

THIRTIETH DAY

Wednesday, March 10, 1982

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Ronald Kobata of the Honpa Hongwanji Hawaii Kyodan, after which the Roll was called showing all Senators present with the exception of Senators Ajifu and Yamasaki who were excused.

At this time, the following introductions were made to the members of the Senate:

Senator Yee, on behalf of the Senators from the Sixth District, introduced 33 eighth grade students from Washington Intermediate School, accompanied by their teacher, Mr. Ellis Goto.

Senator Anderson, on behalf of the Senate, introduced 27 members of the Laimi Senior Citizens Club.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 57 to 60) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 57), transmitting House Bill No. 2170-82, which passed Third Reading in the House of Representatives on March 9, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2170-82, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES," passed First Reading and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 58), transmitting House Bill No. 2175-82, which passed Third Reading in the House of Representatives on March 9, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2175-82, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 59), transmitting House Bill No. 2204-82, which passed Third Reading in the House of Representatives on March 9, 1982, was placed on file.

On motion by Senator Cobb, seconded

by Senator Anderson and carried, H.B. No. 2204-82, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 60), transmitting House Bill No. 2565-82, which passed Third Reading in the House of Representatives on March 9, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2565-82, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COOP ASSOCIATION," passed First Reading and was referred to the Committee on Agriculture.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 25 to 33) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 25), entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE ESTABLISHMENT OF A UNITED STATES AGRICULTURAL COOPERATIVE SERVICE BRANCH OFFICE IN HAWAII," was offered by Senators Ajifu, George, Uwayne, Campbell, Toyofuku, Henderson, Holt, Machida, and Mizuguchi.

By unanimous consent, S.C.R. No. 25 was referred to the Committee on Agriculture.

A concurrent resolution (S.C.R. No. 26), entitled: "SENATE CONCURRENT RESOLUTION URGING A CONCERTED STATEWIDE EFFORT TO PROMOTE AND DEVELOP PUBLIC GARDENING PROJECTS, ESPECIALLY FOR SENIOR CITIZENS," was offered by Senators Ajifu, George, Uwayne, Toyofuku, Henderson, Machida and Holt.

By unanimous consent, S.C.R. No. 26 was referred to the Committee on Agriculture.

A concurrent resolution (S.C.R. No. 27), entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEVELOPMENT OF AND REQUESTING A STUDY ON PRIVATE DEVELOPMENT OF AGRICULTURAL PARKS," was offered by Senators Ajifu, Henderson, Carpenter, George, Holt, Ushijima, Campbell, Uwayne and Machida.

By unanimous consent, S.C.R. No. 27 was referred to the Committee on Agriculture.

A concurrent resolution (S.C.R. No. 28), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF STATE AND COUNTY LAND USE AND ZONING LAWS AND RULES WHICH IMPEDE THE DEVELOPMENT OF AGRICULTURE," was offered by Senators Ajifu, Henderson, Carpenter, Holt, George, Uwayne, Toyofuku, Machida and Campbell.

By unanimous consent, S.C.R. No. 28 was referred to the Committee on Agriculture.

A concurrent resolution (S.C.R. No. 29), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING EQUITY FOR 12-MONTH EDUCATIONAL OFFICERS IN THE PUBLIC SCHOOLS," was offered by Senator Abercrombie.

By unanimous consent, S.C.R. No. 29 was referred to the Committee on Education.

A concurrent resolution (S.C.R. No. 30), entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII SUPREME COURT TO ALLOW THE BROADCASTING OF COURT SENTENCING FOR CRIMINAL CASES," was offered by Senators Cayetano, Carpenter and O'Connor.

By unanimous consent, S.C.R. No. 30 was referred to the Committee on Judiciary.

A concurrent resolution (S.C.R. No. 31), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE IMPACT OF ALLOWING SHARES OF A PROFESSIONAL CORPORATION TO BE TRANSFERRED INTO A REVOCABLE LIVING TRUST," was offered by Senators Machida and Yamasaki.

By unanimous consent, S.C.R. No. 31 was referred to the Committee on Ways and Means.

A concurrent resolution (S.C.R. No. 32), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONFERENCE OF PERSONNEL DIRECTORS TO ADOPT UNIFORM RULES FOR THE ADMINISTRATION OF THE CIVIL SERVICE SYSTEM, PUBLIC EMPLOYEES COMPENSATION LAW, AND CLASSIFICATION SYSTEM." was offered by Senators Machida and Yamasaki.

By unanimous consent, S.C.R. No. 32 was referred to the Committee on Human Resources.

A concurrent resolution (S.C.R. No.

33), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING IMMEDIATE ACTION ON THE COMPENSATION PLANS OF SECRETARIAL CLASSES WITHIN THE CIVIL SERVICE," was offered by Senators Machida and Yamasaki.

By unanimous consent, S.C.R. No. 33 was referred to the Committee on Human Resources.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 41 to 49) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 41), entitled: "SENATE RESOLUTION REQUESTING EQUITY FOR 12-MONTH EDUCATIONAL OFFICERS IN THE PUBLIC SCHOOLS," was offered by Senator Abercrombie.

By unanimous consent, S.R. No. 41 was referred to the Committee on Education.

A resolution (S.R. No. 42), entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR THE ESTABLISHMENT OF A UNITED STATES AGRICULTURAL COOPERATIVE SERVICE BRANCH OFFICE IN HAWAII," was offered by Senators Ajifu, George, Uwayne, Yamasaki, Campbell, Toyofuku, Henderson, Holt, Machida and Mizuguchi.

By unanimous consent, S.R. No. 42 was referred to the Committee on Agriculture.

A resolution (S.R. No. 43), entitled: "SENATE RESOLUTION URGING A CONCERTED STATEWIDE EFFORT TO PROMOTE AND DEVELOP PUBLIC GARDENING PROJECTS, ESPECIALLY FOR SENIOR CITIZENS," was offered by Senators Ajifu, Anderson, George, Uwayne, Machida, Campbell, Toyofuku, Henderson and Yamasaki.

By unanimous consent, S.R. No. 43 was referred to the Committee on Agriculture.

A resolution (S.R. No. 44), entitled: "SENATE RESOLUTION ENCOURAGING THE DEVELOPMENT OF AND REQUESTING A STUDY ON PRIVATE DEVELOPMENT OF AGRICULTURAL PARKS," was offered by Senators Ajifu, Henderson, Carpenter, Anderson, George, Holt, Ushijima, Campbell, Uwayne, Machida and Yamasaki.

By unanimous consent, S.R. No. 44 was referred to the Committee on Agriculture.

A resolution (S.R. No. 45), entitled: "SENATE RESOLUTION REQUESTING

A REVIEW OF STATE AND COUNTY LAND USE AND ZONING LAWS AND RULES WHICH IMPEDE THE DEVELOPMENT OF AGRICULTURE," was offered by Senators Ajifu, Henderson, Carpenter, Holt, George, Uwaine, Machida, Yamasaki and Campbell.

By unanimous consent, S.R. No. 45 was referred to the Committee on Agriculture.

A resolution (S.R. No. 46), entitled: "SENATE RESOLUTION URGING THE HAWAII SUPREME COURT TO ALLOW THE BROADCASTING OF COURT SENTENCING FOR CRIMINAL CASES," was offered by Senators Cayetano, Carpenter and O'Connor.

By unanimous consent, S.R. No. 46 was referred to the Committee on Judiciary.

A resolution (S.R. No. 47), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE IMPACT OF ALLOWING SHARES OF A PROFESSIONAL CORPORATION TO BE TRANSFERRED INTO A REVOCABLE LIVING TRUST," was offered by Senators Machida and Yamasaki.

By unanimous consent, S.R. No. 47 was referred to the Committee on Ways and Means.

A resolution (S.R. No. 48), entitled: "SENATE RESOLUTION REQUESTING THE CONFERENCE OF PERSONNEL DIRECTORS TO ADOPT UNIFORM RULES FOR THE ADMINISTRATION OF THE CIVIL SERVICE SYSTEM, PUBLIC EMPLOYEES COMPENSATION LAW, AND CLASSIFICATION SYSTEM," was offered by Senators Machida and Yamasaki.

By unanimous consent, S.R. No. 48 was referred to the Committee on Human Resources.

A resolution (S.R. No. 49), entitled: "SENATE RESOLUTION REQUESTING IMMEDIATE ACTION ON THE COMPENSATION PLANS OF SECRETARIAL CLASSES WITHIN THE CIVIL SERVICE," was offered by Senators Machida and Yamasaki.

By unanimous consent, S.R. No. 49 was referred to the Committee on Human Resources.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand Com. Rep. No. 250-82) informing the Senate that Senate Resolution Nos. 39 and 40 and Standing Committee Report Nos. 238-82 to 249-82 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 Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 251-82) recommending that Senate Concurrent Resolution No. 10, as amended in S.D. 1, be referred to the Committee on Economic Development.

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

The Senate reconvened at 11:45 o'clock a.m.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 10, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE TOURISM PLAN," was referred to the Committee on Economic Development.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 252-82) recommending that Senate Bill No. 2520-82 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 2520-82, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 12, 1982.

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. 2520-82.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 253-82) recommending that Senate Bill No. 2993-82 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 2993-82, entitled: "A BILL FOR AN ACT RELATING TO FATHER DAMIEN DEVEUSTER DAY," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 12, 1982.

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. 2993-82.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 254-82) recommending that Senate Bill No. 2507-82 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 2507-82, entitled: "A BILL FOR AN ACT RELATING TO PERSONS IN NEED OF PROTECTION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 12, 1982.

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. 2507-82.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 255-82) recommending that Senate Bill No. 2307-82 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 2307-82, entitled: "A BILL FOR AN ACT RELATING TO ALLOWANCES FOR LEGISLATORS," passed second Reading and was placed on the calendar for Third Reading on Friday, March 12, 1982.

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. 2307-82.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 256-82) recommending that S.B. No. 2304-82, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 2304-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOBBYING," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 12, 1982.

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. 2304-82, S.D. 1.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 257-82) recommending that Senate Bill No. 2947-82, as amended in S.D. 1, pass Second Reading and

be placed on the calendar for Third Reading.

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.B. No. 2947-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FILIPINO 75TH ANNIVERSARY COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 12, 1982.

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. 2947-82, S.D. 1.

Senator Soares, for the Committee on Public Utilities, presented a report (Stand. Com. Rep. No. 258-82) recommending that Senate Bill No. 2615-82, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Soares, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 2615-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE THEFT OF UTILITY SERVICES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 12, 1982.

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. 2615-82, S.D. 1.

Senator Soares, for the Committee on Public Utilities, presented a report (Stand. Com. Rep. No. 259-82) recommending that Senate Bill No. 2228-82 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Soares, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 2228-82, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 12, 1982.

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. 2228-82.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 260-82) recommending that Senate Bill No. 2232-82, as amended in S.D. 1, pass Second Reading and be recommitted

to the Committee on Consumer Protection and Commerce.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 2232-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Second Reading and was recommitted to the Committee on Consumer Protection and Commerce.

ORDER OF THE DAY

THIRD READING

Senate Bill No. 2322-82, S.D. 1:

By unanimous consent, action on S.B. No. 2322-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE LICENSE PLATES," was deferred until Thursday, March 11, 1982.

Standing Committee Report No. 230-82 (S.B. No. 1390-82, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 230-82 and S.B. No. 1390-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SEIZURE OF UNLICENSED DOGS," was deferred until Thursday, March 11, 1982.

Senate Bill No. 2196-82, S.D. 1:

By unanimous consent, action on S.B. No. 2196-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE STATE OF HAWAII," was deferred until Thursday, March 11, 1982.

Senate Bill No. 2198-82:

By unanimous consent, action on S.B. No. 2198-82, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COMPENSATION CLAIMS ADJUSTMENTS," was deferred until Thursday, March 11, 1982.

Standing Committee Report No. 233-82 (H.B. No. 798, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 233-82 and H.B. No. 798, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTEREST

ON UNDERPAYMENTS AND OVERPAYMENTS," was deferred until Thursday, March 11, 1982.

Standing Committee Report No. 234-82 (H.B. No. 804, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 234-82 and H.B. No. 804, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE, ESTATE TAXES," was deferred until Thursday, March 11, 1982.

Standing Committee Report No. 235-82 (H.B. No. 1100, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 235-82 and H.B. No. 1100, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEE FOR CIVIL IDENTIFICATION CERTIFICATE," was deferred until Thursday, March 11, 1982.

Senate Bill No. 2288-82:

By unanimous consent, action on S.B. No. 2288-82, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," was deferred until Thursday, March 11, 1982.

RE-REFERRAL OF SENATE BILL

The President re-referred the following Senate Bill:

Senate Bill No. 2759-82, which was introduced on Tuesday, February 16, 1982, to the Committee on Ways and Means.

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

The Senate reconvened at 11:47 o'clock a.m.

ADJOURNMENT

At 11:49 o'clock a.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m. on Thursday, March 11, 1982.