

## EIGHTEENTH DAY

Friday, February 12, 1982

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, convened at 11:00 o'clock a.m., with the Vice-President in the Chair.

The Divine Blessing was invoked by Father Jack Mullally, Pastor of Holy Trinity Church, after which the Roll was called showing all Senators present, with the exception of Senators Ajifu, Cayetano, Cobb, Saiki and Toyofuku who were excused.

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

At this time, the Chair, on behalf of the Senate, introduced three visitors from Japan, accompanied by their guide Mr. Tad Kawamura. They were recognized as follows: Mr. Joseph Kohei Okuno, President of the Life and Culture Company, Ltd., Mr. Masao Nakano, and Mr. T. Hanawa, the President of the Tsuruya Group of Japan.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 84 to 87) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 84), transmitting copies of a report prepared by the Department of Planning and Economic Development entitled: "The Governor's Conference on Small Business, Summary Report," dated November 16, 1981, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 85), prepared by the Executive Office on Aging entitled: "Evaluation of the Protection and Advocacy Agency's Personal Advocate Assistance Program for the Period of January 1, 1981 to July 1, 1981," was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 86), transmitting copies of a report prepared by the Department of Land and Natural Resources entitled: "Report to the Eleventh Legislature of Hawaii on Land Dispositions (January 1, 1981 to December 31, 1981)," submitted pursuant to Section 171-29, HRS, was referred to the Committee on Economic Development.

At 11:09 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:12 o'clock a.m.

A message from the Governor (Gov. Msg. No. 87), submitting for consideration and confirmation, the appointment of Brigadier General Arthur U. Ishimoto, Adjutant General, for a term to expire December 6, 1982, in accordance with the provisions of Article V, Section 6 of the Hawaii State Constitution, was referred to the Committee on Government Operations and Intergovernmental Relations.

## HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 14), transmitting House Bill No. 1488, H.D. 1, which passed Third Reading in the House of Representatives on February 11, 1982 was read by the Clerk and was placed on file.

At 11:13 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:14 o'clock a.m.

On motion by Senator Kuroda, seconded by Senator Anderson and carried, H.B. No. 1488, H.D. 1 entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 19 to 21) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 19), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO HELP ALLEVIATE NOISE PROBLEMS AT WAIPAHU ELEMENTARY SCHOOL," was offered by Senators Kuroda, Young, Cayetano and Mizuguchi.

By unanimous consent, S.R. No. 19 was referred to the Committee on Education.

A resolution (S.R. No. 20), entitled: "SENATE RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE SUPREME COURT OF THE STATE OF HAWAII TO ESTABLISH AN OFFICE WITHIN THE JUDICIARY TO ASSIST WITH THE SEARCH OF KULEANA LANDS," was offered by Senators Carpenter,

Cayetano, Henderson, Kuroda, Ajifu and Kawasaki.

By unanimous consent, S.R. No. 20 was referred to the Committee on Judiciary.

A resolution (S.R. No. 21), entitled: "SENATE RESOLUTION DESIGNATING APRIL 1982 AS CANCER CONTROL MONTH," was offered by Senators Cayetano, Saiki, Ajifu, Soares, Kawasaki, Kobayashi, O'Connor, Kuroda, Holt, Uwaine, Campbell, Carpenter, Yamasaki, Mizuguchi, Machida, Henderson and Ushijima.

On motion by Senator Kuroda, seconded by Senator Anderson and carried, S.R. No. 21 was adopted.

#### INTRODUCTION OF SENATE BILLS

On motion by Senator Kuroda, seconded by Senator Anderson and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Tuesday, February 16, 1982:

#### Senate Bills

No. 2474-82 "A Bill for an Act Relating to the Statewide Traffic Code."

Introduced by: Senator Carpenter.

No. 2475-82 "A Bill for an Act Relating to Names."

Introduced by: Senator Carpenter.

No. 2476-82 "A Bill for an Act Relating to the University of Hawaii."

Introduced by: Senators Kuroda, Campbell, Carpenter, Yamasaki, Henderson, Machida, Holt, George, Saiki, Mizuguchi, O'Connor, Kobayashi and Ajifu.

No. 2477-82 "A Bill for an Act Relating to Motor Vehicle Repairs."

Introduced by: Senators Kuroda, Cobb, Uwaine, Wong, George, Henderson, Kawasaki, Carpenter, Young, Soares, Ajifu, Kobayashi, Saiki, O'Connor, Ushijima and Holt.

No. 2478-82 "A Bill for an Act Relating to Penal Responsibility and Fitness."

Introduced by: Senators Kuroda, Uwaine, Kawasaki, Young, Soares, Henderson, Ajifu, Yamasaki, Holt, Wong, Kobayashi, Campbell, Carpenter, Saiki and O'Connor.

No. 2479-82 "A Bill for an Act Relating to Health Insurance."

Introduced by: Senators Kuroda,

Yamasaki, Cobb, Carpenter, Young, Soares, Ajifu, Machida, Cayetano, Holt, Uwaine and O'Connor.

No. 2480-82 "A Bill for an Act Relating to Criminal and Civil Liability."

Introduced by: Senators Kuroda, Kawasaki, Uwaine, Carpenter and Henderson.

No. 2481-82 "A Bill for an Act Relating to Medical Records."

Introduced by: Senator Cayetano, by request.

No. 2482-82 "A Bill for an Act Relating to Social Services."

Introduced by: Senator Uwaine.

No. 2483-82 "A Bill for an Act Relating to Secretarial Classes."

Introduced by: Senator Uwaine.

No. 2484-82 "A Bill for an Act Relating to Land Use."

Introduced by: Senators Young and Holt.

No. 2485-82 "A Bill for an Act Relating to the State Land Use Commission."

Introduced by: Senators Young and Holt.

No. 2486-82 "A Bill for an Act Making an Appropriation for a Study of Housing Needs."

Introduced by: Senators Young and Holt.

No. 2487-82 "A Bill for an Act Relating to the General Excise Tax."

Introduced by: Senators Young and Holt.

No. 2488-82 "A Bill for an Act Relating to State Housing Projects."

Introduced by: Senators Young and Holt.

No. 2489-82 "A Bill for an Act Relating to Housing."

Introduced by: Senators Young and Holt.

No. 2490-82 "A Bill for an Act Relating to Zoning."

- Introduced by: Senators Young, Abercrombie, Holt and Anderson.
- No. 2491-82 "A Bill for an Act Relating to Counties."
- Introduced by: Senators Young, Holt, Ajifu and Abercrombie.
- No. 2492-82 "A Bill for an Act Relating to Income Taxation."
- Introduced by: Senators Young, Holt, Ajifu and Abercrombie.
- No. 2493-82 "A Bill for an Act Relating to Fiduciaries and Investments."
- Introduced by: Senator Young.
- No. 2494-82 "A Bill for an Act Relating to Residential Landlord-Tenant Code."
- Introduced by: Senators Young and Holt.
- No. 2495-82 "A Bill for an Act Relating to Hawaii Housing Authority."
- Introduced by: Senators Young and Holt.
- No. 2496-82 "A Bill for an Act Relating to Horizontal Property Regimes."
- Introduced by: Senators Young, Holt, Ajifu and Abercrombie.
- No. 2497-82 "A Bill for an Act Relating to the Rental Assistance Fund."
- Introduced by: Senators Young, Holt, Ajifu, Abercrombie and Anderson.
- No. 2498-82 "A Bill for an Act Making an Appropriation for a Study of the Cost of Government Regulation in the Land Development Process."
- Introduced by: Senator Young.
- No. 2499-82 "A Bill for an Act Relating to Criminal Injuries Compensation Fund."
- Introduced by: Senators George, Carpenter, Kawasaki, Soares, Young, Anderson, Kobayashi, Henderson and Cayetano.
- No. 2500-82 "A Bill for an Act Relating to Crime."
- Introduced by: Senators George, Carpenter, Kawasaki, Soares, Young, Anderson, Kobayashi, Henderson and Cayetano.
- No. 2501-82 "A Bill for an Act Relating to Criminal Injuries Compensation."
- Introduced by: Senators George, Carpenter, Kawasaki, Soares, Young, Anderson, Kobayashi, Henderson and Henderson.
- No. 2502-82 "A Bill for an Act Relating to Criminal Injuries Compensation."
- Introduced by: Senators George, Carpenter, Kawasaki, Yamasaki, Soares, Young, Anderson, Kobayashi, Henderson and Cayetano.
- No. 2503-82 "A Bill for an Act Relating to Osteopathy."
- Introduced by: Senator George.
- No. 2504-82 "A Bill for an Act Relating to Blight of Summons Damages."
- Introduced by: Senators Carpenter, Kuroda and Soares.
- No. 2505-82 "A Bill for an Act Relating to Prohibited Motor and Other Vehicle Equipment."
- Introduced by: Senators Carpenter, Kuroda and Soares.
- No. 2506-82 "A Bill for an Act Relating to Unauthorized Use of Law Enforcement Symbols."
- Introduced by: Senators Carpenter, Kuroda and Soares.
- No. 2507-82 "A Bill for an Act Relating to Persons in Need of Protection."
- Introduced by: Senator Carpenter.
- No. 2508-82 "A Bill for an Act Relating to Interest on Judgments."
- Introduced by: Senators Carpenter, Kuroda and Soares.
- No. 2509-82 "A Bill for an Act to Amend the Hawaii Water Carrier Law."
- Introduced by: Senators Yamasaki, Machida, Kobayashi, Young, Ushijima, George, Ajifu, Kuroda and Soares.
- No. 2510-82 "A Bill for an Act Making an Appropriation to Continue Molokai Institute for Agriculture Program."
- Introduced by: Senators Yamasaki and Machida.
- No. 2511-82 "A Bill for an Act

Making Supplemental Appropriation for Molokai General Hospital for Fiscal Year 1982-1983."

Introduced by: Senators Yamasaki and Machida.

No. 2512-82 "A Bill for an Act Relating to Public Utilities; Franchise Tax."

Introduced by: Senator Yamasaki, by request.

No. 2513-82 "A Bill for an Act Relating to Public Utilities; Franchise Tax."

Introduced by: Senator Yamasaki, by request.

No. 2514-82 "A Bill for an Act Relating to the General Excise Tax Law."

Introduced by Senator Yamasaki, by request.

No. 2515-82 "A Bill for an Act Relating to Appropriation Lapses."

Introduced by: Senator Wong, by request.

No. 2516-82 "A Bill for an Act Making Appropriations for Counsel and Other Services for Indigent Defendants in Criminal and Related Cases."

Introduced by: Senator Wong, by request.

No. 2517-82 "A Bill for an Act Relating to Health."

Introduced by: Senator Wong, by request.

No. 2518-82 "A Bill for an Act Relating to Health Planning."

Introduced by: Senator Wong, by request.

No. 2519-82 "A Bill for an Act Relating to Enterprise Zones and Making an Appropriation Therefor."

Introduced by: Senator Wong, by request.

No. 2520-82 "A Bill for an Act Relating to Notaries Public."

Introduced by: Senator Wong, by request.

No. 2521-82 "A Bill for an Act Relating to the Department of the Attorney General."

Introduced by: Senator Wong, by request.

No. 2522-82 "A Bill for an Act Relating

to Aloha Stadium."

Introduced by: Senator Wong, by request.

No. 2523-82 "A Bill for an Act Relating to Workers' Compensation."

Introduced by: Senator Uwaine.

No. 2524-82 "A Bill for an Act Relating to Workers' Compensation."

Introduced by: Senator Uwaine.

No. 2525-82 "A Bill for an Act Relating to Workers' Compensation."

Introduced by: Senator Uwaine.

No. 2526-82 "A Bill for an Act Relating to Workers' Compensation."

Introduced by: Senator Uwaine.

No. 2527-82 "A Bill for an Act Relating to Workers' Compensation."

Introduced by: Senator Uwaine.

No. 2528-82 "A Bill for an Act Relating to Workers' Compensation."

Introduce by: Senator Uwaine.

No. 2529-82 "A Bill for an Act Relating to Workers' Compensation."

Introduced by: Senator Uwaine.

No. 2530-82 "A Bill for an Act Relating to Workers' Compensation."

Introduced by: Senator Uwaine.

No. 2531-82 "A Bill for an Act Relating to Employer-Employee Relationships."

Introduced by: Senator Uwaine.

#### STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 14-82), informing the Senate that Senate Resolution No. 18, and Senate Bill Nos. 2429-82 to 2473-82 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 Yee, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 15-82), recommending that Senate

Bill No. 906, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Higher Education.

On motion by Senator Yee, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.B. No. 906, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed First Reading and was recommitted to the Committee on Higher Education.

#### ORDER OF THE DAY

#### REFERRAL OF SENATE BILLS

Senate Bills Referred to:

- |             |  |             |   |
|-------------|--|-------------|---|
| No. 2429-82 | Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means   | No. 2445-82 | Committee on Agriculture, then to the Committee on Ways and Means   |
| No. 2430-82 | Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means                                     | No. 2446-82 | Committee on Agriculture, then to the Committee on Ways and Means   |
| No. 2431-82 | Committee on Ways and Means  | No. 2447-82 | Jointly to the Committee on Economic Development and the Committee on Agriculture, then to the Committee on Ways and Means  |
| No. 2432-82 | Committee on Ways and Means  | No. 2448-82 | Jointly to the Committee on Economic Development and the Committee on Agriculture, then to the Committee on Ways and Means  |
| No. 2433-82 | Committee on Education, then to the Committee on Ways and Means  | No. 2449-82 | Committee on Agriculture, then to the Committee on Judiciary  |
| No. 2434-82 | Committee on Agriculture, then to the Committee on Ways and Means  | No. 2450-82 | Jointly to the Committee on Economic Development and the Committee on Government Operations and Intergovernmental Relations |
| No. 2435-82 | Committee on Agriculture   | No. 2451-82 | Committee on Government Operations and Intergovernmental Relations, then to the Committee on Ways and Means                 |
| No. 2436-82 | Committee on Agriculture, then to the Committee on Ways and Means  | No. 2452-82 | Committee on Government Operations and Intergovernmental Relations  |
| No. 2437-82 | Committee on Agriculture   | No. 2453-82 | Committee on Human Resources, then to the Committee on Ways and Means   |
| No. 2438-82 | Committee on Agriculture   | No. 2454-82 | Committee on Housing and Hawaiian Homes   |
| No. 2439-82 | Committee on Agriculture   | No. 2455-82 | Committee on Housing and Hawaiian Homes   |
| No. 2440-82 | Committee on Agriculture, then to the Committee on Ways and Means  | No. 2456-82 | Committee on Ways and Means   |
| No. 2441-82 | Jointly to the Committee on Economic Development and the Committee on Agriculture, then to the Committee on Ways and Means | No. 2457-82 | Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means  |
| No. 2442-82 | Jointly to the Committee on Economic Development and the Committee on Agriculture, then to the Committee on Ways and Means | No. 2458-82 | Committee on Health, then to the Committee on Ways and Means  |
| No. 2443-82 | Committee on Agriculture   | No. 2459-82 | Committee on Judiciary  |
| No. 2444-82 | Committee on Agriculture, then to the Committee on Government  | No. 2460-82 | Committee on Consumer Protection and Commerce   |
|             |  | No. 2461-82 | Committee on Consumer Protection and Commerce   |
|             |  | No. 2462-82 | Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means                                      |

- No. 2463-82 Committee on Judiciary
- No. 2464-82 Committee on Judiciary
- No. 2465-82 Committee on Judiciary
- No. 2466-82 Committee on Judiciary,  
then to the Committee on Ways and Means
- No. 2467-82 Committee on Judiciary
- No. 2468-82 Committee on Ways and Means
- No. 2469-82 Committee on Ecology,  
Environment and Recreation, then  
to the Committee on Ways and Means
- No. 2470-82 Committee on Health,  
then to the Committee on Ways and Means
- No. 2471-82 Committee on Transportation,  
then to the Committee on Judiciary
- No. 2472-82 Committee on Judiciary,  
then to the Committee on Ways and Means
- No. 2473-82 Committee on Housing and  
Hawaiian Homes, then to the Committee  
on Agriculture

#### RE-REFERRAL OF SENATE BILLS

The President made the following re-referral of a bill that was introduced on Monday, February 1, 1982:

Senate Bill Referred to:

- No. 2145-82 Jointly to the Committee  
on Transportation and the Committee  
on Human Resources

The President made the following re-referrals of bills that were introduced on Monday, February 8, 1982:

Senate Bill Referred to:

- No. 2350-82 Committee on Education
- No. 2353-82 Committee on Education

The President made the following re-referral of a bill that was introduced on Wednesday, February 10, 1982:

Senate Bill Referred to:

- No. 2389-82 Committee on Economic  
Development, then to the Committee  
on Ways and Means

At this time, Senator Wong rose and addressed the members of the Senate as follows:

"Mr. President, I rise on a point of personal privilege.

"I would like to take this opportunity before we adjourn, to express something about the cut-off. As we all know, next week Wednesday is the cut-off day for bill introduction. However, since Monday is a holiday, we essentially have a long weekend and two legislative days to get all of our bills in. So, to keep our workflow moving smoothly, I am asking for the cooperation of the members of the Senate with regard to the following:

1. If you have bills ready for introduction, please submit them to the Clerk's office today. Don't wait until next week.
2. If you want any final bills drafted, I'm sure the attorneys and the researchers would appreciate getting your requests today so they have some lead-time to do their work.

3. Senator Yee and I are coordinating our efforts in developing the Senate short form and appropriations bill packages. Please have any requests or suggestions that you may have to us by today.

"In closing, Mr. President, I want to commend all of you, the members of the Senate for the restraint and cooperation that you've shown up to now in keeping down the number of bills introduced this year. The Senate's effort at bill limitation is working and for that I'm very happy. So far this year, we have only introduced a total of 297 Senate bills as compared to the 670 introduced in the House.

"To quote the very familiar lobbyist for small business, 'Thank you very much.'"

#### ADJOURNMENT

At 11:35 o'clock a.m., on motion by Senator Kuroda, seconded by Senator Yee and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 16, 1982.