

FORTY-FIRST DAY

Friday, March 27, 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 Reverend Dennis Koshko, Associate Pastor of Our Lady of Peace Cathedral, after which the Roll was called showing all Senators present, with the exception of Senator Yamasaki who was excused.

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

The Chair then announced that he had read and approved the Journal of the Fortieth Day.

Senator Anderson then introduced to the members of the Senate 41 seniors from the Kailua-Waimanalo Senior Citizens Club and a group of Kailua seniors who are on a visit of the State Capitol and Washington Place.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 180 and 181) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 180), transmitting a position paper, entitled: "One-Time Appropriation for Vocational Education Equipment," prepared by the State Commission on Manpower and Full Employment (State Advisory Council on Vocational Education), was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 181), transmitting copies of a report on the Aloha Tower Plaza, March 1981, prepared by The American City Corporation for the Hawaii International Services Agency, Department of Planning and Economic Development, was referred to the Committee on Economic Development.

HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 305), transmitting House Concurrent Resolution No. 199, which was adopted in the House of Representatives on March 25, 1981, was read by the Clerk and was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION CONGRATULATING THE CASTLE HIGH SCHOOL KNIGHTS FOR WINNING THE 1981 OAHU INTERSCHOOLASTIC ASSOCIATION EASTERN DIVISION AND PLACING THIRD IN THE STATE BASKETBALL CHAMPIONSHIP," was adopted.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 170 to 172) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 170), entitled: "SENATE RESOLUTION COMMENDING THE KAUAI COUNTY SENIOR LEGISLATIVE GROUP FOR ITS ENERGY, DEDICATION, AND EFFECTIVENESS IN REPRESENTING AND ADVOCATING THE NEEDS AND CONCERNS OF CITIZENS OF ALL AGE GROUPS ON KAUAI," was offered by Senators Toyofuku, Mizuguchi, Machida, Henderson, Kuroda, Ushijima, Holt, Yamasaki, Cobb, George, Cayetano, Kobayashi, Young, Yee, Anderson, Campbell, Ajifu and O'Connor.

On motion by Senator Toyofuku, seconded by Senator Mizuguchi and carried, S.R. No. 170 was adopted.

A resolution (S.R. No. 171), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS AND BEST WISHES TO THE KALAKAUA ATHLETIC CLUB UPON WINNING THE 1980-81 PAL MUSTANG A, BRONCO A AND PONY A DIVISION CHAMPIONSHIPS," was offered by Senators Holt, Ushijima, Toyofuku, Anderson, Wong, Mizuguchi, O'Connor, Cobb, Uwayne, Machida, Campbell, Carpenter, Soares, Henderson, Kobayashi and Kawasaki.

On motion by Senator Holt, seconded by Senator Mizuguchi and carried, S.R. No. 171 was adopted.

A resolution (S.R. No. 172), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS AND BEST WISHES TO THE KALAKAUA ATHLETIC CLUB BRONCO B DIVISION WOMEN'S BASKETBALL TEAM ON THEIR WINNING SEASON," was offered by Senators Holt, Toyofuku, Mizuguchi, O'Connor, Machida, Campbell, Uwayne, Carpenter, Wong, Kawasaki and Cobb.

On motion by Senator Holt, seconded by Senator Toyofuku and carried, S.R. No. 172 was adopted.

RE-REFERRAL OF A HOUSE BILL

The President made the following re-referral of a House Bill that was received on Monday, March 2, 1981:

House Bill Referred to:

No. 247 Committee on Economic Development, then to the Committee on Ways and Means

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 631) informing the Senate that Senate Concurrent Resolution Nos. 56 to 60, Senate Resolution Nos. 164 to 169, and Standing Committee Report Nos. 628 to 630 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 Cobb then moved that Standing Committee Report Nos. 632 through 686, with the exception of Standing Committee Report No. 636, be adopted and the respective measures pass Second Reading and be referred to Committee, and the Journal reflect the proper chairman and vice-chairman of the respective committees making the motion, seconded by Senator Anderson and carried.

Senator Abercrombie then rose to inquire: "Mr. President, maybe you can give me a ruling as to how I should proceed. I'd like to ask you a question first. Has there been an exception made? Is my understanding correct that at least one of the standing committee reports has been exempted from this motion to pass?"

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

Senator Abercrombie continued: "I'm not sure I'm acting in the proper procedure. I'll make the request and ask for your ruling. I'd like to request that Standing Committee Report No. 675 and House Bill No. 629, H.D. 1, S.D. 1, be excepted from the motion that was just made and be considered separately."

Senator Cobb interjected: "Mr. President, it's entirely a proper request and can be done if a single Senator so requests it."

The Chair agreed and ruled that Stand. Com. Rep. No. 675 and H.B. No.

629, H.D. 1, S.D. 1, be excepted from the previous motion.

Senator O'Connor then remarked: "Mr. President, I'm in favor of your ruling but I'd like the record to reflect that these standing committee reports and bills have been before us for only approximately 10 minutes, and there's been no opportunity to read them; and, therefore, any vote in favor of this rule certainly would not reflect the ability of the members to carefully weigh and look through each of the measures in order to make an intelligent decision concerning that vote."

The Chair replied: "That point is well taken; I will note that exception. The motion does not infer carte blanche approval of all of the bills."

Senator Cobb added: "I'd like to point out, in connection with the previous remarks, Mr. President, that these are for referral to subsequent committees, that is, the second committee will be given an opportunity to look at it. This is a matter of passage on second reading. To third reading, it would be quite a different matter."

The Chair replied:

"I think the objectors are fully cognizant of that situation. All your comments are so noted. There's nothing in the Rules to prevent discussion on second reading."

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 632) recommending that House Bill No. 50, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Young, seconded by Senator Holt and carried, the report of the Committee was adopted and H.B. No. 50, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 633) recommending that House Bill No. 641, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Young, seconded by Senator Holt and carried, the report of the Committee was adopted and H.B. No. 641, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading

and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 634) recommending that House Bill No. 1233, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Young, seconded by Senator Holt and carried, the report of the Committee was adopted and H.B. No. 1233, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS ADMINISTRATOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 635) recommending that House Bill No. 1255, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Young, seconded by Senator Holt and carried, the report of the Committee was adopted and H.B. No. 1255, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION REGISTRATION FOR THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kobayashi, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 636) recommending that Senate Concurrent Resolution No. 24, as amended in S.D. 1, be adopted.

On motion by Senator Kobayashi, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.C.R. No. 24, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL GOVERNMENT TO IDENTIFY AND EVALUATE NUCLEAR WASTE DISPOSAL SITES OFF THE COAST OF THE STATE," was adopted.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 637) recommending that House Bill No. 793, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and H.B. No. 793, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 638) recommending that House Bill No. 1007 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and H.B. No. 1007, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS FOR LEGISLATIVE RELIEF," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 639) recommending that House Bill No. 1604, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and H.B. No. 1604, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE CAMPAIGN SPENDING LAW," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 640) recommending that House Bill No. 634, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and H.B. No. 634, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SEIZURE OF UNLICENSED DOGS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 641) recommending that House Bill No. 1584 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and H.B. No. 1584, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 642) recommending

that House Bill No. 769, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, the report of the Committee was adopted and H.B. No. 769, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE 1984 SILVER JUBILEE OF HAWAII'S STATEHOOD AND MAKING AN APPROPRIATION THEREFOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 643) recommending that House Bill No. 1880, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, the report of the Committee was adopted and H.B. No. 1880, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 644) recommending that House Bill No. 247, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Henderson, seconded by Senator Yee and carried, the report of the Committee was adopted and H.B. No. 247, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 645) recommending that House Bill No. 755 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Henderson, seconded by Senator Yee and carried, the report of the Committee was adopted and H.B. No. 755, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator George, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 646) recommending that House Bill No. 1470, H.D. 2, as amended in S.D. 1, pass Second Reading

and be referred to the Committee on Ways and Means.

On motion by Senator George, seconded by Senator Cobb and carried, the report of the Committee was adopted and H.B. No. 1470, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Abercrombie).
Excused, 1 (Yamasaki).

Senator Cayetano, for the Committee on Health, presented a report (Stand. Com. Rep. No. 647) recommending that House Bill No. 1680, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, the report of the Committee was adopted and H.B. No. 1680, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 648) recommending that House Bill No. 329, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 329, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES EXCLUDED OR EXEMPT FROM COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 649) recommending that House Bill No. 440, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 440, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE TAX CREDIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 650) recommending that House Bill No. 635, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 635, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PURCHASES AND CONTRACTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 651) recommending that House Bill No. 695, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 695, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS FOR SICK LEAVE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 652) recommending that House Bill No. 709, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 709, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 653) recommending that House Bill No. 741 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 741, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATORY EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 654)

recommending that House Bill No. 767, H.D. 2, pass second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 767, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED COMPENSATION PLANS FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 655) recommending that House Bill No. 785, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 785, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 656) recommending that House Bill No. 788, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 788, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS RIGHTS AND BENEFITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 657) recommending that House Bill No. 867 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 867, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATORS IN THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 658) recommending that House Bill No. 920, as amended in S.D. 1, pass Second

Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 920, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 659) recommending that House Bill No. 1158, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 1158, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 660) recommending that House Bill No. 1357, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 1357, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 661) recommending that House Bill No. 1358, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 1358, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 662) recommending that House Bill No. 1359, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred

to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 1359, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 663) recommending that House Bill No. 1360, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 1360, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 664) recommending that House Bill No. 1716, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 1716, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 665) recommending that House Bill No. 1871, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 1871, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 666) recommending that House Bill No. 1873, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 1873, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 667) recommending that House Bill No. 1879, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 1879, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 668) recommending that House Bill No. 1267, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 1267, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF PUBLIC BUILDINGS BY BLIND OR VISUALLY HANDICAPPED PERSONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 669) recommending that House Bill No. 1724, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 1724, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEE'S RETIREMENT SYSTEM OF THE STATE OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Soares, for the Committee on Public Utilities, presented a report (Stand. Com. Rep. No. 670) recommending

that House Bill No. 368, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Soares, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.B. No. 368, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Soares, for the Committee on Public Utilities, presented a report (Stand. Com. Rep. No. 671) recommending that House Bill No. 1048, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Soares, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.B. No. 1048, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Ajifu and Henderson, for the majority of the Committee on Agriculture and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 672) recommending that House Bill No. 753 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ajifu, seconded by Senator Henderson and carried, the joint report of the majority of the Committees was adopted and H.B. No. 753, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION SYSTEMS RATES AND CHARGES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 673) recommending that House Bill No. 114, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and H.B. No. 114, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 674) recommending that House Bill No. 344, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and H.B. No. 344, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 675) recommending that House Bill No. 629, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

Senator Carpenter then moved that Stand. Com. Rep. No. 675 be adopted and H.B. No. 629, H.D. 1, S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means, seconded by Senator Cobb.

Senator Abercrombie then rose to speak against passage of the measure on Second Reading as follows:

"Mr. Vice-President, I realize that it is not often that there is discussion on second reading, especially with the movement to another committee, but perhaps then it is appropriate that such discussion takes place when there is a particularly important point to be referenced with respect to such a discussion at the second reading, emerging that we vote 'no' on this bill at this time before it moves to Ways and Means, as a clear signal to the people who are seeking raises this year, whether it is in the Judiciary or in the Executive and in other areas, that we will not do so. The reason for that is not that I oppose such raises. I do not. I oppose them at this time. I think I oppose them for a very good reason.

"I have done, in the course of legislative activity this session, examining not only the budget that I have responsibility for in education, but other budgets as well, as they come to the Ways and Means Committee, and in discussions with other chairmen and members of committees, and it is apparent to me that we are involved in a virtually schizophrenic situation--almost publicly schizophrenic.

"We ostensibly have a surplus in our treasury. We are preliminarily passing numerous bills granting tax relief of one form or another to individuals, to corporations, to institutions, to groups. We find ourselves, at the same time, taking a public posture in some instances of having to cut budgets because of spending limitations required in the Constitution, or at least this is to what we refer when we discuss it.

"We find the Executive cutting budgets right and left--in my own particular Committee on Education, a \$45 million cut...a cut of 135 teachers. We find committees being formed and hailed in the press; for example, in the foreign language area where the Governor is appointing committees and getting headlines for it while the Governor is cutting every single penny for foreign language study out of the school budget, which I find just short of absolutely amazing. I am looking forward to the day that the committee that the Governor has appointed will teach its first class in foreign languages. I don't know where the money is going to come from.

"The Health Chairman finds himself in a position of having to deal with numerous private grant requests and as Culture and Arts Chairman I have numerous grants and requests in the private area to deal with. All of the individual groups involved making good cases. All of whom I must tell and I know the Health Chairman has to tell and maybe there are other chairmen, as well, who have various private grant funding involved in their committees... all of whom have to be told that they may not be funded, or funded to the degree that they would like or that they deserve, because of our spending limitation.

"So, here we have this schizophrenic situation. We have a surplus, and how is it that we cannot fund even in current services.

"I want to remind the members of this body that in my own committee the school children of this state face a substantial cut in the millions of dollars, in the tens of millions of dollars, in their current service budget. I'm not even reaching any expansion item for current services and yet we are to give raises.

"Now, I am in sympathy with giving raises especially in the area of the Judiciary because I think that we want to attract qualified people who have not only a sense of public service, but not have that public service utilized as an excuse to pay them poorly in the Judiciary. But everybody has

to make sacrifices I am told, according to the executive orientation, and that our school children must make sacrifices too. Quite frankly, the adults in the Judiciary are not sacrificing too awfully much at the moment. They are earning a pretty good salary; they have secretaries; they have clerks; they have libraries; they have offices; they have access to materiel and personnel that they would otherwise have to be paying for in private practice. They have accepted a public service role just as we have here in the Legislature. They deserve to have some attention paid to their salary situation, but not at the expense of the fundamental expenditures necessary to provide for the public good at this time, and until and unless this Legislature comes to terms with fundamental funding and financing of basic programs in this state, I think it is immoral and clearly not in the public interest to pass pay raises for officials either in the Judiciary or the Executive.

"That's why I'm urging that we vote 'no' now, and then take up the proper business of funding the necessary programs and individuals in our state; and once that is accomplished and once we see what the effects of all our tax cuts are, our tax cut proposals, then we can determine whether we have sufficient funds to go ahead with raises which I would then be happy to vote for next session. But, in lieu of that and prior to us coming to that conclusion which can only take place at the end of the legislative session, to vote now even to move to Ways and Means pay raises for the Judiciary or anyone else seems to me to fly in the face of common sense and a decent regard for the people of the State of Hawaii."

Senator Carpenter then rose to speak for the passage of the measure on Second Reading as follows:

"Mr. President, in moving for the bill to go forward to Ways and Means, the idea is to put it before the proper committee, the Committee on Ways and Means. The Judiciary contemplated pay increases should be evaluated by Ways and Means, along with the Executive pay raise contemplations, and along with the University of Hawaii pay raise contemplations.

"Mr. President, the numbers indicated in this bill reflect a maximum of 10% which, prorated over the last five years, would indicate that the maximum increase per year would be no more than 2%. I understand that the bill for the Executive pay raises would speak to the order of magnitude of approximately 7%.

"I believe that there are several philosophical differences as well as economic considerations that may exist between pay raises for the Judiciary, the Executive, and, i.e., the university types and, I believe, these are more properly the purview of the money committee, Ways and Means. We'll certainly abide by their recommendations to this entire body.

"Thank you."

Senator Cayetano added his remarks as follows:

"Mr. President, I understand the concern of the previous speaker regarding the education budget, but I would hope that instead of pinpointing one section of our government, such as the Judiciary, if we are serious about approaching budgeting as he suggests, that even if we granted or did not grant the raises proposed for the Judiciary, or for that matter for the Executive, which comes up to a small amount of money...if we really want to make some waves here, we'd better look at the entire collective bargaining package that comes along, because that's where the big money is.

"Let's not be selective when we talk about these things...I mean, if we want to ask our judges and executives to make sacrifices, then maybe we should go down a little lower and talk to the teachers also."

The Chair then remarked: "I think the point you make is well taken, but some of us fully hope to vote against all pay increases for all categories of employees."

Senator Cobb also added his remarks as follows:

"Mr. President, in view of that encouraging remark, I'd just like to stand up and point out that the bill contains a new concept in it, as far as executive level pay raises go, and it's something that is attempting to address a long-range solution to the problem--namely, that if we fail to devise a mechanism to address future pay raises, we'll find ourselves in precisely the same boat four to six years down the road that we found ourselves in the 1975 session, and that is, having to address substantial executive level pay raises in a highly controversial manner and voting them in a lump sum.

"The language in the bill basically addresses the question of judicial pay raises and ties them to the same level of increase as the general wage of the private sector or all workers

in Hawaii, not just government workers. This a new concept, I recognize, but I think it's one that will begin to address the question of how the man in the street reacts to these kinds of pay raises, in saying, 'Hey, let's wait a minute; let's take a look at this and see if the overall wage increase is 5%, maybe we ought to limit our executives to the same thing. And if we have a good year and our overall wage increase in the state is 10% over a two-year period, then that's fair and reasonable too.'

"I think the Ways and Means Committee is the proper committee to look at this and I urge them to do so because it is a new concept, but, also, it is a serious attempt on the part of the chairman and the committee to address this problem so that we won't find ourselves in the same situation again. It also provides for legislative oversight, and I commend this to the attention of the committee members in Ways and Means. Thank you."

The Chair remarked: "This is one day I'd like not to be presiding here so I could join the good Senator from the Sixth District in his very cogent remarks against passage (Second Reading) of this bill. I might suggest to the members of this body to make available to themselves copies of President Reagan's inaugural address, as well as his address on his budget presentation to the Congress. Perhaps then some of these issues will be settled very easily."

The motion was put by the Chair and Stand. Com. Rep. No. 675 was adopted, and H.B. No. 629, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Abercrombie, Kawasaki and Soares). Excused, 3 (Ajifu, George and Yamasaki).

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 676) recommending that House Bill No. 919 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the majority of the Committee was adopted and H.B. No. 919, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF A JUDGMENT BETWEEN THE STATE OF HAWAII AND SYLVIA GAMINO," passed Second Reading and was referred to the Committee

on Ways and Means on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Abercrombie). Excused, 1 (Yamasaki).

Senator Kobayashi, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 677) recommending that House Bill No. 1590, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development.

On motion by Senator Kobayashi, seconded by Senator George and carried, the report of the Committee was adopted and S.B. No. 1590, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Economic Development.

Senator Henderson, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 678) recommending that House Bill No. 35, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Henderson, seconded by Senator Yee and carried, the report of the majority of the Committee was adopted and H.B. No. 35, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCENTIVES FOR SOLAR ENERGY DEVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 679) recommending that House Bill No. 76, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Henderson, seconded by Senator Yee and carried, the report of the Committee was adopted and H.B. No. 76, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FISHERIES DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 680) recommending that House Bill No. 125, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Henderson, seconded by Senator Yee and carried, the report of the Committee was adopted and H.B. No. 125, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

MANUFACTURING ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 681) recommending that House Bill No. 126, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Henderson, seconded by Senator Yee and carried, the report of the Committee was adopted and H.B. No. 126, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCESSING ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 682) recommending that House Bill No. 127, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Henderson, seconded by Senator Yee and carried, the report of the Committee was adopted and H.B. No. 127, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 683) recommending that House Bill No. 1167, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Henderson, seconded by Senator Yee and carried, the report of the Committee was adopted and H.B. No. 1167, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE VENTURE CAPITAL INFORMATION CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Saiki, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 684) recommending that House Bill No. 824, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Saiki, seconded by Senator Cobb and carried, the report of the Committee was adopted and H.B. No. 824, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed

Second Reading and was referred to the Committee on Ways and Means.

Senator Saiki, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 685) recommending that House Bill No. 1808, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Saiki, seconded by Senator Cobb and carried, the report of the Committee was adopted and H.B. No. 1808, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A PROGRAM AT THE UNIVERSITY OF HAWAII FOR THE STUDY OF THE BIOLOGY OF THE ISLANDS OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator George, for the majority of the Committee on Transportation, presented a report (Stand. Com. Rep. No. 686) recommending that House Bill No. 168, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator George, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and H.B. No. 168, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Judiciary.

At this time, President Wong rose to state as follows:

"Members of the Senate, I would like to take this opportunity to thank all the committee chairmen for the expeditious manner in which committee reports were prepared and submitted to the Clerk's office. Because of that, we avoid the necessity of an evening session. Again, thank you very much."

ORDER OF THE DAY

THIRD READING

House Bill No. 794, H.D. 2:

By unanimous consent, action on H.B. No. 794, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred to Monday, March 30, 1981.

Senator Holt then made the following introduction to the members of the Senate:

"Mr. President, joining us today, spending his vacation visiting the Capitol, one of the future leaders of the Fifth District, a third grade student at Maemae

School, Mathew Lee, with his mother, Mrs. Marleen Lee, and cousins, Chris Ing and Kathy Kahikina."

ADJOURNMENT

At 12:29 o'clock p.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 30, 1981.