

## THIRTIETH DAY

Wednesday, March 11, 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 President in the Chair.

The Divine Blessing was invoked by Reverend Sandra Hiramatsu, Honpa Hongwanji Hawaii Betsuin, after which the Roll was called showing all Senators present, with the exception of Senator Machida who was excused.

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

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

Senator Anderson introduced 45 members of the Paradise Seniors, a senior citizens' club.

Senator Yee introduced 28 fifth grade students from Jefferson Elementary School and their teacher, Mrs. Wakida. He then stated that "teachers and students at Jefferson are very concerned about government" and that "this is the fourth class that has come here this session."

Senator Holt, on behalf of Senator Machida who is on Maui, introduced members of the Hawaii Government Employees Association, Unit 3, Legislative Committee White Collar Non-Supervisors: HGEA Agent, Miss Jean Peralta; Chairman of Unit 3, Mrs. Priscilla Hayashi; and Chairman of the Committee, Mrs. Clara Kakalia.

Senator Abercrombie introduced Officer Raplee Cummins.

## DEPARTMENTAL COMMUNICATION

A communication from the Office of the Auditor (Dept. Com. No. 17), transmitting a report entitled: "Review of Rules Relating to Time Sharing," was read by the Clerk and was referred to the Committee on Consumer Protection and Commerce.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 44 to 59) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 44), transmitting House Concurrent Resolution No. 18, which was adopted in the House

of Representatives on March 10, 1981, was placed on file.

By unanimous consent, H.C.R. No. 18, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO MONITOR AND SUPPORT FEDERAL LEGISLATION TO PROMOTE AND ADEQUATELY FUND COMMUNITY-BASED, NONINSTITUTIONAL LONG-TERM CARE," was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 45), transmitting House Bill No. 269, H.D. 1, which passed Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 269, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY SYSTEMS AND AUTHORIZING THE COUNTIES TO LEGISLATE THEREON," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Government Operations and Intergovernmental Relations.

A communication from the House (Hse. Com. No. 46), transmitting House Bill No. 300, which passed Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 300, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 47), transmitting House Bill No. 358, which passed Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 358, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL SERVICE LAW ON FILING NOTICES OF CERTAIN PERSONNEL ACTIONS WITH THE DIRECTOR OF PERSONNEL SERVICES," passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 48), transmitting House Bill No. 634, which passed

Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 634, entitled: "A BILL FOR AN ACT RELATING TO THE SEIZURE OF UNLICENSED DOGS," passed First Reading by title and was referred to the Committee on Government Operations and Intergovernmental Relations, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 49), transmitting House Bill No. 755, which passed Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 755, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 50), transmitting House Bill No. 760, which passed Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 760, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 51), transmitting House Bill No. 814, which passed Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 814, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY LAW," passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 52), transmitting House Bill No. 930, which passed Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 930, entitled: "A BILL FOR AN

ACT RELATING TO PROFESSIONAL CORPORATIONS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 53), transmitting House Bill No. 934, which passed Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 934, entitled: "A BILL FOR AN ACT RELATING TO THE NURSING HOME ADMINISTRATORS ACT," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 54), transmitting House Bill No. 1060, which passed Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1060, entitled: "A BILL FOR AN ACT RELATING TO URBAN RENEWAL," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 55), transmitting House Bill No. 1101, which passed Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1101, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 56), transmitting House Bill No. 1122, which passed Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1122, entitled: "A BILL FOR AN ACT RELATING TO REPORTS BY AGENCIES RECEIVING SPECIAL MONEYS," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 57), transmitting House Bill No. 1334, which passed

Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1334, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS OF THE STATE," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 58), transmitting House Bill No. 1748, which passed Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1748, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 59), transmitting House Bill No. 1765, which passed Third Reading in the House of Representatives on March 10, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1765, entitled: "A BILL FOR AN ACT RELATING TO THE KAMEHAMEHA DAY CELEBRATION COMMISSION," passed First Reading by title and was referred to the Committee on Education.

#### SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 43), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE NEED FOR REGULATION OF THE PRACTICE OF SOCIAL WORK," was offered by Senators Cobb, Uwaine, O'Connor, Soares, Kuroda, Holt, Campbell, Ajifu, Henderson, Carpenter and Abercrombie, was read by the Clerk.

By unanimous consent, S.C.R. No. 43 was referred to the Committee on Consumer Protection and Commerce.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 117 to 121) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 117), entitled: "SENATE RESOLUTION REQUESTING A REPORT BY THE CITY AND COUNTY OF HONOLULU ON THE HUNA STREET AND NUUANU PARK PLACE CONTROVERSY," was offered by Senators Wong, Kawasaki,

Campbell and Holt.

By unanimous consent, S.R. No. 117 was referred to the Committee on Government Operations and Intergovernmental Relations.

A resolution (S.R. No. 118), entitled: "SENATE RESOLUTION REQUESTING AN ANALYSIS OF THE OPTIMUM RATIO OF RESIDENTS TO TOURISTS IN WAIKIKI," was offered by Senators Kobayashi, Young, Mizuguchi, Toyofuku, Campbell, Saiki, George, Soares, Uwaine, Yee and Abercrombie.

By unanimous consent, S.R. No. 118 was referred to the Committee on Tourism.

A resolution (S.R. No. 119), entitled: "SENATE RESOLUTION REQUESTING EXAMINATION OF THE FEASIBILITY AND DESIRABILITY OF REDEFINING AND BROADENING THE DUTIES AND POWERS OF THE STATE DEPARTMENT OF AGRICULTURE," was offered by Senator Ajifu.

By unanimous consent, S.R. No. 119 was referred to the Committee on Agriculture.

A resolution (S.R. No. 120), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE NEED FOR REGULATION OF THE PRACTICE OF SOCIAL WORK," was offered by Senators Cobb, Uwaine, O'Connor, Soares, Kuroda, Holt, Campbell, Ajifu, Henderson, Carpenter and Abercrombie.

By unanimous consent, S.R. No. 120 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 121), entitled: "SENATE RESOLUTION COMMENDING THE ELEVENTH ANNUAL BUILDING MATERIALS EXPOSITION FOR ITS EMPHASIS ON THE PRODUCTION OF AFFORDABLE HOUSING UNITS," was offered by Senators Young, Cayetano, Carpenter, Campbell, Kawasaki, George, Kobayashi, Yamasaki, Kuroda, Saiki, Henderson, Toyofuku, Mizuguchi and Uwaine.

On motion by Senator Young, seconded by Senator Cobb and carried, S.R. No. 121 was adopted.

#### STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 309) informing the Senate that Senate Concurrent Resolution No. 42, Senate Resolution

Nos. 115 and 116 and Standing Committee Report Nos. 301 to 308 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 Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 310) recommending that Senate Bill No. 1150, 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. 1150, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 237, HAWAII REVISED STATUTES," 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. 311) recommending that Senate Bill No. 1161, 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. 1161, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 329, HAWAII REVISED STATUTES," 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. 312) recommending that Senate Bill No. 28 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 28, entitled: "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 13, 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. 28.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 313) recommending

that Senate Bill No. 981, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 981, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BALLOTS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 13, 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. 981, S.D. 1.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 314) recommending that Senate Bill No. 1533, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 1533, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHANGE OF NAMES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 13, 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. 1533, S.D. 1.

Senator Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 315) recommending that Senate Bill No. 330, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and S.B. No. 330, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE DEPARTMENTS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 13, 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. 330, S.D. 1.

Senator Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a

report (Stand. Com. Rep. No. 316) recommending that Senate Bill No. 562 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and S.B. No. 562, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 13, 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. 562.

Senator Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 317) recommending that Senate Bill No. 1203 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and S.B. No. 1203, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURES ACT," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 13, 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. 1203.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 318) recommending that Senate Bill No. 79, 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 Uwaine and carried, the report of the Committee was adopted and S.B. No. 79, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIR," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 13, 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. 79, S.D. 1.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep.

No. 319) recommending that Senate Bill No. 593, 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 Uwaine and carried, the report of the Committee was adopted and S.B. No. 593, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 13, 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. 593, S.D. 1.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 320) recommending that Senate Bill No. 856, 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. 856, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," 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. 321) recommending that Senate Bill No. 1684, 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. 1684, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," 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. 322) recommending that Senate Bill No. 1730, S.D. 1, as amended in S.D. 2, 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 S.B. No. 1730, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CARE."

Senator Carpenter, for the majority

of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 323) recommending that Senate Bill No. 4, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Carpenter, seconded by Senator Anderson and carried, the report of the majority of the Committee was adopted and S.B. No. 4, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL CRIMES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 13, 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. 4, S.D. 1.

#### ORDER OF THE DAY

##### THIRD READING

Senate Bill No. 448, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, 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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Machida).

Senate Bill No. 466, S.D. 1:

On motion by Senator Yamasaki,

seconded by Senator Anderson and carried, S.B. No. 466, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS INTO THE STATE TREASURY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Machida).

Senate Bill No. 552, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 552, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was recommitted to the Committee on Ways and Means.

At this time, Senator Carpenter, Chairman of the Committee on Judiciary, requested a waiver of the 48-hour notice of a Public Hearing on the following measures:

S.B. No. 856, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT\*"; and

S.B. No. 1684, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING,"

and the President granted the waiver.

#### ADJOURNMENT

At 11:49 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., Thursday, March 12, 1981.