

FORTY-THIRD DAY

Tuesday, March 30, 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 Kim On Chong, Minister of the United Church of Christ, after which the Roll was called showing all Senators present with the exception of Senators Carpenter, Cayetano, Kawasaki, Kuroda, O'Connor and Ushijima who were excused.

The President announced that he had read and approved the Journal of the Forty-Second Day.

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

Senator Anderson introduced a group of 40 Pearl City senior citizens.

Senator Young, on behalf of Senator Cayetano, introduced the 1982 Cherry Blossom Queen and her Court, as follows: Queen Jody-Lee Leiko Ige; Princess Marlene Mariko Fujita; Attendants, Carol Jean Imahiro, Carla Miyuki Shimabuku and Nina Mariko Yonemura, also chosen Miss Congeniality; and Miss Popularity, Amy Arakawa.

Senator Uwaine, also on behalf of Senator Cayetano, then introduced the 1982 Nisei Week Queen and her Court, as follows: Queen Frances Shima; Miss Tomodachi, Jo Ann Wada; and Princesses, Angela Kato, Stannyvonne Oishi, Leslie Matsuo, Kelley Morikawa and Sandra Yoshimura.

At 11:45 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.

Senator Holt then introduced Mrs. Jean Redmond of Girwood, Alaska. Senator Holt said that Mrs. Redmond was born and raised in Hawaii; that she is one of the best fishing guides in Girwood and has taught him all about salmon fishing.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 51), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE IMPACT OF AMENDING THE DEFINITION OF 'ADEQUATE RESERVE FUND,'" was offered by Senator Uwaine,

and was read by the Clerk.

By unanimous consent, S.C.R. No. 51 was referred to the Committee on Human Resources.

SENATE RESOLUTION

A resolution (S.R. No. 68), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE IMPACT OF AMENDING THE DEFINITION OF 'ADEQUATE RESERVE FUND,'" was offered by Senator Uwaine, and was read by the Clerk.

By unanimous consent, S.R. No. 68 was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 580-82) informing the Senate that Senate Concurrent Resolution 51, Senate Resolution No. 68, and Standing Committee Report Nos. 581-82 to 587-82 have been printed and distributed to all the members of the Senate.

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. 581-82) recommending that House Bill No. 1963-82, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 1963-82, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DONATION OF FOOD," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 582-82) recommending that House Bill No. 1964-82 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 1964-82, entitled: "A BILL FOR AN ACT RELATING TO VITAL

STATISTICS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 583-82) recommending that House Bill No. 2154-82, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2154-82, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPULSORY SCHOOL ATTENDANCE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1982.

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 584-82) recommending that House Bill No. 2585-82, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the majority of the Committee was adopted and H.B. No. 2585-82, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 585-82) recommending that House Bill No. 2751-82, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2751-82, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS GENERALLY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 586-82) recommending that House Bill No. 2822-82, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted

and H.B. No. 2822-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES RELATED TO DRUGS AND INTOXICATING COMPOUNDS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 587-82) recommending that House Bill No. 3091-82, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 3091-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION REGISTRATION FOR THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1982.

ORDER OF THE DAY

THIRD READING

MATTERS DEFERRED FROM MARCH 29, 1982

House Bill No. 2333-82, H.D. 1:

By unanimous consent, action on H.B. No. 2333-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE REFERENCE BUREAU," was deferred until Wednesday, March 31, 1982.

House Bill No. 2507-82:

By unanimous consent, action on H.B. No. 2507-82, entitled: "A BILL FOR AN ACT RELATING TO TRIALS," was deferred until Wednesday, March 31, 1982.

House Bill No. 2175-82:

By unanimous consent, action on H.B. No. 2175-82, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Wednesday, March 31, 1982.

House Bill No. 2178-82:

By unanimous consent, action on H.B. No. 2178-82, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES AND WILDLIFE," was deferred until Wednesday, March 31, 1982.

House Bill No. 2208-82, H.D. 1:

By unanimous consent, action on H.B. No. 2208-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF QUALIFIED STATE APPRAISERS AS WELL AS INDEPENDENT APPRAISERS TO DETERMINE THE VALUE OF REMNANTS," was deferred until Wednesday, March 31, 1982.

House Bill No. 2176-82, H.D. 2:

By unanimous consent, action on H.B. No. 2176-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Wednesday, March 31, 1982.

House Bill No. 2177-82, H.D. 1:

By unanimous consent, action on H.B. No. 2177-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST AND WATER RESERVE ZONES," was deferred until Wednesday, March 31, 1982.

House Bill No. 2934-82, H.D. 1:

By unanimous consent, action on H.B. No. 2934-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII BANK ACT OF 1931," was deferred until Wednesday, March 31, 1982.

At this time, Senator Abercrombie rose to state as follows:

"Mr. President, speaking briefly on a point of personal privilege concerning the failure of the time-sharing ban to pass the State House yesterday.

"I find it interesting that at the very time that that bill was being killed the Star-Bulletin was reporting, 'Time-sharing figure has Nevada trouble. James R. Quincy, sales consultant, linked in numerous failing time-sharing companies including a Honolulu-based firm, ran into legal problems this week when Nevada State officials shut down a company selling time-sharing in mobile homes.'

"This jackal Quincy is the one who shows up in various places like Nevada with a sales force. They got there in mid-December. He shows up with his pack of dogs and runs through the state over there, just as he did over here with a bankrupt firm.

"The New York Times, March 21st, 'Hawaii acts to curb time-share apartments.'

"It was very interesting that our bill which passed attracted the attention of James D. McGinnis, a Honolulu-based member of the National Time-

Sharing Council which has its headquarters in Washington, D.C., now, said: 'We're going to use every effort to defeat the bill before we have to go to court.' Big money coming after us poor little people in Hawaii.

"Here's the Wall Street Journal, 'the Uniform Condominium Act and the National Conference of Commissioners of Uniform State Laws trying to deal with time-sharing.'

"The time-sharing developers are in there trying to gut everything that's associated with consumer protection. As a matter of fact, Mr. James McCabe who is the Legislative Director of the Uniform Law Commission of the United States says that where the land developers act is concerned with respect to time-shares it's essentially our act, the national act, with all the consumer protection and management provisions removed...all the consumer provisions removed.

"Mr. President, I received a call from the Los Angeles Times. I just finished speaking with the head of their real estate editorial department. They solicited my views, I didn't call them. The reason given to me by the editor was that they believe that the time-sharing ban bill in Hawaii would set the pace for what would happen with time-shares all over the nation; that the Los Angeles Times real estate section editor was very interested because of the problems with time-sharing and whether we were going to be able to stop them because, and I'm quoting the editor now, 'they feel that what Hawaii does will set the pace for the rest of the country.'

"What bothers me, Mr. President, is ordinarily if you have a bill going and it doesn't make it, as you have experienced just within the last 24 hours, you do your best; you try to smile through the pain and so on. But in this particular instance, the arguments that have taken place on this floor and in this Legislature over the years about time-sharing is so well-known.

"The difficulties of trying to deal with it, as the chairman of the Consumer Protection Committee no doubt will attach to it, the agony that he's gone through in trying to deal with these regulations in this area and to have people in the House, particularly the chairman of Consumer Protection, challenge this chamber to pass the ban, saying he would pass it, and then turn tails the way he did yesterday with a lot of baloney about constitutionality and weaknesses in the bill. There's only one weakness in the House, and that resides with the chairman over there

in the Consumer Protection Committee.

"It just bugs me no end to see a situation take place where we have a public commitment by a chairman and we come through with it, trying to protect our own people, and then because of personal, political considerations and big money in this town, we see the public interest of our people in this state being subverted, and most particularly see our tourist industry that we're constantly being touted to promote and protect being undermined and attacked by this pernicious disease called time-sharing.

"What I'm hoping is that we get another opportunity to take this time-sharing ban back to the House and try and find out who's really on the side of the people in this state."

Senator Cobb also rose on a point of personal privilege and stated:

"Mr. President, I too am disappointed with the decision of the House, particularly, when the House chairman had been quoted publicly in the papers that if we send over a ban they would take action and move it out. In effect, the Senate challenged the House to live up to their word and they failed to do so. I would just remark in passing that the battle on time-sharing is far from over."

ADJOURNMENT

At 11:57 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., Wednesday, March 31, 1982.