

TWENTY-EIGHTH DAY

Monday, March 9, 1981

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, convened at 11:30 o'clock a.m., with the Vice-President in the Chair.

The Divine Blessing was invoked by the Reverend Joris Watland, Pastor, Christ the King Lutheran Church, after which the Roll was called showing all Senators present, with the exception of Senators Machida and Wong who were excused.

The President announced that he had read and approved the Journal of the Twenty-Seventh Day.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 34 to 39) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 34), returning Senate Concurrent Resolution No. 39, which was adopted in the House of Representatives on March 6, 1981, was placed on file.

A communication from the House (Hse. Com. No. 35), transmitting House Bill No. 582, which passed Third Reading in the House of Representatives on March 6, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 582, entitled: "A BILL FOR AN ACT RELATING TO COURT MONITORING OF GUARDIANSHIPS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 36), transmitting House Bill No. 585, which passed Third Reading in the House of Representatives on March 6, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 585, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS ACTING AS GUARDIANS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 37), transmitting House Bill No. 761, which passed Third Reading in the House of

Representatives on March 6, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 761, entitled: "A BILL FOR AN ACT RELATING TO THE MARINE LIFE CONSERVATION PROGRAM," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 38), transmitting House Bill No. 770, which passed Third Reading in the House of Representatives on March 6, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 770, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," passed First Reading by title and was referred jointly to the Committee on Agriculture and the Committee on Economic Development.

A communication from the House (Hse. Com. No. 39), transmitting House Bill No. 781, which passed Third Reading in the House of Representatives on March 6, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 781, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF REGULATORY AGENCIES," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 111 to 114) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 111), entitled: "SENATE RESOLUTION HONORING DR. JOHN FRY AND COMMENDING HIS CONTRIBUTIONS TO HIGHER EDUCATION," was offered by Senators Abercrombie, Cayetano, Uwayne, Kawasaki, Carpenter, Kuroda, Yamasaki, O'Connor, Kobayashi, Henderson, Soares, Toyofuku, Ajifu, Machida, Campbell, Young, Yee, George, Saiki, Mizuguchi, Anderson, Holt, Ushijima, Wong and Cobb.

On motion by Senator Abercrombie, seconded by Senator Cayetano and carried, S.R. No. 111 was adopted.

Senator Abercrombie then stated:

"Mr. President, before I introduce

our honored guest, I would like to say a word or two in addition to that which is contained in the resolution.

"Dr. John Fry is an exemplary example of the finest in higher education in terms of both teaching and administration. In these days when we find much to be critical of in the higher education system, it is very good to remember that we have not only capable people, but people who exemplify the very best in teaching and the very best in fellowship in the academic world.

"I have known John Fry for more than a decade and I can say without reservation and equivocation, Mr. President, that everyone who knows John is the better for it. If there is anybody in the professional world, in the academic world, who is more loved than John Fry by those who work with him, I don't think that person can be found in the State of Hawaii.

"It is truly a pleasure, a privilege and an honor for me to introduce, first, Miss Barbara Saromines, who is an art instructor at Leeward Community College, and Dr. John Fry."

At this time, Senator Uwaine rose and stated:

"Mr. President, I would like to add a few words. Mr. President, I graduated from the University of Hawaii with a masters in education with my academic major in history, and if Dr. Fry doesn't already know, the reason I chose my academic major in history is because of the courses I took from him in my undergraduate years; and it was his course that made me pursue my full potential in that area. I want to thank him very much for that. Thank you."

At this time Senator Young presented Dr. Fry with a lei and Senator Abercrombie presented Miss Saromines with a lei.

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

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

A resolution (S.R. No. 112), entitled: "SENATE RESOLUTION CONCERNING COMMENDATION OF A MUSIC IN OUR SCHOOLS WEEK," was offered by Senators Wong, Cobb, Kuroda, Young, Yamasaki, Toyofuku, Machida, Campbell, Kobayashi, Henderson, Soares, George, Anderson, Yee, Kawasaki, Cayetano, Abercrombie, Carpenter and Uwaine.

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, S.R. No. 112 was adopted.

Senator Abercrombie stated:

"Mr. President, as chairman of the Culture and Arts Committee and the Education Committee, I would like to commend to the members' attention the Music in Our Schools Week, which is March 9 to March 15 to celebrate across the nation in classrooms, civic buildings, convention halls, malls and parks, etc., the 8th observance. The theme is 'Music Is Sound Learning.' The purpose is to provide an opportunity for observation of the learning and preparation processes in the classroom through performances of outstanding young musicians, and we are very fortunate to have on the floor today from the Kawanakoa String Orchestra, Mrs. Edean Kinoshita, and student, Heide Morikawa; and from the Radford Regalaires, Mr. Charles Higgins, and student, Kim Harvey. They performed this morning at the State Capitol Rotunda, and at this particular time, I would like to present them with the resolution."

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

A resolution (S.R. No. 113), entitled: "SENATE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO REQUIRE OPTIONAL PROPERTY DAMAGE DEDUCTIBLES OF UP TO \$1,000 IN MOTOR VEHICLE INSURANCE POLICIES," was offered by Senators Cobb, Henderson, Young, Carpenter, O'Connor, Saiki, Kuroda, Ajifu, George, Kobayashi and Holt.

By unanimous consent, S.R. No. 113 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 114), entitled: "SENATE RESOLUTION REQUESTING ACTION ON NO-FAULT INSURANCE RATES," was offered by Senators Cobb, Henderson, Yamasaki, Young, Carpenter, O'Connor, Kobayashi, Yee, Soares, Ajifu, George, Saiki, Kuroda, Cayetano and Anderson.

By unanimous consent, S.R. No. 114 was referred to the Committee on Consumer Protection and Commerce.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented

a report (Stand. Com. Rep. No. 290) informing the Senate that Senate Concurrent Resolution Nos. 40 and 41, Senate Resolution Nos. 105 to 110 and Standing Committee Report Nos. 288 and 289 have been printed and are ready for distribution.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 291) recommending that Senate Bill No. 201, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Human Resources.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and S.B. No. 201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed First Reading and was recommitted to the Committee on Human Resources.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 292) recommending that Senate Bill No. 1103, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 1103, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ATTORNEY GENERAL," passed First Reading and was recommitted to the Committee on Judiciary.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 293) recommending that Senate Bill No. 844, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 844, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed First Reading and was recommitted to the Committee on Judiciary.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 294) recommending that Senate Bill No. 1095, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 1095, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed First Reading and was recommitted to the Committee on Judiciary.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 295) recommending that Senate Bill No. 1157, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 1157, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 704, HAWAII REVISED STATUTES," passed First Reading and was recommitted to the Committee on Judiciary.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 296) recommending that Senate Bill No. 448, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 448, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTIMATES OF THE AGGREGATE EXPENDITURES OF THE LEGISLATIVE BRANCH," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 11, 1981.

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. 448, S.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 297) recommending that Senate Bill No. 466, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 466, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS INTO THE STATE TREASURY," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 11, 1981.

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. 466, S.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 298) recommending that Senate Bill No. 544, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Ways and Means.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 544, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was recommitted to the Committee on Ways and Means.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 299) recommending that Senate Bill No. 552, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 552, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 11, 1981.

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. 552, S.D. 1.

ORDER OF THE DAY

THIRD READING

Senate Bill No. 271, S.D. 1:

On motion by Senator Kuroda, seconded by Senator Soares and carried, S.B. No. 271, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOTELS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF SENATE BILLS

The President made the following re-referral of a bill that was introduced on Friday, February 13, 1981:

Senate Bill Referred to:

No. 683 Committee on Ways and Means

The President made the following re-referral of bills that were introduced on Wednesday, February 18, 1981:

Senate Bills Referred to:

No. 1476 Committee on Human Resources

No. 1493 Committee on Ways and Means

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

ADJOURNMENT

At 11:55 o'clock a.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 10, 1981.