

FIFTY-FIFTH DAY

Thursday, April 16, 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 Mr. John Hedlund of the Christian Science Society of Wahiawa after which the Roll was called, showing all Senators present, with the exception of Senators Cayetano and Wong who were excused.

The Chair announced that he had read and approved the Journal of the Fifty-Fourth Day.

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

Senator Soares, on behalf of the Senators from the Seventh Senatorial District, introduced a group of fifth grade students from Koko Head Elementary School and their teachers: Miss Ikuta, Miss Kwan, Miss Kemp, Miss Yang and Miss Lee.

Senator Kuroda then rose to introduce Tom and Alexia Alee from Winter Park, Colorado, who were sitting in the gallery.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 308 to 311) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 308), transmitting copies of the Annual Report (1979-80), prepared by the Department of Land and Natural Resources, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 309), informing the Senate that on April 14, 1981, he signed House Bill No. 794 as Act 3, entitled: "RELATING TO TAXATION," was placed on file.

A message from the Governor (Gov. Msg. No. 310), submitting for consideration and confirmation to the Hawaii Public Employment Relations Board; the nomination of James Clark, term to expire 6 years from the date of appointment, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 311), submitting for consideration and confirmation to the Hawaii Education Council, the nominations of Kiyoto Tsubaki,

Sister Brenda Lau and Masako H. Ledward, terms to expire December 31, 1984, was referred to the Committee on Education.

HOUSE COMMUNICATIONS

A communication from the House (Hse. Com. No. 496), informing the Senate that on April 15, 1981, the Speaker appointed Representative Kunimura as co-chairman together with Representative Nakamura on the part of the House at the conference to be held for the consideration of Senate Bill No. 163, S.D. 1, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 497), informing the Senate that on April 15, 1981, the Speaker appointed Representative G. Hagino as an additional manager and Representative Kiyabu as co-chairman together with Representative Takamine on the part of the House at the conference to be held for the consideration of Senate Bill No. 356, S.D. 3, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 498), informing the Senate that on April 15, 1981, the Speaker appointed Representative Kiyabu as co-chairman together with Representative Takitani on the part of the House at the conference to be held for the consideration of Senate Bill No. 454, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 499), informing the Senate that on April 15, 1981, the Speaker appointed Representative Kiyabu as co-chairman together with Representative Sakamoto on the part of the House at the conference to be held for the consideration of Senate Bill No. 508, S.D. 1, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 500), informing the Senate that on April 15, 1981, the Speaker appointed Representative Morioka as an additional manager and Representative Kunimura as co-chairman together with Representative Nakamura on the part of the House at the conference to be held for the consideration of Senate Bill No. 1681, S.D. 2, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 501), informing the Senate that on April 15, 1981, the Speaker appointed Representative Kiyabu as co-chairman together with Representative Blair on the part of the House at the conference to be held for the consideration of Senate Bill No. 1713, S.D. 1, H.D. 1, was placed on file.

A communication from the House (Hse.

Com. No. 502), informing the Senate that on April 15, 1981, the Speaker appointed Representative Kiyabu as co-chairman together with Representative Sakamoto on the part of the House at the conference to be held for the consideration of Senate Bill No. 2099, S.D. 2, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 503), informing the Senate that on April 15, 1981, the Speaker appointed Representative Kiyabu as co-chairman together with Representative Sakamoto on the part of the House at the conference to be held for the consideration of House Bill No. 721, H.D. 1, S.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 504), informing the Senate that on April 15, 1981, the Speaker appointed Representative Kiyabu as co-chairman together with Representative Sakamoto on the part of the House at the conference to be held for the consideration of House Bill No. 728, H.D. 1, S.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 505), informing the Senate that on April 15, 1981, the Speaker appointed Representative Kiyabu as co-chairman together with Representative Segawa on the part of the House at the conference to be held for the consideration of House Bill No. 733, S.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 506), informing the Senate that on April 15, 1981, the Speaker appointed Representative Kunimura as co-chairman together with Representative Chun on the part of the House at the conference to be held for the consideration of House Bill No. 1267, H.D. 1, S.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 507), informing the Senate that on April 15, 1981, the Speaker appointed Representative Kunimura as co-chairman together with Representative Taniguchi on the part of the House at the conference to be held for the consideration of House Bill No. 1470, H.D. 2, S.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 508), informing the Senate that on April 15, 1981, the Speaker appointed Representative Kunimura as co-chairman together with Representative Takitani on the part of the House at the conference to be held for the consideration of House Bill No. 1716, H.D. 2, S.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 509), informing the Senate that on April 15, 1981, the Speaker appointed Representative Kiyabu as co-chairman together with Representative Blair on the part of the House at the conference to be held for the consideration of House Bill No. 1770, H.D. 2, S.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 510), informing the Senate that the amendments proposed by the Senate to House Bill No. 641, H.D. 2, were agreed to by the House; and H.B. No. 641, H.D. 2, S.D. 2, passed Final Reading in the House of Representatives on April 15, 1981, was placed on file.

DEPARTMENTAL COMMUNICATION

A communication from Mr. Durward Long, Chancellor, University of Hawaii at Manoa (Dept. Com. No. 23), April 7, 1981, acknowledging receipt of Senate Resolution No. 175 (1981) and accompanying certificate "Commending the Twenty-Fourth Hawaiian Science and Engineering Fair," was read by the Clerk and was placed on file.

At 11:45 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.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 292 to 297) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 292), entitled: "SENATE RESOLUTION COMMENDING PROFESSOR KOICHI TOHEI AND THE HAWAII KI SOCIETY," was offered by Senators Kuroda, Uwaine, Cobb, Kobayashi, Yee, Abercrombie, Cayetano, Henderson, Saiki, Anderson, Carpenter, O'Connor, Wong, Ajifu and Campbell.

On motion by Senator Kuroda, seconded by Senator Uwaine and carried, S.R. No. 292 was adopted.

At this time, Senator Kuroda introduced to the members of the Senate Professor Koichi Tohei, founder of the International Ki Society, who was accompanied by Mr. Shinichi Suzuki, Chief Instructor of the Maui County Society; Mr. Seichi Tabata, Chief Instructor and Director of the Honolulu County Society; and Mr. Takashi Nonaka, Director of the Hawaii County Society and Chief Instructor of the Hawaii State Society. All of the

gentlemen were presented with leis by Senators George, Kobayashi, Saiki and Young and Senator Kuroda presented them with certified copies of the resolution.

Senator Kuroda also introduced a group of supporters and members of the Hawaii Ki Society, Miss Margaret Makino, Mr. Stanley Yamanaka, Mr. Gordon Sato, Miss Lillian Inatsuka, Mr. Tsutomu Ohnuma and Mrs. Nora Ogawa who were sitting in the Senate gallery.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

A resolution (S.R. No. 293), entitled: "SENATE RESOLUTION COMMENDING EUNICE DE MELLO FOR TWENTY YEARS OF SERVICE AT SAINT CLEMENT'S EPISCOPAL CHURCH," was offered by Senators Kobayashi, Kuroda, Carpenter, Anderson, Uwaine, Campbell, Yamasaki, Ushijima, Henderson, Saiki, Yee, Mizuguchi, O'Connor, Holt, Abercrombie and Cayetano.

On motion by Senator Kobayashi, seconded by Senator Kuroda and carried, S.R. No. 293 was adopted.

A resolution (S.R. No. 294), entitled: "SENATE RESOLUTION CONGRATULATING MR. HARRY WHITTEN FOR BEING AWARDED A UNITED STATES FOREST SERVICE 75TH ANNIVERSARY AWARD," was offered by Senators Kobayashi, Kuroda, Young, Carpenter, Anderson, Henderson, Uwaine, Campbell, Yamasaki, Ushijima, Saiki, Mizuguchi, Yee, O'Connor, Holt, Abercrombie and Cayetano.

On motion by Senator Kobayashi, seconded by Senator Kuroda and carried, S.R. No. 294 was adopted.

A resolution (S.R. No. 295), entitled: "SENATE RESOLUTION RECOGNIZING ELEANOR RUTH HASTINGS, WINNER IN THE GOOD CITIZENS AWARD CONTEST SPONSORED BY THE DAUGHTERS OF THE AMERICAN REVOLUTION," was offered Senators Cobb, Kuroda, George, Young, Campbell, Mizuguchi, Yamasaki, Ushijima, Uwaine, Ajifu, Toyofuku, Cayetano, Anderson, Carpenter, Kobayashi, Henderson, Saiki, Soares, Machida, Kawasaki, Abercrombie, Yee and Holt.

On motion by Senator Cobb, seconded by Senator Kuroda and carried, S.R. No. 295 was adopted.

A resolution (S.R. No. 296), entitled: "SENATE RESOLUTION CONGRATULATING

AND HONORING YASUO TAKARA AND HIS FAMILY AS THE HAWAII JUNIOR GOLF ASSOCIATION'S 1980 FAMILY OF THE YEAR," was offered by Senators Mizuguchi, Holt, Machida, Ushijima, Toyofuku, Yee, Kobayashi, Henderson, Cayetano, Abercrombie, Campbell, Wong, Yamasaki, Kuroda, Soares, O'Connor, Young, Saiki, George and Carpenter.

On motion by Senator Mizuguchi, seconded by Senator Holt and carried, S.R. No. 296 was adopted.

A resolution (S.R. No. 297), entitled: "SENATE RESOLUTION RECOGNIZING THE PAST CONTRIBUTIONS OF THE LATE DR. ERNEST MURAI AND EXTENDING DEEPEST CONDOLENCES TO HIS FAMILY MEMBERS," was offered by Senators Kawasaki, Uwaine, Abercrombie, Saiki, Cayetano, Wong, Anderson, Toyofuku, Yamasaki, Campbell, Henderson, Carpenter, Ajifu, Kuroda, Yee, Young, Soares, Ushijima and Cobb.

Senator Uwaine moved that S.R. No. 297 be adopted, seconded by Senator Abercrombie.

The Chair remarked on the resolution as follows:

"Members of the Senate, I note that through an oversight, the 'whereas' clauses do not include the late Dr. Murai's contributions to the Democratic Party. He was also a delegate to the National Democratic Convention and was a National Committeeman from the State of Hawaii. We should note this as it is not included in the resolution."

The motion was put by the Chair and carried and S.R. No. 297 was adopted by a rising vote.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 943) informing the Senate that Senate Resolution Nos. 290 and 291, Conference Committee Report Nos. 1 and 2, and Standing Committee Report No. 942 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. 944) recommending that House Bill No. 207, H.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 Committee was adopted and H.B. No. 207, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF DEFENDANTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 20, 1981, on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Abercrombie).
Excused, 2 (Cayetano and Wong).

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. 207, H.D. 1.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 945) recommending that House Bill No. 1025, H.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 Committee was adopted and H.B. No. 1025, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 20, 1981, on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Abercrombie).
Excused, 2 (Cayetano and Wong).

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. 1025, H.D. 1.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 946) recommending that House Bill No. 1866 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 Committee was adopted and H.B. No. 1866, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 20, 1981.

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. 1866.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 947) recommending that Senate Concurrent Resolution No. 60 be adopted.

On motion by Senator Cobb, seconded by Senator Uwaine and carried, the report of the Committee was adopted and S.C.R. No. 60, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A COMPARATIVE STUDY ON CONDOMINIUM LAWS," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 948), recommending that Senate Resolution No. 168 be referred to the Committee on Legislative Management.

On motion by Senator Cobb, seconded by Senator Uwaine and carried, the report of the Committee was adopted and S.R. No. 168, entitled: "SENATE RESOLUTION REQUESTING A COMPARATIVE STUDY ON CONDOMINIUM LAWS," was referred to the Committee on Legislative Management.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 949), recommending that the Senate advise and consent to the nomination of Jensen S.L. Hee as Director of Finance, in accordance with Governor's Message No. 170.

By unanimous consent, Stand. Com. Rep. No. 949 and Gov. Msg. No. 170 was deferred until Monday, April 20, 1981.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 950) recommending that the Senate advise and consent to the nominations of the following:

Fred C. Blanco to the Board of Taxation Review, First Taxation District, in accordance with Gov. Msg. No. 171;

Harriette Mokihana Davis to the Board of Taxation Review, Second Taxation District, in accordance with Gov. Msg. No. 270;

Rogelio Saraos to the Board of Taxation Review, Fourth Taxation District, in accordance with Gov. Msg. No. 172; and

Ellen Aoki, Douglas Beatty and Kwai Wah Lee to the Board of Taxation Review, Third Taxation District, in accordance with Gov. Msg. No. 271.

By unanimous consent, action on Stand. Com. Rep. No. 950 and Gov. Msg. Nos. 171, 172, 270 and 271 was deferred until Monday, April 20, 1981.

Senator Yamasaki, for the Committee

on Ways and Means, presented a report (Stand. Com. Rep. No. 951) recommending that the Senate advise and consent to the nominations of the following:

Lovey Leinaala Apana to the Board of Taxation Review, Fourth Taxation District, in accordance with Gov. Msg. No. 302; and

Jerry A. Ruthruff to the Board of Trustees, Employees' Retirement System, in accordance with Gov. Msg. No. 303.

By unanimous consent, action on Stand. Com. Rep. No. 951 and Gov. Msg. Nos. 302 and 303 was deferred until Monday, April 20, 1981.

ORDER OF THE DAY

RECONSIDERATION OF ACTIONS TAKEN

Senate Bill No. 1145, S.D. 1, H.D. 1:

Senator Carpenter moved that the Senate reconsider its action taken on S.B. No. 1145, S.D. 1, H.D. 1, seconded by Senator Uwaine.

Senator Carpenter explained that "the amendment made by the House Committee on Judiciary basically changed the reference of Lieutenant Governor's Office to Chief Elections Office."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Carpenter, seconded by Senator Uwaine and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1145, S.D. 1, 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. 1145, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 11, HAWAII REVISED STATUTES."

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

Senate Bill No. 1471, H.D. 1:

Senator Carpenter moved that the Senate reconsider its action taken on S.B. No. 1471, H.D. 1, seconded by Senator Uwaine.

Senator Carpenter explained that "the House Draft added the words 'to include all shorewaters and shores' and we would agree with that amendment."

At this time, Senator O'Connor rose

on a point of parliamentary inquiry as follows:

"Mr. President, these measures will now lie for 48-hours for future action, am I correct?"

The Chair replied that Senator O'Connor was correct.

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Carpenter, seconded by Senator Uwaine and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1471, 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. 1471, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM."

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

Senate Bill No. 164, S.D. 1, H.D. 1:

Senator Carpenter moved that the Senate reconsider its action taken on S.B. No. 164, S.D. 1, H.D. 1, seconded by Senator Uwaine.

Senator Carpenter explained that "the House changed the word 'fix' to 'affix' and deleted the word 'the' on page 25, line 19."

The motion to reconsider was put by the Chair and carried.

On motion by Senator Carpenter, seconded by Senator Uwaine and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 164, S.D. 1, 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. 164, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION."

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

Senate Bill No. 856, S.D. 2, H.D. 1:

Senator Carpenter moved that the Senate reconsider its action taken on S.B. No. 856, S.D. 2, H.D. 1, seconded by Senator Uwaine.

Senator Carpenter explained that "the House had made two technical changes to the measure by including a reference to section number and deleting a comma."

The motion to reconsider was put by the Chair and carried.

On motion by Senator Carpenter, seconded by Senator Uwaine and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 856, S.D. 2, 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. 856, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT."

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

Senate Bill No. 1150, S.D. 1, H.D. 1:

Senator Carpenter moved that the Senate reconsider its action on S.B. No. 1150, S.D. 1, H.D. 1, seconded by Senator Uwaine and carried.

On motion by Senator Carpenter, seconded by Senator Uwaine and carried,

the Senate agreed to the amendments proposed by the House to S.B. No. 1150, S.D. 1, 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. 1150, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 237, HAWAII REVISED STATUTES."

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

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:08 o'clock p.m.

ADJOURNMENT

At 12:09 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, April 20, 1981.