

THIRTY-FIRST DAY

Thursday, March 10, 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 the Reverend Harvey Angel, Pastor of First Baptist Church of Haleiwa, after which the Roll was called showing all Senators present with the exception of Senators Ajifu, Fernandes Salling, Holt, Kawasaki, B. Kobayashi, Kuroda, Solomon, Yamasaki and Young who were excused.

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

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 161), dated February 25, 1983, transmitting for consideration a proposal for a senate concurrent resolution to amend Executive Order No. 1446, which was signed in 1951, to set aside state land to the City and County of Honolulu for "Memorial Park and Natatorium," was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 46 to 49), were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 46) returning Senate Concurrent Resolution No. 1, which was adopted by the House of Representatives on March 9, 1983, was placed on file.

A communication from the House (Hse. Com. No. 47) transmitting House Bill No. 210, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 210, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHICKEN EGGS," passed First Reading by title and was referred to the Committee on Agriculture.

A communication from the House (Hse. Com. No. 48) transmitting House Bill No. 882, which passed Third Reading in the House of Representatives on March 9, 1983, was

placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 882, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 49) transmitting House Concurrent Resolution No. 117, which was adopted by the House of Representatives on March 9, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION PRAISING AND COMMENDING THE ETHNIC STUDIES PROGRAM AT THE UNIVERSITY OF HAWAII AT MANOA FOR ITS STEADY ACADEMIC IMPROVEMENT DURING THE PAST THREE YEARS," was adopted.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 33 to 41) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 33), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STUDY OF A RESIDENTIAL PROPERTY TRANSFER CODE," was offered by Senators Cobb, Chang, B. Kobayashi, Cayetano, Hagino and Uwaine.

By unanimous consent, S.C.R. No. 33 was referred to the Committee on Consumer Protection and Commerce.

A concurrent resolution (S.C.R. No. 34), entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP THROUGH PRIVATE DEVELOPERS AND CAPITAL CERTAIN LANDS FOR CERTAIN ENUMERATED PURPOSES," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 34 was referred to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 35), entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE DEPARTMENT OF

LAND AND NATURAL RESOURCES' INTENT TO EXPAND THE USE OF CONCESSION AGREEMENTS TO DEVELOP AND OPERATE CAMPING AND CABIN RENTAL FACILITIES IN CERTAIN STATE PARKS," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 35 was referred to the Committee on Ecology, Environment and Recreation.

A concurrent resolution (S.C.R. No. 36), entitled: "SENATE CONCURRENT RESOLUTION CONCURRING WITH THE AMENDMENT OF EXECUTIVE ORDER NO. 1446 COVERING THE WAIKIKI WAR MEMORIAL PARK AND NATATORIUM," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 36 was referred to the Committee on Ecology, Environment and Recreation.

A concurrent resolution (S.C.R. No. 37), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE NECESSITY AND FEASIBILITY OF A COMPREHENSIVE REVIEW OF THE HAWAII INSURANCE LAWS," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 37 was referred to the Committee on Consumer Protection and Commerce.

A concurrent resolution (S.C.R. No. 38), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO REVIEW THE IMPLEMENTATION AND ADMINISTRATION OF THE PILOTAGE LAW," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 38 was referred to the Committee on Consumer Protection and Commerce.

A concurrent resolution (S.C.R. No. 39), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A POLICY ON LONG TERM CARE FOR THE ELDERLY," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 39 was referred to the Committee on Youth and Elderly Affairs.

A concurrent resolution (S.C.R. No. 40), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE TAX REVIEW COMMISSION," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 40 was referred to the Committee on Ways and Means.

A concurrent resolution (S.C.R. No. 41), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON IMPROVING AIR CARRIER SERVICE FOR MOVING DIVERSIFIED HAWAII AGRICULTURAL PRODUCTS," was offered by Senator Wong, by request.

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

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 51 and 52) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 51), entitled: "SENATE RESOLUTION REQUESTING THE STUDY OF A RESIDENTIAL PROPERTY TRANSFER CODE," was offered by Senators Cobb, Chang, B. Kobayashi, Cayetano, Carpenter, Machida, Hagino, Toguchi, Uwayne and Yamasaki.

By unanimous consent, S.R. No. 51 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 52), entitled: "SENATE RESOLUTION URGING EMPLOYERS TO DEVELOP POLICIES TO RETAIN, HIRE, AND PROMOTE OLDER WORKERS," was offered by Senators Solomon, Toguchi, Kuroda, Holt, Young, Uwayne, George and Mizuguchi.

By unanimous consent, S.R. No. 52 was referred to the Committee on Youth and Elderly Affairs.

STANDING COMMITTEE REPORTS

Senator Cobb, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 233) informing the Senate that Senate Concurrent Resolution Nos. 33 to 41, Senate Resolution Nos. 51 and 52, and Standing Committee Report Nos. 234 to 252 have been printed and have been distributed to the members of the Senate.

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

Senator Cobb, for the Committee on

Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 234) recommending that Senate Bill No. 21, 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 Soares and carried, the report of the Committee was adopted and S.B. No. 21, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUND RAISING," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 235) recommending that Senate Bill No. 242 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 242, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 236) recommending that Senate Bill No. 247, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

Senator Cobb then moved that Stand. Com. Rep. No. 236 and S.B. No. 247, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE AND COLLECTION SERVICING AGENTS," be recommitted to the Committee on Consumer Protection and Commerce, seconded by Senator Soares and carried.

Senator Machida, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 237) recommending that Senate Bill No. 121 pass Second Reading and be placed on the calendar for Third Reading.

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. 121, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROL OF TUBERCULOSIS," passed Second Reading and was placed on the

calendar for Third Reading on Monday, March 14, 1983.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 238) recommending that Senate Bill No. 129 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 129, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 239) recommending that Senate Bill No. 670 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 670, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 240) recommending that Senate Bill No. 124 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 124, entitled: "A BILL FOR AN ACT RELATING TO THE REQUIRED BLOOD SAMPLES OF PREGNANT WOMEN," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 241) recommending that Senate Bill No. 822, 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 Soares and carried, the report of the Committee was adopted and S.B. No. 822, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENTAL DISABILITIES COUNCIL," passed Second Reading and was placed on

the calendar for Third Reading on Monday, March 14, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 242) recommending that Senate Bill No. 498, 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 Soares and carried, the report of the Committee was adopted and S.B. No. 498, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 243) recommending that Senate Bill No. 79, 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 Soares and carried, the report of the Committee was adopted and S.B. No. 79, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JURY DUTY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 244) recommending that Senate Bill No. 290, 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 Soares and carried, the report of the Committee was adopted and S.B. No. 290, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUITS BETWEEN SPOUSES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 245) recommending that Senate Bill No. 1152, 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 Soares and carried, the report of the majority of the Committee was adopted and S.B.

No. 1152, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 7, OF THE HAWAII CONSTITUTION, TO DELETE THE REQUIREMENT OF RESIGNATION FROM PRESENT OFFICE TO BECOME A CANDIDATE FOR ANOTHER OFFICE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 246) recommending that Senate Bill No. 255, 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 Soares and carried, the report of the Committee was adopted and S.B. No. 255, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS BROUGHT INTO THE STATE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 247) recommending that Senate Bill No. 605, 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 Soares and carried, the report of the Committee was adopted and S.B. No. 605, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 248) recommending that Senate Bill No. 980, 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 Soares and carried, the report of the Committee was adopted and S.B. No. 980, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY HOSPITALS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com.

Rep. No. 249) recommending that Senate Bill No. 1337, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Consumer Protection and Commerce for further consideration.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1337, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USURY," passed First Reading and was recommitted to the Committee on Consumer Protection and Commerce for further consideration.

Senator Fernandes Salling, for the Committee on Hawaiian Programs, presented a report (Stand. Com. Rep. No. 250) recommending that Senate Bill No. 618, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 618, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS' TRUSTEES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Fernandes Salling, for the Committee on Hawaiian Programs, presented a report (Stand. Com. Rep. No. 251) recommending that Senate Bill No. 722, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 722, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

Senator Fernandes Salling, for the Committee on Hawaiian Programs, presented a report (Stand. Com. Rep. No. 252) recommending that Senate Bill No. 920, 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 Soares and carried, the report of the Committee was adopted and S.B. No. 920, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS

AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1983.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

ORDER OF THE DAY

THIRD READING

Senate Bill No. 363:

On motion by Senator Chang, seconded by Senator Hagino and carried, S.B. No. 363, entitled: "A BILL FOR AN ACT RELATING TO THE FUNCTIONS OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, none. Excused, 9 (Ajifu, Fernandes Salling, Holt, Kawasaki, B. Kobayashi, Kuroda, Solomon, Yamasaki and Young).

Senate Bill No. 134:

On motion by Senator Chang, seconded by Senator Hagino and carried, S.B. No. 134, entitled: "A BILL FOR AN ACT RELATING TO EXCLUSION OF STOCK FROM FOREST RESERVATIONS, GAME MANAGEMENT AREAS AND PUBLIC HUNTING AREAS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, none. Excused, 9 (Ajifu, Fernandes Salling, Holt, Kawasaki, B. Kobayashi, Kuroda, Solomon, Yamasaki and Young).

At 12:00 o'clock noon, the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

At this time, Senator Carpenter, Chairman of the Committee on Judiciary, requested a waiver of the 48-hour notice of a Public Hearing on the following measures:

S.B. No. 127, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS";

S.B. No. 1100, entitled: "A BILL

FOR AN ACT RELATING TO
DRUGS"; and

S.B. No. 1282, entitled: "A BILL
FOR AN ACT RELATING TO
MENTAL HEALTH,"

and the President granted the waiver.

ADJOURNMENT

At 12:06 o'clock p.m., on motion by
Senator Cobb, seconded by Senator
Soares and carried, the Senate
adjourned until 11:30 o'clock a.m.,
Friday, March 11, 1983.