

FIFTY-SIXTH DAY

Monday, April 20, 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 Major Kenneth Hood, Regional Commander, Hawaii Salvation Army, after which the Roll was called showing all Senators present, with the exception of Senators Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee who were excused.

The President announced that he had read and approved the Journal for the Fifty-Fifth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 312 to 320) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 312), informing the Senate of the withdrawal of the nominations to the Environmental Quality Commission of Allen Y. Kajioka, Ann B. Simpson, Roy R. Takemoto and Leonard K.P. Leong, terms to expire December 31, 1984, under Governor's Message No. 216, was placed on file.

In compliance with Gov. Msg. No. 312, the nominations listed under Gov. Msg. No. 216 were returned.

A message from the Governor (Gov. Msg. No. 313), submitting for consideration and confirmation to the Boxing Commission, the nomination of Robert M. Lee, term to expire December 31, 1982, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 314), submitting for consideration and confirmation to the Board of Cosmetology, the nomination of Patricia N. Kramer, term to expire December 31, 1984, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 315), submitting for consideration and confirmation to the Board of Dental Examiners, the following nominations:

Victor H. Zuercher, Jr., term to expire December 31, 1983;

Francis L. Lock, term to expire

December 31, 1984; and

Karen J. Bardin-Billman, term to expire December 31, 1984,

was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 316), submitting for consideration and confirmation to the Land Use Commission, the following nominations:

Teofilo Tacbian, term to expire December 31, 1984;

Robert Tamaye, term to expire December 31, 1984; and

Everett Cuskaden, term to expire December 31, 1984,

was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 317), submitting for consideration and confirmation to the Environmental Quality Commission, the following nominations:

Arthur A. Kohara, term to expire December 31, 1984;

Ann B. Simpson, term to expire December 31, 1984;

Roy R. Takemoto, term to expire December 31, 1984; and

Leonard K.P. Leong, term to expire December 31, 1984,

was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 318), submitting for consideration and confirmation to the Stadium Authority, the following nominations:

Robert L. Shuford, term to expire December 31, 1984;

Tom Okuda, term to expire December 31, 1984; and

Sharon Weiner, term to expire December 31, 1984,

was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 319), submitting for consideration and confirmation to the Boxing Commission, the following

nominations:

George J.A. Kaahanui, Jr., term to expire December 31, 1984; and

Thomas S. Shimabuku, term to expire December 31, 1984,

was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 320), transmitting a report prepared by the Department of Health, in response to Senate Resolution No. 288 (1980), which requested a study of legislative options regarding health promotion and wellness, was referred to the Committee on Health.

DEPARTMENTAL COMMUNICATION

A communication from the Department of Planning and Economic Development (Dept. Com. No. 24), transmitting a resolution adopted by the State Plan Policy Council relating to the state functional plans, was read by the Clerk and was referred to the Committee on Economic Development.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 298 to 301) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 298), entitled: "SENATE RESOLUTION CONGRATULATING ABILENE, TEXAS, ON ITS CENTENNIAL CELEBRATION," was offered by Senators Yee, Anderson, Campbell, Cayetano, Yamasaki, Machida, Soares, Kuroda, Carpenter, Kawasaki, Ajifu, Henderson, Kobayashi, George, Wong, Saiki, Young, Toyofuku, Mizuguchi, Ushijima, Cobb, O'Connor, Abercrombie, Holt and Uwayne.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 298 was adopted.

A resolution (S.R. No. 299), entitled: "SENATE RESOLUTION COMMENDING CONGRESSMAN CECIL HEFTTEL FOR TAKING THE LEAD IN PROVIDING TELECOMMUNICATION DEVICES FOR THE DEAF IN THE FEDERAL BUILDING," was offered by Senators Uwayne, Young, Kobayashi, Yamasaki, Ajifu, Abercrombie, Ushijima, Campbell, Mizuguchi, Soares, Machida, Holt, Henderson, O'Connor, Cobb, Kawasaki, Carpenter, Yee and Kuroda.

On motion by Senator Uwayne, seconded by Senator Young and carried, S.R. No. 299 was adopted.

A resolution (S.R. No. 300), entitled:

"SENATE RESOLUTION COMMENDING DAN HEELY, ESQ., FOR HIS SERVICE AS CHIEF DISCIPLINARY COUNSEL FOR THE SUPREME COURT'S DISCIPLINARY BOARD," was offered by Senators George, Ajifu, Soares, Kobayashi, Henderson, Uwayne, Abercrombie, O'Connor, Campbell, Young, Carpenter, Kuroda, Saiki, Ushijima and Yamasaki.

On motion by Senator George, seconded by Senator Ajifu and carried, S.R. No. 300 was adopted.

A resolution (S.R. No. 301), entitled: "SENATE RESOLUTION RECOGNIZING ALLIED BUILDERS SYSTEM FOR THEIR OUTSTANDING REMODELING WORK IN HAWAII," was offered by Senators Young, Anderson, Ajifu, Holt, Mizuguchi, Ushijima, Yamasaki, Campbell, Kobayashi, Henderson, George, Soares and Abercrombie.

On motion by Senator Young, seconded by Senator Ajifu and carried, S.R. No. 301 was adopted.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 952) informing the Senate that Senate Resolution Nos. 292 to 297 and Standing Committee Report Nos. 944 to 951 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 Kobayashi, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 953) recommending that Senate Concurrent Resolution No. 63, as amended in S.D. 1, be adopted.

On motion by Senator Kobayashi, seconded by Senator George and carried, the report of the Committee was adopted and S.C.R. No. 63, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ALLOW AN EXPERIMENT ON THE ENVIRONMENTAL EFFECTS OF CERTAIN WATER CONSERVATION DEVICES," was adopted.

Senator Kobayashi, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 954) recommending that Senate Resolution No. 196, as amended in S.D. 1, be adopted.

On motion by Senator Kobayashi, seconded by Senator George and carried, the report of the Committee was adopted and S.R. No. 196, S.D. 1, entitled:

"SENATE RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ALLOW AN EXPERIMENT ON THE ENVIRONMENTAL EFFECTS OF CERTAIN WATER CONSERVATION DEVICES," was adopted.

Senator Campbell, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 955) recommending that House Bill No. 114, H.D. 1, 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 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."

Senator Campbell, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 956) recommending that House Bill No. 753 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 H.B. No. 753, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION SYSTEMS RATES AND CHARGES."

Senator Campbell, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 957) recommending that House Bill No. 779, H.D. 1, 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 H.B. No. 779, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF REGULATORY AGENCIES."

Senator Campbell, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 958) recommending that House Bill No. 793, H.D. 1, 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 H.B. No. 793, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS."

Senator Campbell, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 959) recommending that House Bill No. 1007 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 H.B. No. 1007, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS FOR LEGISLATIVE RELIEF."

Senator Campbell, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 960) recommending that House Bill No. 1158, H.D. 1, 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 H.B. No. 1158, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII."

Senator Campbell, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 961) recommending that House Bill No. 1334 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Campbell, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and H.B. No. 1334, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS OF THE STATE," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 22, 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. 1334.

Senator Campbell, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 962) recommending that House Bill No. 1873, H.D. 1, 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 H.B. No. 1873, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES."

ORDER OF THE DAY

FINAL READING

Conference Committee Report No. 1 (H.B. No. 1765, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 1 was adopted and H.B. No. 1765, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAMEHAMEHA DAY CELEBRATION COMMISSION," having been read throughout, passed Final Reading on the following

showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee).

Conference Committee Report No. 2 (H.B. No. 769, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 2 and H.B. No. 769, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE 1984 SILVER JUBILEE OF HAWAII'S STATEHOOD AND MAKING AN APPROPRIATION THEREFOR," was deferred until Thursday, April 23, 1981.

Senate Bill No. 399, S.D. 1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 399, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE FACILITIES IDENTIFICATION AND REGULATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee).

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 164, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee).

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 856, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee).

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1145, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 11, HAWAII REVISED STATUTES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee).

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

By unanimous consent, action on S.B. No. 1150, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 237, HAWAII REVISED STATUTES," was deferred until Tuesday, April 21, 1981.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1471, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee).

THIRD READING

House Bill No. 207, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 207, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF DEFENDANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee).

House Bill No. 1025, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1025, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee).

House Bill No. 1866:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1866, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee).

MATTERS DEFERRED FROM APRIL 16, 1981

Standing Committee Report No. 949 (Gov. Msg. No. 170):

Senator Cobb moved that Stand. Com. Rep. No. 949 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Jensen S.L. Hee as Director of Finance, term to expire December 6, 1982, seconded by Senator Soares.

Roll Call vote having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee).

Standing Committee Report No. 950 (Gov. Msg. Nos. 171, 172, 270 and 271):

Senator Cobb moved that Stand. Com. Rep. No. 950 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations to the Board of Taxation Review as follows:

Fred C. Blanco, First Taxation District, term to expire December 31, 1984;

Rogelio Saraos, Fourth Taxation District, term to expire December 31, 1984;

Harriette Mokihana Davis, Second Taxation District, term to expire December 31, 1984;

Ellen Aoki, Third Taxation District, term to expire December 31, 1984; and

Douglas Beatty and Kwai Wah Lee, Third Taxation District, terms to

expire December 31, 1983,

seconded by Senator Soares.

Roll Call vote having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee).

Standing Committee Report No. 951 (Gov. Msg. Nos. 302 and 303):

Senator Cobb moved that Stand. Com. Rep. No. 951 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb moved that the Senate advise and consent to the nomination of Lovey Leinaala Apana, to the Board of Taxation Review, Fourth Taxation District, term to expire December 31, 1984, seconded by Senator Soares.

Roll Call vote having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of Jerry A. Ruthruff to the Board of Trustees, Employees' Retirement System, term to expire January 1, 1987, seconded by Senator Soares.

Roll Call vote having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Abercrombie, Anderson, Cayetano, Henderson, Saiki, Yamasaki and Yee).

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 15 to 17) were read by the Clerk and were disposed of as follows:

A communication from Robert J. Thompson, Executive Assistant to the Vice-President, Washington, D.C., (Misc. Com. No. 15), acknowledging receipt of Senate Resolution No. 106.

A communication from Ms. Cherry Matano, Administrative Assistant to United States Senator, Spark M. Matsunaga (Misc. Com. No. 16), acknowledging receipt of Senate Resolution

No. 106.

A communication from the Honorable E (Kika) de la Garza, Chairman of the Committee on Agriculture, U.S. House of Representatives (Misc. Com. No. 17), acknowledging receipt of Senate Resolution No. 106.

At this time, Senator Cobb, Chairman of the Committee on Consumer Protection and Commerce, requested a waiver of the 48-hour notice of a Public Hearing on the following:

Gov. Msg. No. 313, submitting for consideration and confirmation to the Boxing Commission, the nomination of Robert M. Lee;

Gov. Msg. No. 314, submitting for consideration and confirmation to the Board of Cosmetology, the nomination of Patricia N. Kramer;

Gov. Msg. No. 315, submitting for consideration and confirmation to the Board of Dental Examiners, the nominations of Victor H. Zuercher,

Jr., Francis L. Lock and Karen J. Bardin-Billman; and

Gov. Msg. No. 319, submitting for consideration and confirmation to the Boxing Commission, the nominations of George J.A. Kaahanui, Jr. and Thomas S. Shimabuku,

and the President granted the waiver.

RE-REFERRAL OF HOUSE BILL

The President made the following re-referral of a House bill received on Wednesday, March 18, 1981:

House Bill Referred to:

No. 1583 Committee on Human Resources

ADJOURNMENT

At 11:53 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 21, 1981.