

ELEVENTH DAY

Wednesday, February 2, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:45 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Captain Lee M. Thompson, Chaplain, United States Air Force, after which the Roll was called showing all Senators present with the exception of Senators Carpenter and Kuroda who were excused.

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

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 64) transmitting a report on the Hawaii Fisheries Coordinating Council (November 1980 - June 1982) which was established in 1980, pursuant to Act 282, prepared by the Department of Land and Natural Resources, was read by the Clerk and was referred to the Committee on Economic Development.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 17 and 18) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 17), entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE CONTINUED GROWTH OF THE BEE INDUSTRY IN HAWAII AND REQUESTING THE LEASING OF PUBLIC LAND FOR BEEKEEPING PURPOSES," was offered by Senators Solomon, Toguchi, A. Kobayashi, Uwaine, Cobb, Chang, B. Kobayashi, Hagino and Fernandes Salling.

By unanimous consent, S.C.R. No. 17 was referred to the Committee on Agriculture.

A concurrent resolution (S.C.R. No. 18), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING STATE AND COUNTY AGENCIES ISSUING PUBLIC CONTRACTS TO INFORM CONTRACTORS OF THE LAWS ALLOWING THE SUBSTITUTION OF RETAINAGE WITH GENERAL OBLIGATION BONDS," was offered by Senators B. Kobayashi, Uwaine, Aki, Chang, Young, Cobb, Mizuguchi, Hagino, Cayetano, Machida, Kuroda and Kawasaki.

By unanimous consent, S.C.R. No. 18 was referred to the Committee on Government Operations and County Relations.

SENATE RESOLUTION

A resolution (S.R. No. 8), entitled: "SENATE RESOLUTION REQUESTING STATE AND COUNTY AGENCIES ISSUING PUBLIC CONTRACTS TO INFORM CONTRACTORS OF THE LAWS ALLOWING THE SUBSTITUTION OF RETAINAGE WITH GENERAL OBLIGATION BONDS," was offered by Senators B. Kobayashi, Uwaine, Aki, Chang, Young, Cobb, Mizuguchi, Hagino, Cayetano, Machida, Kuroda and Kawasaki, and was read by the Clerk.

By unanimous consent, S.R. No. 8 was referred to the Committee on Government Operations and County Relations.

INTRODUCTION OF BILLS

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Thursday, February 3, 1983:

Senate Bills

No. 325 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."

Introduced by: Senators Young, by request, and Machida.

No. 326 "A BILL FOR AN ACT RELATING TO TRANSIENT VACATION RENTALS."

Introduced by: Senators Young, Machida and Carpenter.

No. 327 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Senators Young, Machida, Carpenter, Solomon and Holt.

No. 328 "A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS."

Introduced by: Senators Young, Holt, Machida, Carpenter, Cayetano, Solomon and Fernandes

- Salling.
- No. 329 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Senators Young, Solomon and Holt.
- No. 330 "A BILL FOR AN ACT RELATING TO EMPLOYER VIOLATIONS OF A COLLECTIVE BARGAINING AGREEMENT."
Introduced by: Senator Wong, by request.
- No. 331 "A BILL FOR AN ACT RELATING TO ACCIDENTAL INJURY LEAVE."
Introduced by: Senator Wong, by request.
- No. 332 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES HEALTH FUND AND AMENDING CHAPTER 87, HAWAII REVISED STATUTES."
Introduced by: Senator Wong, by request.
- No. 333 "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE ABSENCE OF PUBLIC OFFICERS AND EMPLOYEES."
Introduced by: Senator Wong, by request.
- No. 334 "A BILL FOR AN ACT RELATING TO NONCOMPETITIVE PROMOTIONS OF PUBLIC OFFICERS AND EMPLOYEES."
Introduced by: Senator Wong, by request.
- No. 335 "A BILL FOR AN ACT RELATING TO THE CIVIL SERVICE LAW ON SUSPENSIONS, DISMISSALS, DEMOTIONS, AND EMPLOYEE STATUS PENDING AN INVESTIGATION OF CHARGES."
Introduced by: Senator Wong, by request.
- No. 336 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE."
Introduced by: Senator Wong, by request.
- No. 337 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."
Introduced by: Senator Wong, by request.
- No. 338 "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES."
Introduced by: Senator Wong, by request.
- No. 339 "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING."
Introduced by: Senator Wong, by request.
- No. 340 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."
Introduced by: Senator Wong, by request.
- No. 341 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."
Introduced by: Senator Wong, by request.
- No. 342 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."
Introduced by: Senator Wong, by request.
- No. 343 "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES."
Introduced by: Senator Wong, by request.
- No. 344 "A BILL FOR AN ACT RELATING TO EMPLOYEES IN CERTAIN EXEMPT POSITIONS IN THE PLANNING AND DEVELOPMENT OFFICE OF THE DEPARTMENT OF AGRICULTURE."
Introduced by: Senator Wong, by request.
- No. 345 "A BILL FOR AN ACT RELATING TO CERTAIN EMPLOYEES IN THE DIVISION OF MILK CONTROL OF THE DEPARTMENT OF AGRICULTURE."
Introduced by: Senator Wong, by request.
- No. 346 "A BILL FOR AN ACT RELATING TO PLANT QUARANTINE INSPECTORS OF THE DEPARTMENT OF AGRICULTURE."
Introduced by: Senator Wong, by request.

No. 347 "A BILL FOR AN ACT
RELATING TO USE OF FIREARMS."

Introduced by: Senator Wong, by
request.

No. 348 "A BILL FOR AN ACT
RELATING TO SHOPLIFTING."

Introduced by: Senator Wong, by
request.

No. 349 "A BILL FOR AN ACT
RELATING TO THE HAWAII
ADMINISTRATIVE PROCEDURE
ACT."

Introduced by: Senator Wong, by
request.

No. 350 "A BILL FOR AN ACT
RELATING TO THE DEPARTMENT
OF THE ATTORNEY GENERAL."

Introduced by: Senator Wong, by
request.

No. 351 "A BILL FOR AN ACT
RELATING TO FINANCIAL
INSTITUTION RECORDS."

Introduced by: Senator Wong, by
request.

No. 352 "A BILL FOR AN ACT
RELATING TO IMITATION
CONTROLLED SUBSTANCES."

Introduced by: Senator Wong, by
request.

No. 353 "A BILL FOR AN ACT
RELATING TO DRUG
PARAPHERNALIA."

Introduced by: Senator Wong, by
request.

No. 354 "A BILL FOR AN ACT
RELATING TO THE PENAL CODE."

Introduced by: Senator Wong, by
request.

No. 355 "A BILL FOR AN ACT
RELATING TO BAIL JUMPING."

Introduced by: Senator Wong, by
request.

No. 356 "A BILL FOR AN ACT
RELATING TO POST CONVICTION
PROCEEDINGS."

Introduced by: Senator Wong, by
request.

No. 357 "A BILL FOR AN ACT
RELATING TO JUVENILES."

Introduced by: Senator Wong, by

request.

No. 358 "A BILL FOR AN ACT
RELATING TO PRINCIPLES OF
JUSTIFICATION UNDER THE
HAWAII PENAL CODE."

Introduced by: Senator Wong, by
request.

No. 359 "A BILL FOR AN ACT
RELATING TO FOODS, DRUGS,
AND COSMETICS."

Introduced by: Senator Wong, by
request.

No. 360 "A BILL FOR AN ACT
RELATING TO EMPLOYMENT OF
PATIENTS AT FACILITIES FOR
THE TREATMENT OF PERSONS
SUFFERING FROM HANSEN'S
DISEASE."

Introduced by: Senator Wong, by
request.

No. 361 "A BILL FOR AN ACT
RELATING TO SCHOOL HEALTH
SERVICES PROGRAM."

Introduced by: Senator Wong, by
request.

No. 362 "A BILL FOR AN ACT
RELATING TO THE ENFORCEMENT
PROGRAM OF THE DEPARTMENT
OF LAND AND NATURAL
RESOURCES."

Introduced by: Senator Wong, by
request.

No. 363 "A BILL FOR AN ACT
RELATING TO THE FUNCTIONS OF
THE DEPARTMENT OF LAND AND
NATURAL RESOURCES."

Introduced by: Senator Wong, by
request.

No. 364 "A BILL FOR AN ACT
RELATING TO GENERAL EXCISE
TAX."

Introduced by: Senator Wong, by
request.

No. 365 "A BILL FOR AN ACT
RELATING TO TAXATION."

Introduced by: Senator Wong, by
request.

No. 366 "A BILL FOR AN ACT
RELATING TO THE COMMISSION
ON TRANSPORTATION."

Introduced by: Senator Wong, by
request.

No. 367 "A BILL FOR AN ACT RELATING TO DRIVING AND ALCOHOL."

Introduced by: Senator Wong, by request.

No. 368 "A BILL FOR AN ACT RELATING TO PUPIL TRANSPORTATION."

Introduced by: Senator Wong, by request.

No. 369 "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY LAW."

Introduced by: Senator Wong, by request.

No. 370 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Senator Fernandes Salling.

No. 371 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS."

Introduced by: Senators Kawasaki, Abercrombie, Cayetano, Kuroda, Aki, Ajifu, Solomon, A. Kobayashi, Holt, Hagino and Fernandes Salling.

No. 372 "A BILL FOR AN ACT RELATING TO THE DEFINITION OF STANDARD BAR."

Introduced by: Senators Kawasaki, Carpenter, Toguchi, Solomon, Cayetano, Chang, Kuroda, Fernandes Salling, Aki, A. Kobayashi, Henderson, Hagino and Yamasaki.

No. 373 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Senators Kawasaki, Carpenter, Toguchi, Solomon, Cayetano, Ajifu, Young, Fernandes Salling, Aki, B. Kobayashi, Uwaine, Hagino and Yamasaki.

No. 374 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS."

Introduced by: Senators Kawasaki, Abercrombie, Kuroda, Carpenter, Cayetano, Ajifu, A. Kobayashi, Solomon, Fernandes Salling and Holt.

No. 375 "A BILL FOR AN ACT TO AMEND SECTION 99-9, HAWAII REVISED STATUTES WITH RESPECT TO INVESTIGATIONS BY THE OMBUDSMAN."

Introduced by: Senator Uwaine.

No. 376 "A BILL FOR AN ACT TO AMEND CHAPTER 96, HAWAII REVISED STATUTES CONCERNING THE OMBUDSMAN, BY ADDING A SECTION EXEMPTING MATTERS CONCERNING PUBLIC EMPLOYMENT RELATIONS."

Introduced by: Senator Uwaine.

No. 377 "A BILL FOR AN ACT REPEALING CHAPTER 96, HAWAII REVISED STATUTES, REFERRING TO THE OMBUDSMAN."

Introduced by: Senator Uwaine.

No. 378 "A BILL FOR AN ACT TO APPLY THE PROVISIONS OF THE HAWAII ADMINISTRATIVE PROCEDURE ACT TO CHAPTER 96, THE OMBUDSMAN LAW."

Introduced by: Senator Uwaine.

No. 379 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX LAW."

Introduced by: Senators Yamasaki, by request, Machida, Solomon, Ajifu, Cobb, Carpenter, Uwaine, Kuroda, Soares, Cayetano, George, Henderson and Aki.

No. 380 "A BILL FOR AN ACT RELATING TO SOCIAL WORK."

Introduced by: Senators Yamasaki, by request, Solomon, Machida, Cobb, Carpenter, Kuroda, Cayetano, Kawasaki, Aki and Uwaine.

No. 381 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FEED AND FORAGE PRODUCTION PROGRAM."

Introduced by: Senators Ajifu and Aki.

No. 382 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A DAIRY INDUSTRY ANALYSIS AND ACTION PROGRAM."

Introduced by: Senators Ajifu and Aki.

No. 383 "A BILL FOR AN ACT RELATING TO FEED."

Introduced by: Senators Toguchi, Solomon, Fernandes Salling, Hagino, Ajifu, Yamasaki, B. Kobayashi, Uwaine, Mizuguchi, Machida, Young, A. Kobayashi, Abercrombie, Aki, Chang, Henderson, George

and Cobb.

No. 384 "A BILL FOR AN ACT
RELATING TO AGRICULTURAL
LANDS."

Introduced by: Senators Toguchi, Solomon, Fernandes Salling, Hagino, Ajifu, Uwayne, Machida, A. Kobayashi, Abercrombie, Aki, Cobb and Chang.

No. 385 "A BILL FOR AN ACT
MAKING AN APPROPRIATION FOR
SUGAR RESEARCH AND
DEVELOPMENT."

Introduced by: Senators Toguchi, Solomon, Carpenter, Fernandes Salling, Chang, Ajifu, Aki, Hagino, George, Kawasaki, Henderson, Cayetano, Yamasaki, Abercrombie, Uwayne, Mizuguchi, Machida, Young and A. Kobayashi.

No. 386 "A BILL FOR AN ACT
RELATING TO AGRICULTURAL
PLANNING AND DEVELOPMENT."

Introduced by: Senators Toguchi, Solomon, Fernandes Salling, Chang, Ajifu, Aki, Hagino, George, Cobb, Abercrombie, B. Kobayashi, A. Kobayashi, Kawasaki, Cayetano, Carpenter, Yamasaki, Uwayne, Mizuguchi and Machida.

No. 387 "A BILL FOR AN ACT
MAKING AN APPROPRIATION FOR
THE PROMOTION OF PINEAPPLES."

Introduced by: Senators Toguchi, Solomon, Fernandes Salling, Chang, Ajifu, Aki, Hagino, George, Henderson, Cayetano, Carpenter, Yamasaki, Uwayne, Mizuguchi, Machida, Young, A. Kobayashi and Abercrombie.

No. 388 "A BILL FOR AN ACT
RELATING TO AGRICULTURAL
PRODUCT PROMOTION."

Introduced by: Senators Toguchi, Solomon, Fernandes Salling, Chang, Ajifu, Mizuguchi, Carpenter, Hagino, Aki, George, Abercrombie, A. Kobayashi, Uwayne, Young, Cayetano, B. Kobayashi, Henderson, Kawasaki, Machida and Yamasaki.

SPECIAL COMMITTEE REPORT

Senator Cayetano, Chairman of the Special Committee to Investigate the Problem of the Pesticide Heptachlor in Locally Produced Milk, presented a report (Spec. Com. Rep. No. 3) of its findings, conclusions and recommendations, was read by the

Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 8) informing the Senate that Special Committee Report No. 3, Senate Concurrent Resolution Nos. 17 and 18, Senate Resolution No. 8, Standing Committee Report No. 9, and Senate Bill Nos. 309 to 324 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

At 11:48 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.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 9) recommending that House Bill No. 2, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, the report of the Committee was adopted and H.B. No. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 3, 1983.

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Tuesday, February 1, 1983:

Senate Bills Referred to:

No. 309 Committee on Govern-
ment Operations and County
Relations

No. 310 Committee on Trans-
portation

No. 311 Committee on Ecology,
Environment and Recreation

No. 312	Committee on Judiciary	Resources, then to the Committee on Ways and Means
No. 313	Committee on Judiciary	
No. 314	Committee on Judiciary	No. 322 Committee on Legislative Management
No. 315	Committee on Judiciary	No. 323 Committee on Human Resources, then to the Committee on Ways and Means
No. 316	Committee on Consumer Protection and Commerce	No. 324 Committee on Agriculture
No. 317	Committee on Judiciary	
No. 318	Committee on Judiciary, then to the Committee on Ways and Means	
No. 319	Committee on Judiciary	
No. 320	Committee on Judiciary	
No. 321	Committee on Human	

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., Thursday, February 3, 1983.