that country, the Social Credit Party.

"Like Hawaii, New Zealand is blessed with an equable climate that lets the grass grow green throughout the year; and like Hawaii, the interracial relationships in New Zealand are generally kind and gentle compared to such relationships elsewhere in the world; and like Hawaii, with a small population, New Zealanders enjoy one of the highest standards of living in the world; and like Hawaii, New Zealand possesses several outstanding Universities; and like Hawaii, New Zealand's flag consists of the Union Jack in its upper left quadrant reflecting a common historical relationship with an Atlantic ocean island peoples, like British.

"Mr. President, Bruce Craig Beetham epitomizes this unique cultural heritage,

having graduated with honors and an M.A. from Auckland University in 1959 and being awarded the Master of Philosophy degree in 1972 from the University of Waikato.

"It is my pleasure to introduce to you Mr. Bruce Craig Beetham."

Senator Chong then presented Mr. Beetham with a certified copy of the resolution just adopted and Senator Young presented him with a lei.

At 7:40 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:42 o'clock p.m.

PETITION

A petition, respectfully requesting an extension of 12 hours beyond the Sixty-Fifth Day of the Regular Session of 1980 of the Tenth Legislature of the State of Hawaii, signed by not less than two-thirds of the members to which each house is entitled, was read by the Clerk and was placed on file.

Upon receiving the sufficient number of signatures of the members of both Houses, the President of the Senate and the Speaker of the House of Representatives issued the following proclamation which was read by the Clerk:

"P R O C L A M A T I O N

"We, Richard S.H. Wong, President of the Senate, and James H. Wakatsuki, Speaker of the House of Representatives, of the Tenth Legislature of the State of Hawaii, pursuant to the power vested in us by Section 10, Article III of the Constitution of the State of Hawaii, and at the written request of two-thirds of the members to which each house is entitled, do hereby extend the Regular Session of 1980 of the Tenth Legislature of the State of Hawaii for a period of 12 hours beyond the Sixty-Fifth Day of the 1980 Regular Session, excluding Saturdays, Sundays, holidays and any days in recess pursuant to a concurrent resolution.

/s/ Richard S.H. Wong

RICHARD S. H. WONG
President of the Senate

/s/ James H. Wakatsuki

JAMES H. WAKATSUKI
Speaker of the House"

MATTERS DEFERRED
FROM APRIL 24, 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, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", was deferred until Monday, April 28, 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 Monday, April 28, 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 Monday, April 28, 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 Monday, April 28, 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 NON-PROFIT CORPORATION ACT", was deferred until Monday, April 28, 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 Monday, April 28, 1980.

MATTERS DEFERRED
FROM APRIL 23, 1980

FINAL READING

Conference Committee Report No. 90-80 (H.B. No. 18, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 90-80 and H.B. No. 18, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A COUNCIL ON REVENUES", was deferred until Monday, April 28, 1980.

Conference Committee Report No. 91-80 (H.B. No. 1864-80, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 91-80 and H.B. No. 1864-80, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", was deferred until Monday, April 28, 1980.

Conference Committee Report No. 92-80 (H.B. No. 1865-80, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 92-80 and H.B. No. 1865-80, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY BUDGET", was deferred until Monday, April 28, 1980.

Conference Committee Report No. 93-80 (H.B. No. 2773-80, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 93-80 and H.B. No. 2773-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS", was deferred until Monday, April 28, 1980.

Conference Committee Report No. 94-80 (S.B. No. 2795-80, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 94-80 and S.B. No. 2795-80, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGETARY PROCESS", was deferred until Monday, April 28, 1980.

Conference Committee Report No. 95-80 (H.B. No. 1912-80, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, Conf.

Com. Rep. No. 95-80 and H.B. No. 1912-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIIUM JULY 1, 1979 TO JUNE 30, 1981", were recommitted to the Committee on Conference.

MATTERS DEFERRED
FROM APRIL 23, 1980

THIRD READING

House Bill No. 1361, H.D. 3:

By unanimous consent, action on H.B. No. 1361, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO EXCISE TAX CREDITS", was deferred until Monday, April 28, 1980.

House Bill No. 2552-80:

By unanimous consent, action on H.B. No. 2552-80, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS", was deferred until Monday, April 28, 1980.

RECONSIDERATION OF ACTION
TAKEN ON APRIL 24, 1980

Conference Committee Report No. 96-80 (H.B. No. 1772-80, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, the Senate reconsidered its action taken on April 24, 1980 in recommitting Conf. Com. Rep. No. 96-80 and H.B. No. 1772-80, H.D. 2, S.D. 1, C.D. 1, to the Committee on Conference.

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. 1772-80, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROGRAM FOR THE UNEMPLOYED".

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

The Senate reconvened at 11:45 o'clock p.m.

RECONSIDERATION OF ACTION
TAKEN ON APRIL 3, 1980

Senate Bill No. 2531-80, H.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, the Senate reconsidered its action taken on April 3, 1980 in disagreeing to the amendments made by the House to Senate Bill

No. 2531-80.

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2531-80, and 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. 2531-80, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET".

In accordance therewith, the President discharged the Managers who were appointed on the part of the Senate.

CONFERENCE COMMITTEE REPORTS

Senator Cayetano, for the Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1853-80, S.D. 3, presented a report (Conf. Com. Rep. No. 97-80) recommending that H.B. No. 1853-80, S.D. 3, 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. 1853-80, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS".

Senator Cayetano, for the Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2035-80, H.D. 2, S.D. 2, presented a report (Conf. Com. Rep. No. 98-80) recommending that H.B. No. 2035-80, H.D. 2, 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. 2035-80, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS BONUS".

Senator Cayetano, for the Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1912-80, H.D. 1, S.D. 1, presented a report (Conf. Com. Rep. No. 99-80) recommending that H.B. No. 1912-80, H.D. 1, S.D. 1, C.D. 1, as amended in C.D. 2, 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. 1912-80, H.D. 1, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIIUM JULY 1,

1979 TO JUNE 30, 1981".

ADJOURNMENT

At 11:46 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate adjourned until 8:30 o'clock a.m., Monday, April 28, 1980.