

## TWENTY-FIFTH DAY

Wednesday, March 2, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:30 o'clock a.m., with the President in the Chair.

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

The Chair announced that he had read and approved the Journal of the Twenty-Fourth Day.

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

Senator Cobb, on behalf of Senator Soares and himself, introduced 24 third grade students of Holy Nativity School, Aina Haina, their teacher Mrs. Amy Littlejohn, and parents, Mrs. Kaneshiro, Mrs. Haushalter and Mrs. Nakahodo.

Senator Carpenter, on behalf of the Big Island Senators (Solomon, Henderson and Carpenter), introduced 24 students from Hilo High School, Ka'u High School, and Waiakea High School, and student coordinators: Luann Aki, Lorna Kinoshita, and Whitney Jenkins, their faculty advisor Mrs. Netlie Yokoyama and district advisor Mr. Wallace Aki. Senator Carpenter added that the students are participating in the Legislative Experience Program and have been here at the Legislature for two days.

Senator Carpenter also introduced a group of Big Island residents who are the leaders and coordinators of the agricultural industry, here to participate in the leadership class of the Hawaii Agricultural Leadership Program. The group was accompanied by Mr. Howard Takata, their coordinator.

Senator Soares then introduced a group of retirees of Local 5, Hotel Workers Union, and Mrs. Agnes Teixeira, their escort. Senator Soares especially recognized Mrs. Teixeira as a loyal and hard-working campaign worker in the 17 years that he has been in politics.

Senator Kobayashi introduced Anna Vesikula, Margaret Nakikus and Cecelia Kave who are recipients of Pacific Fellow Grants of the American

Association of University Women, Honolulu Branch. Mrs. Florence Lau of the American Association of University Women accompanied the distinguished ladies.

At 11:42 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. with the Vice-President presiding in the Chair.

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 159) transmitting copies of the reports, "State Activities to Implement Priority Directions of The Hawaii State Plan," February 1983, and "County Activities to Implement Priority Directions of The Hawaii State Plan," February 1983, that are separate attachments to the "State Plan Policy Council Progress Report on Activities Conducted in Furtherance of The Hawaii State Plan," January 1983, prepared by the Department of Planning and Economic Development with the assistance of other state and county agencies, in response to Chapter 226, HRS, was read by the Clerk and was referred to the Committee on Economic Development.

## HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 21) transmitting House Concurrent Resolution No. 17, which was adopted by the House of Representatives on March 1, 1983, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION RESPECTFULLY URGING THE PRESIDENT AND THE CONGRESS TO AUTHORIZE THE CONTINUED USE OF TAX-EXEMPT REVENUE BONDS AS THE PRIMARY SOURCE OF FUNDING FOR HAWAII'S HULA MAE MORTGAGE LOAN PROGRAM," was referred to the Committee on Housing and Urban Development.

## SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 28), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY OF THE

EFFECT OF HAWAII'S PREPAID HEALTH CARE LAWS ON THE TEMPORARY HELP INDUSTRY," was offered by Senators B. Kobayashi and Mizuguchi, and was read by the Clerk.

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

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 40 to 43) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 40), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF TOURISM PROMOTION ACTIVITIES OF COUNTRIES IN THE PACIFIC AREA," was offered by Senator Soares.

By unanimous consent, S.R. No. 40 was referred to the Committee on Tourism.

A resolution (S.R. No. 41), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE USE OF HERBICIDES, PESTICIDES, TOXIC SPRAYS, AND SIMILAR CHEMICALS IN RESIDENTIAL NEIGHBORHOODS," was offered by Senator Soares.

By unanimous consent, S.R. No. 41 was referred to the Committee on Ecology, Environment and Recreation.

A resolution (S.R. No. 42), entitled: "SENATE RESOLUTION RELATING TO THE ESTABLISHMENT OF ENVIRONMENTAL AND RECREATIONAL SAFEGUARDS REGULATING STATE-LICENSED MARICULTURAL OPERATIONS AND OCEAN LEASING IN THE SEA WATERS OF THE STATE," was offered by Senators Solomon, Cayetano, Chang, Machida, Uwayne, Henderson, Young, Hagino, B. Kobayashi and Toguchi.

By unanimous consent, S.R. No. 42 was referred to the Committee on Ecology, Environment and Recreation.

A resolution (S.R. No. 43), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY OF THE EFFECT OF HAWAII'S PREPAID HEALTH CARE LAWS ON THE TEMPORARY HELP INDUSTRY," was offered by Senators B. Kobayashi and Mizuguchi.

By unanimous consent, S.R. No. 43

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. 29) informing the Senate that Senate Concurrent Resolution No. 28, Senate Resolution Nos. 40 to 43, and Standing Committee Report Nos. 30 to 56 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.

Senator Hagino, for the Committee on Federal Relations, presented a report (Stand. Com. Rep. No. 30) recommending that Senate Bill No. 116, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 116, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAJOR DISASTER FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 31) recommending that Senate Bill No. 239, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 239, S.D.1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BAIL BOND SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 32) recommending that Senate Bill No. 318, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and S.B. No. 318, entitled: "A BILL FOR AN ACT RELATING TO PROBATION

FUNCTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 33) recommending that Senate Bill No. 487, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 487, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 34) recommending that Senate Bill No. 491, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 491, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 35) recommending that Senate Bill No. 497, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 497, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 36) recommending that Senate Bill No. 532, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 532, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO PRE-TRIAL DETAINEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 37) recommending that Senate Bill No. 705, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 705, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 38) recommending that Senate Bill No. 1159, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1159, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHING A PUBLIC GUARDIANSHIP AGENCY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 39) recommending that Senate Bill No. 1292, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1292, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF SETTLEMENT OF THE HOLO HOLO CASES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 40) recommending that Senate Bill No. 1277, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee

was adopted and S.B. No. 1277, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNSEL AND OTHER SERVICES FOR INDIGENT DEFENDANTS IN CRIMINAL CASES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 41) recommending that Senate Bill No. 437, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 437, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE TRANSMISSION OF CRIMINAL JUSTICE DATA AND INFORMATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 42) recommending that Senate Bill No. 891, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and S.B. No. 891, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF NEGOTIATED SETTLEMENT BETWEEN RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII AND HAWAIIAN DREDGING AND CONSTRUCTION COMPANY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 43) recommending that Senate Bill No. 938, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 938, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESS FEES IN CIVIL AND CRIMINAL CASES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 44) recommending that Senate Bill No. 1039, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1039, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF A VICTIM-WITNESS FUNDING PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 45) recommending that Senate Bill No. 1237, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1237, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS AND MAKING AN APPROPRIATION THEREFOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 46) recommending that Senate Bill No. 215, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 215, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGISTRATION OF AIRCRAFT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the majority of the Committee on Transportation, presented a report (Stand. Com. Rep. No. 47) recommending that Senate Bill No. 390, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and S.B. No. 390, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

HARBORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 48) recommending that Senate Bill No. 439, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 439, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITED MOTOR AND OTHER VEHICLE EQUIPMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Uwaine, for the majority of the Committee on Transportation, presented a report (Stand. Com. Rep. No. 49) recommending that Senate Bill No. 730, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and S.B. No. 730, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU FOR IMPROVEMENTS TO MOANALUA ROAD, OAHU," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 50) recommending that Senate Bill No. 731, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 731, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU FOR IMPROVEMENTS TO GOVERNMENT ROADS IN WAIANAË," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Uwaine, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 51) recommending that Senate Bill No. 732, pass Second Reading and be referred to the Committee on Ways

and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 732, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU FOR IMPROVEMENTS TO WILSON TUNNEL VENTILATION AND LIGHTING SYSTEMS, OAHU," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 52) recommending that Senate Bill No. 551, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 551, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 53) recommending that Senate Bill No. 1037, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1037, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRODUCT LIABILITY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 54) recommending that Senate Bill No. 380, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 380, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the majority of the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 55) recommending that Senate Bill No. 539, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and S.B. No. 539, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 56) recommending that

Senate Bill No. 207, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 207, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed Second Reading and was referred to the Committee on Judiciary.

#### ADJOURNMENT

At 11:47 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, March 3, 1983.