

## EIGHTEENTH DAY

Friday, February 8, 1985

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985, convened at 11:40 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Father Francis Dennehy, Associate Pastor, Cathedral of Our Lady of Peace, after which the Roll was called showing all Senators present.

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

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

Senator Hagino introduced 35 senior citizens from the community of Whitmore. They were accompanied by their leader and good friend of Senator Hagino, Mr. Hiram Diamond.

Senator Kuroda then introduced a group from Fukuoka, Japan, as follows:

"Mr. President, since the establishment of the Fukuoka-Hawaii sister-state relationship in 1982, more and more visitors from Fukuoka have come to Hawaii. There are groups of various organizations, some social, some service, and then there are groups associated with elected officials.

"This group visiting with us today is a group called the 'koenkai.' The 'koenkai' is a group of supporters. A 'koenkai' may number anywhere from six to 200. We have a group of 34 visiting us. They are associated with assemblyman Yoshiharu Takahashi. Senator Takahashi himself will be coming tomorrow morning, inasmuch as he had to complete some work back in Fukuoka.

"I'd like to first introduce Mr. Fumio Hosaka, the leader, and will the rest all stand up and be recognized.

"Mr. President, I am proud to wear my hapi coat on this Aloha Friday which signifies the excellent sister-state relationship between Fukuoka and Hawaii."

Senator Matsuura introduced, on behalf of the Big Island legislators, Dr. Dick Lundborg, a fellow doctor from Hilo.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 163 to 165) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 163, transmitting a

report, "Hawaii Ocean Science & Technology Park Marketing & Feasibility Studies," from the High Technology Development Corporation, was referred to the Committee on Economic Development.

Gov. Msg. No. 164, transmitting a report, "An Assessment of Fishery Policy Implementation in the State of Hawaii: 1980-84," prepared by University of Hawaii, in response to S.R. No. 43 (1984) and H.R. No. 7 (1984), Requesting an Analysis of Current Fishery Policies and Long-term Impact of Fishing, was referred to the Committee on Economic Development.

Gov. Msg. No. 165, transmitting a report, "Hawaii County Hospital Network Comprehensive Implementation Plan," from the Department of Health, pursuant to Act 285-84, Sec. 17D, was referred to the Committee on Health.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 29 to 30) were read by the Clerk and were disposed of as follows:

Dept. Com. No. 29 from the Judiciary, transmitting the "Report to the Legislature, Grants, Subsidies, and Purchase of Services, Fiscal Biennium 1985-87," pursuant to Sec. 42-5, HRS, was referred to the Committee on Judiciary.

Dept. Com. No. 30 from the Office of the Administrative Director of the Courts, transmitting "The Judiciary State of Hawaii Legislative Program, Thirteenth Legislature 1985 Session," was referred to the Committee on Judiciary.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 2 and 3) were read by the Clerk and were disposed of as follows:

S.C.R. No. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE 1985 STATE TAX REVIEW COMMISSION TO EXAMINE MEASURES TO ENCOURAGE THE FLOW OF VENTURE CAPITAL INTO HAWAII," was offered by Senator Soares.

By unanimous consent, S.C.R. No. 2 was referred to the Committee on Ways and Means.

S.C.R. No. 3, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A FUNCTIONAL AND IMPLEMENTATION PLAN TO ESTABLISH A DEPARTMENT

OF CORRECTIONS," was offered by Senators George, Soares, Henderson, Kuroda, McMurdo, Chang, Solomon, Hagino, Toguchi, A. Kobayashi and Cayetano.

By unanimous consent, action on S.C.R. No. 3 was deferred until Monday, February 11, 1985.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 6 to 10) were read by the Clerk and were disposed of as follows:

S.R. No. 6, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENCOURAGE THE USE OF SCHOOL FACILITIES FOR AFTER-SCHOOL CARE PROGRAMS FOR SCHOOL-AGE CHILDREN," was offered by Senator Soares.

By unanimous consent, S.R. No. 6 was referred to the Committee on Education.

S.R. No. 7, entitled: "SENATE RESOLUTION REQUESTING THE 1985 STATE TAX REVIEW COMMISSION TO EXAMINE MEASURES TO ENCOURAGE THE FLOW OF VENTURE CAPITAL INTO HAWAII," was offered by Senator Soares.

By unanimous consent, S.R. No. 7 was referred to the Committee on Ways and Means.

S.R. No. 8, entitled: "SENATE RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON EXCHANGES," was offered by Senator Wong, by request.

By unanimous consent, S.R. No. 8 was referred to the Committee on Economic Development.

S.R. No. 9, entitled: "SENATE RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON THE EXCHANGE OF PUBLIC LAND FOR PRIVATE LAND," was offered by Senator Wong, by request.

By unanimous consent, S.R. No. 9 was referred to the Committee on Economic Development.

S.R. No. 10, entitled: "SENATE RESOLUTION REQUESTING THE DEVELOPMENT OF A FUNCTIONAL AND IMPLEMENTATION PLAN TO ESTABLISH A DEPARTMENT OF CORRECTIONS," was offered by Senators George, Soares, Henderson, McMurdo, Chang, Solomon,

Hagino, Toguchi, A. Kobayashi and Cayetano.

By unanimous consent, action on S.R. No. 10 was deferred until Monday, February 11, 1985.

#### INTRODUCTION OF SENATE 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 Monday, February 11, 1985:

No. 496 "A BILL FOR AN ACT RELATING TO BINGO."

Introduced by: Senators Kuroda, Fernandes Salling, Chang, Kawasaki, B. Kobayashi, Solomon, Aki, Cayetano, Machida, Yamasaki, Hee, McMurdo and Mizuguchi.

No. 497 "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATE-OPERATED LOTTERY SYSTEM."

Introduced by: Senators Kuroda, Chang, Solomon, Aki, Cayetano and Yamasaki.

No. 498 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO REQUIRE THE CONSENT OF THE SENATE FOR RETENTION OF JUSTICES AND JUDGES."

Introduced by: Senator Chang.

No. 499 "A BILL FOR AN ACT RELATING TO OFF-TRACK WAGERING."

Introduced by: Senators Chang, Solomon, Hagino, McMurdo, Yamasaki and Cayetano.

No. 500 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Introduced by: Senator Chang.

No. 501 "A BILL FOR AN ACT RELATING TO THE APPOINTMENT OF INTERPRETERS FOR HEARING-IMPAIRED INDIVIDUALS."

Introduced by: Senator Chang.

No. 502 "A BILL FOR AN ACT RELATING TO GREYHOUND RACING."

Introduced by: Senators Chang, by request, McMurdo, Cayetano and Yamasaki.

No. 503 "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A

## STATE-OPERATED LOTTERY SYSTEM."

Introduced by: Senators Chang, by request, and Yamasaki.

## No. 504 "A BILL FOR AN ACT RELATING TO NEWSPAPERS."

Introduced by: Senators Kawasaki, Abercrombie, Fernandes Salling, McMurdo, Toguchi, Hee and Chang.

## No. 505 "A BILL FOR AN ACT RELATING TO THE NEWSPAPER ANTITRUST EXEMPTION."

Introduced by: Senators Kawasaki, Abercrombie, Fernandes Salling, McMurdo, Toguchi, Chang and Hee.

## No. 506 "A BILL FOR AN ACT RELATING TO NEWSPAPERS."

Introduced by: Senators Kawasaki, Fernandes Salling, Abercrombie, Hee and Chang.

## No. 507 "A BILL FOR AN ACT RELATING TO SENTENCING."

Introduced by: Senators Kawasaki, Matsuura and Fernandes Salling.

## No. 508 "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION."

Introduced by: Senators Kawasaki, Yamasaki, Cayetano, Matsuura, Chang and Fernandes Salling.

## No. 509 "A BILL FOR AN ACT RELATING TO RIGHTS OF VICTIMS AND WITNESSES IN CRIMINAL PROCEEDINGS."

Introduced by: Senators Kawasaki, Yamasaki, Cayetano, Matsuura, Chang and Fernandes Salling.

## No. 510 "A BILL FOR AN ACT RELATING TO MEDICINE."

Introduced by: Senator Hagino.

## No. 511 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO KAPIOLANI WOMEN'S AND CHILDREN'S MEDICAL CENTER."

Introduced by: Senators Machida, B. Kobayashi, Kuroda, Abercrombie, Solomon, Chang, Soares, Aki, George, Mizuguchi, Yamasaki, Cayetano, McMurdo, Matsuura, A. Kobayashi, Hagino, Young, Holt, Fernandes Salling and Toguchi.

## No. 512 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT."

Introduced by: Senators Solomon, Henderson, Matsuura, Young, Kuroda, Aki, Toguchi, Soares, A. Kobayashi, Holt, Hagino, Yamasaki, Hee, Chang, Cayetano, Fernandes Salling, B. Kobayashi, Mizuguchi, Machida and McMurdo.

## No. 513 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MAIN STREET PROGRAM TO REVITALIZE THE CENTRAL BUSINESS DISTRICT OF HILO, HAWAII."

Introduced by: Senators Matsuura, Solomon and Henderson.

## No. 514 "A BILL FOR AN ACT RELATING TO HIKING TRAILS."

Introduced by: Senators A. Kobayashi, Chang, Henderson, Soares, Young, Hagino, Kuroda, Aki, Toguchi, George, Yamasaki and McMurdo.

## No. 515 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY OF BEACH EROSION."

Introduced by: Senators A. Kobayashi, Chang, Soares, Henderson, Young, Hagino, Kuroda, Aki, Toguchi, George, Yamasaki and McMurdo.

## No. 516 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROMOTION OF BEEF AND OTHER AGRICULTURAL COMMODITIES NOT PRESENTLY COVERED UNDER LEGISLATIVE FUNDING."

Introduced by: Senators Solomon, Holt, Cayetano, Toguchi, McMurdo, Machida and Chang.

## No. 517 "A BILL FOR AN ACT RELATING TO FARM LOANS."

Introduced by: Senators Solomon, Holt, Cayetano, Toguchi, A. Kobayashi, McMurdo, Machida and Chang.

## No. 518 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A COUNTY EXTENSION AGENT UNDER THE COOPERATIVE EXTENSION SERVICE OF MAUI."

Introduced by: Senators Solomon, Holt, Cayetano, Toguchi, A. Kobayashi, McMurdo, Machida and Chang.

## No. 519 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A POST-HARVEST COOLING FACILITY ON MOLOKAI."

Introduced by: Senators Solomon, Machida, Holt, Cayetano, Toguchi, A.

Kobayashi, McMurdo and Chang.

No. 520 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A POST-HARVEST COOLING FACILITY ON KAUAI."

Introduced by: Senators Solomon, Holt, Cayetano, Toguchi, A. Kobayashi, McMurdo, Machida and Chang.

No. 521 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII VISITORS BUREAU MARKETING AND PROMOTION CAMPAIGN."

Introduced by: Senators Soares, A. Kobayashi and George.

No. 522 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR MAKING HAWAII INTO A REGIONAL FISHERIES CENTER."

Introduced by: Senators Soares, A. Kobayashi and George.

No. 523 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO FUND HAWAII PATIENT ENRICHMENT, INC."

Introduced by: Senators Matsuura, Fernandes Salling and Henderson.

No. 524 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ATHLETIC DEPARTMENT IN THE UNIVERSITY OF HAWAII AT MANOA, OAHU."

Introduced by: Senator Abercrombie.

No. 525 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ATHLETIC DEPARTMENT IN THE UNIVERSITY OF HAWAII AT MANOA, OAHU."

Introduced by: Senator Abercrombie.

No. 526 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STRENGTH EQUIPMENT AT THE UNIVERSITY OF HAWAII AT MANOA, OAHU."

Introduced by: Senator Abercrombie.

No. 527 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STRENGTH EQUIPMENT FOR THE ATHLETIC DEPARTMENT AT THE UNIVERSITY OF HAWAII, MANOA, OAHU."

Introduced by: Senator Abercrombie.

No. 528 "A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR THE WEIGHT FACILITIES OF THE ATHLETIC DEPARTMENT OF THE UNIVERSITY OF HAWAII AT MANOA, OAHU."

Introduced by: Senator Abercrombie.

No. 529 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WEIGHT FACILITIES OF THE UNIVERSITY OF HAWAII AT MANOA, OAHU."

Introduced by: Senator Abercrombie.

No. 530 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO TRAINING ROOM FACILITIES AT THE UNIVERSITY OF HAWAII AT MANOA, OAHU."

Introduced by: Senator Abercrombie.

No. 531 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF HEALTH, PHYSICAL EDUCATION, AND RECREATION AT THE UNIVERSITY OF HAWAII AT MANOA, OAHU."

Introduced by: Senator Abercrombie.

No. 532 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR OBTAINING UNIVERSITY STUDENT HELP TO MAINTAIN AND SUPERVISE THE LOCKER AND WEIGHT ROOM FACILITIES AT THE UNIVERSITY OF HAWAII AT MANOA, OAHU."

Introduced by: Senator Abercrombie.

No. 533 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A HONOLULU INTEGRATED TRANSIT SYSTEM."

Introduced by: Senator Cayetano, by request.

No. 534 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR ACQUIRING FORT DERUSSY LAND MAUKA OF KALIA ROAD, HONOLULU, OAHU."

Introduced by: Senator Soares.

No. 535 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE ACQUISITION OF LAND FOR A PARK AT QUEEN'S BEACH, EAST OAHU."

Introduced by: Senator Soares.

No. 536 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION FOR A

MUNICIPAL GOLF COURSE AT  
KEALAKEHE, NORTH KONA."

Introduced by: Senators Henderson,  
Solomon and Matsuura.

No. 537 "A BILL FOR AN ACT  
MAKING AN APPROPRIATION FOR THE  
CONSTRUCTION OF AN AGRICULTURAL  
PRODUCTS COOLING AND COLD  
STORAGE FACILITY AT MOLOKAI,  
COUNTY OF MAUI."

Introduced by: Senators Machida and  
Yamasaki.

No. 538 "A BILL FOR AN ACT  
RELATING TO TEMPORARY TOTAL  
DISABILITY."

Introduced by: Senators McMurdo,  
Chang and Abercrombie.

No. 539 "A BILL FOR AN ACT  
RELATING TO ALARM BUSINESSES."

Introduced by: Senators Fernandes  
Salling, George, Kuroda, Chang, Toguchi,  
Young, Yamasaki, Solomon, Matsuura, A.  
Kobayashi, Mizuguchi, Kawasaki and  
McMurdo.

No. 540 "A BILL FOR AN ACT  
RELATING TO THE STATE WATER CODE."

Introduced by: Senators Fernandes  
Salling, Toguchi, Solomon, B. Kobayashi,  
Yamasaki, Kawasaki, McMurdo, Young,  
Chang and Hee.

No. 541 "A BILL FOR AN ACT  
RELATING TO POLICE DEPARTMENTS."

Introduced by: Senators Fernandes  
Salling, Kuroda, Chang, Toguchi,  
Matsuura, Kawasaki and McMurdo.

No. 542 "A BILL FOR AN ACT  
RELATING TO POLICE DEPARTMENTS."

Introduced by: Senators Fernandes  
Salling, by request, B. Kobayashi,  
Yamasaki, Henderson, Kawasaki,  
McMurdo, Soares, Young, Kuroda, Chang  
and Hee.

No. 543 "A BILL FOR AN ACT  
RELATING TO A COUNTY OPTION ON A  
HOTEL ROOM OCCUPANCY TAX."

Introduced by: Senators Fernandes  
Salling, Toguchi, B. Kobayashi, Kawasaki,  
McMurdo, Chang and Hee.

No. 544 "A BILL FOR AN ACT  
RELATING TO FIREARMS, AMMUNITIONS,  
AND DANGEROUS WEAPONS."

Introduced by: Senators Fernandes  
Salling, Matsuura, George, Toguchi, B.  
Kobayashi, Kawasaki and McMurdo.

No. 545 "A BILL FOR AN ACT  
RELATING TO EMPLOYMENT."

Introduced by: Senator B. Kobayashi.

No. 546 "A BILL FOR AN ACT  
RELATING TO EXEMPTING A  
GOVERNMENT SERVICE COMPANY."

Introduced by: Senators B. Kobayashi,  
George, Soares, Solomon and Cobb.

No. 547 "A BILL FOR AN ACT  
RELATING TO REIMBURSEMENT TO THE  
CITY AND COUNTY OF HONOLULU  
UNDER SECTION 70-111, HAWAII REVISED  
STATUTES."

Introduced by: Senators B. Kobayashi,  
George, Soares and Solomon.

No. 548 "A BILL FOR AN ACT  
MAKING AN APPROPRIATION FOR THE  
PROMOTING AND ADVERTISING OF THE  
ISLAND OF MOLOKAI AS A VISITOR  
DESTINATION AREA."

Introduced by: Senators Machida and  
Yamasaki.

No. 549 "A BILL FOR AN ACT  
MAKING AN APPROPRIATION FOR MAUI  
COMMUNITY COLLEGE MOLOKAI FARM  
SCHOOL."

Introduced by: Senators Machida and  
Yamasaki.

No. 550 "A BILL FOR AN ACT  
MAKING AN APPROPRIATION TO THE  
COUNTY OF MAUI FOR PLANNING,  
DESIGN AND CONSTRUCTION OF A MAUI  
COMMUNITY ARTS AND CULTURAL  
CENTER."

Introduced by: Senators Machida and  
Yamasaki.

No. 551 "A BILL FOR AN ACT  
RELATING TO ATTORNEY'S  
CONTINGENCY FEES."

Introduced by: Senators Matsuura and  
Cobb.

No. 552 "A BILL FOR AN ACT  
RELATING TO NON-ECONOMIC LOSSES."

Introduced by: Senators Matsuura and  
Cobb.

No. 553 "A BILL FOR AN ACT  
RELATING TO EVIDENCE OF BENEFITS  
AND PREMIUMS PAID."

Introduced by: Senators Matsuura and  
Cobb.

No. 554 "A BILL FOR AN ACT  
RELATING TO PERIODIC PAYMENTS OF  
FUTURE DAMAGES."

Introduced by: Senators Matsuura and Cobb.

No. 555 "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS."

Introduced by: Senators Matsuura and George.

No. 556 "A BILL FOR AN ACT RELATING TO PILOTAGE."

Introduced by: Senators Kawasaki, Chang, Young, Kuroda, Cayetano, Yamasaki, Soares, Henderson and A. Kobayashi.

No. 557 "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES."

Introduced by: Senator Wong.

No. 558 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators Wong and Yamasaki.

No. 559 "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS."

Introduced by: Senator Wong.

No. 560 "A BILL FOR AN ACT RELATING TO TRUST COMPANIES."

Introduced by: Senator Wong.

No. 561 "A BILL FOR AN ACT RELATING TO INCOME TAXATION."

Introduced by: Senator Wong.

No. 562 "A BILL FOR AN ACT RELATING TO INCOME TAXATION."

Introduced by: Senator Wong.

No. 563 "A BILL FOR AN ACT RELATING TO THE UNIFORM TRUSTEES' POWERS ACT."

Introduced by: Senator Wong.

No. 564 "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE."

Introduced by: Senator Wong, by request.

No. 565 "A BILL FOR AN ACT RELATING TO DISASTER RELIEF."

Introduced by: Senators Solomon, Chang, Hagino, Kawasaki, Kuroda, Aki, Toguchi, Fernandes Salling and Henderson.

No. 566 "A BILL FOR AN ACT

RELATING TO AGRICULTURE."

Introduced by: Senators Solomon, Chang, Hagino, Kuroda, Aki, Toguchi and Fernandes Salling.

No. 568 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS."

Introduced by: Senators Henderson, Soares, George, A. Kobayashi, Matsuura, Abercrombie, Hee, Aki, McMurdo and Chang.

No. 569 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senators Henderson, Soares, George, A. Kobayashi, Matsuura, Abercrombie, Hee, B. Kobayashi, McMurdo and Chang.

No. 570 "A BILL FOR AN ACT RELATING TO METROPOLITAN PLANNING ORGANIZATION."

Introduced by: Senators Cayetano, George, B. Kobayashi, Kawasaki, Solomon, Toguchi, Kuroda, Hagino, Mizuguchi, A. Kobayashi, Soares, Abercrombie, Henderson, Hee, Fernandes Salling, McMurdo, Machida, Holt, Yamasaki and Young.

No. 571 "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE."

Introduced by: Senator B. Kobayashi.

No. 572 "A BILL FOR AN ACT RELATING TO INCREMENTAL AND LONGEVITY INCREASES FOR PUBLIC EMPLOYEES."

Introduced by: Senators Solomon, Toguchi, Hagino, Aki and Chang.

No. 573 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Chang, Hee, Abercrombie, Cayetano, Kuroda and Cobb.

No. 574 "A BILL FOR AN ACT RELATING TO THE INTAKE SERVICE CENTERS."

Introduced by: Senator Chang, by request.

No. 575 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Chang, Solomon, Matsuura and Cobb.

No. 576 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Chang,  
Hagino, Cayetano, Matsuura, Yamasaki,  
Machida, Mizuguchi, Solomon, Kuroda,  
Aki and McMurdo.

No. 577 "A BILL FOR AN ACT  
MAKING AN APPROPRIATION FOR THE  
TRAINING OF ADULT CORRECTIONS  
OFFICERS."

Introduced by: Senators Chang,  
Matsuura, Aki, Hagino, Cayetano and  
Kuroda.

No. 578 "A BILL FOR AN ACT  
AUTHORIZING THE ISSUANCE OF  
GENERAL OBLIGATION BONDS AND  
MAKING AN APPROPRIATION FOR  
IMPROVEMENTS TO THE OAHU  
COMMUNITY CORRECTIONAL CENTER."

Introduced by: Senator Chang, by  
request.

No. 579 "A BILL FOR AN ACT  
MAKING AN APPROPRIATION FOR  
CORRECTIONAL PROGRAMS."

Introduced by: Senators Chang,  
Solomon and Matsuura.

No. 580 "A BILL FOR AN ACT  
RELATING TO A DEPARTMENT OF  
CORRECTIONS."

Introduced by: Senators Chang,  
Matsuura, Aki, Hagino, Cayetano, Kuroda  
and Cobb.

No. 581 "A BILL FOR AN ACT  
AUTHORIZING THE ISSUANCE OF  
GENERAL OBLIGATION BONDS AND  
MAKING AN APPROPRIATION FOR THE  
OAHU MEDIUM SECURITY CORRECTION  
FACILITY."

Introduced by: Senator Chang, by  
request.

No. 582 "A BILL FOR AN ACT  
RELATING TO THE PUBLIC EMPLOYEES'  
RETIREMENT SYSTEM."

Introduced by: Senators Chang,  
Solomon, Matsuura and Cobb.

On motion by Senator Cobb, seconded by  
Senator Soares and carried, the following  
bill was referred to print and was placed on  
the calendar for further consideration on  
Monday, February 11, 1985:

Senate Bill

No. 567 "A BILL FOR AN ACT  
RELATING TO FOREIGN-TRADE ZONES."

Introduced by: Senator Henderson.

## STANDING COMMITTEE REPORT

Senator Young, for the Committee on  
Legislative Management, presented a report  
(Stand. Com. Rep. No. 9) informing the  
Senate that S.B. Nos. 407 to 495 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.

The Chair then stated:

"Members of the Senate, before  
proceeding with the matter on Rule 41, I  
would like to apologize to you. I was  
premature yesterday in calling for the vote  
to rescind Rule 41 of the Senate's  
Temporary Rules for the purpose of allowing  
members to introduce simple appropriation  
bills. According to Rule 82(l), one day's  
notice has to be given before the vote is  
taken. Since notice was given yesterday,  
when the motion to rescind was made and  
seconded, we will now have debate and then  
vote."

## MATTER DEFERRED FROM THURSDAY, FEBRUARY 7, 1985

Rescission of Rule 41:

The motion to rescind Rule 41 of the  
Temporary Rules of the Senate of the  
Thirteenth Legislature to allow for the  
introduction by individual members of  
simple appropriation bills having been  
previously moved and seconded, the  
President allowed the following discussion:

Senator Cobb rose to speak against the  
motion as follows:

"Mr. President, I consider the rule change  
to be an unfortunate precedent.

"I think it is a step back from bill  
limitation even though this involves the  
temporary rules, and when we get around to  
adopting permanent rules, rather than delay  
the workings of the body today by having a  
floor amendment for consideration, I'm  
going to ask that we consider a limitation  
instead of one general appropriation bill, a  
limit of five in a spirit of compromise.

"Second thought ... it is a step back from  
bill limitation and in days of budget  
shortfalls this will demonstrate, on our part,  
a lack of restraint. Unfortunately, there  
will be good trees that will die because of  
this amendment today, because of the  
amount of paper work involved.

"But, because of the closeness of bill  
limitation deadline, I don't want to prolong  
the issue. I would rather, when we take up

the permanent Rules of the Thirteenth Legislature, that we consider a limitation of, say, five general appropriation bills per senator, and remain with the one general CIP bill for each of us for our districts. Thank you."

Senator Abercrombie then rose to speak in favor of voting for the amendment as follows:

"Mr. President, far from being a step backwards, we are stepping forward from the backward step we took when we went into this limitation.

"I have never seen anything in the entire time I've been in the Legislature that has caused more problems and done for more superficial reasons just to try to accommodate something which is fashionable for editorial writers.

"I notice that whenever the newspapers ... speaking of killing trees ... whenever the newspapers, are able to stack more ads into their columns, they never hesitate to print the issue thick enough to break your foot if you drop it. So, I don't think the trees are going to mind if democracy is well served.

"Far from being an unfortunate precedent, the only unfortunate precedent we set was going into this ill-conceived experiment.

"As for bill limitation, I was under the impression we were in a democracy and I think that anybody who wants to put in a bill for any reason whatsoever ought to be able to do it. Whether I like it or the previous speaker likes it, is tough on us. We can argue about it afterwards.

"We're all perfectly aware that not only appropriation bills, Mr. President, but the sum and substance of many bills in terms of the language, in terms of the thrust, the purpose of the bills are incorporated in other bills, so it's no news to anybody. It's not going to break my heart if a particular bill that I have my name on gets incorporated into something else, so long as the job gets done.

"People not only in the districts, but especially now that we have this single member district, I think it's almost impossible for anybody to rationally put together a so-called appropriation bill for a district and have it make any sense. All of us face situations now because of re-districting where you may have a neighborhood entirely dependent on a facility that rests just outside the district for political purposes, but entirely within the district in terms of the people that it serves and the functions that it serves, especially if it's of a regional nature. All of us have interests of one kind or another in

various facilities and programs that may not reside within our district, but with which we have been associated by virtue of a cause that we support or a group that we think is doing a good job and would like to be of assistance to them.

"So, contrary to the attitude expressed that this bill introduction constitutes a lack of restraint, on the contrary, it is removing restraints from the legislative process. And, I will say that for my part if that offends the editorial writers at either the newspapers as to the expenses of the Legislature, I will cite such editorials in my next campaign as proof of my good work in the Legislature."

Senator Cobb then further stated his position:

"Very briefly, Mr. President. I think the idea of bill limitation is helpful not only from the stand point of our workload, but that of the public, of advocates of various positions, and those just trying to follow the legislative process.

"After we went into a very modified form of bill limitation, eliminating duplicate bills, reducing the number of short form bills, eliminating congratulatory resolutions, and limiting appropriation bills, our bill production dropped from an average of 2,100 bills per session to about 800. That was about a sixty percent reduction and I think was a tremendous step in simplifying the legislative process without trying to impose an overall cap on what I hope we could introduce except for appropriation bills has a ceiling. And I think that made it a little simpler for the public and for many other people to follow what we were doing. It made our job a little easier if we were trying to peruse and separate every single bill.

"As far as district CIP bills, Mr. President, I personally have never had a problem in terms of consolidating everything within one senatorial district, and then waiting until late in the bill introduction process to put it in.

"I do understand some of the comments of the previous speaker in terms of wanting to have general appropriation bills for something say either outside the district or of a particular concern, or something that may be statewide, or a new program, or a continuation of a program. That's why I broached the idea of a compromise of say five bills of general appropriation nature, per senator. That's a separate issue that we can take up when we adopt the permanent Rules of the Thirteenth Legislature.

"But I do believe, Mr. President, that the track record has demonstrated considerable reduction in the past, eliminating a lot of



superfluous bills, eliminating a lot of bills that never even stood a chance of passage, whereby admittedly in the legislative process they would be incorporated into the general budget, in eliminating a tremendous amount of paperwork and cost at an average printing of \$250 per bill that was involved in the legislative process.

"Thank you, Mr. President."

Senator Toguchi rose to speak in favor of the motion as follows:

"Mr. President, rather than argue with the previous speaker, let me just point out some logistical problems with the present rule.

"In one program area in education there's more than \$50 million. There are more than 50 subject areas in that one program area. We just had a budget review. The public did not know what that one program area of over \$50 million covered.

"We need appropriation bills, especially in the education committee—even in higher education, to highlight the areas that we'd like to discuss. These appropriation bills are used to notify the public that we will be having a hearing. For example, priority fund, the Executive cut drastically. I need to have an appropriation bill so that I can list it on the agenda and notify the public that there will be a hearing in that area. I do not intend to send these appropriation bills separately to the Ways and Means Committee and overload the committee. My usual practice is to incorporate appropriation bills into the budget recommendations that I will be sending to the Ways and Means Committee.

"It is not my intent to fool anybody or to use it for political purposes. The primary purpose for the appropriation bills is to highlight all the different problem areas, so that I can solicit testimony from the general public so that I can make decisions on all items that I would have to recommend to the Ways and Means Committee. I think you will see very little appropriation bills, separate appropriation bills, going from the Education Committee to the Ways and Means Committee.

"I think that in my situation, I know that it is really a way of letting the public know what is going on here. They have absolutely no idea what we are reviewing.

"Thank you, Mr. President."

Senator Abercrombie then responded as follows:

"Mr. President, I must rebut some of the previous statements so that it's quite clear to the public and possibly even to the

sheltered world of editorial writers as to what we're talking about.

"I think it is anathema to the democratic process for someone to stand up and talk about the submission of bills that never stand a chance of passage. Who's anybody to tell a citizen or another legislator that a bill should not come in because it doesn't stand a chance of passage. If that was the attitude, why my good friend two seats to the right would never have submitted his bill. My good friend who is the head of the Tourism Committee would not have stood up with his neck six or seven inches longer than it should be so that someone would have a good target to get at. I myself have never submitted a bill which never stood a chance ... not that I can remember. I think, on the contrary, that you yourself, Mr. President, are the author many times over of bills which supposedly never stood a chance of passage, and you have experienced that yourself of not having a bill passed. Does that mean that you should not have introduced it, or that you should not continue to push for it, or you should forget about educating the public, let alone the members of this Legislature as to why you think such a bill should pass? On the contrary, it's very, very important that you not give up with respect to the bills that you believe in ... most particularly, if you believe that money should be appropriated from the public treasury because that's the proper grounds for discussion.

"I would want to indicate, in addition, that perhaps some of the previous remarks do not recognize that there are committees such as the ones that I have had the privilege of chairing over the past few years which have enormous numbers of purchase of service contracts and enormous numbers of grants-in-aid. I'm talking about hundreds, Mr. President, not nine or ten or a dozen or two dozen, hundreds of such areas. And the individuals and groups that are involved need to know, as the previous speaker indicated, what is involved and they have very, very clear perceptions as to what should take place. And sometimes, there are very, very serious arguments taking place within the communities to be served and among the groups and individuals that do their serving in these areas of the public purpose as to how to carry that out. We're talking numbers; we're talking money; we're talking personnel; we're talking programs. Sometimes we're talking about private organizations versus state and city organizations. So it's very, very important that that be highlighted.

"The process suggested by one of the previous speakers in opposition, does not make the process simpler. It makes it more difficult, if you have a single bill with a single number, and have to shred 15 or 20 or 30 different items to 5 or 10 or 15 different

committees, it is virtually impossible for the legislator to follow it, let alone for the general public to follow it because they have to deal with the overall number, and then try and figure out where it went in committee.

"So I don't think our job should be made easier if simply cutting paper is supposed to do that. On the contrary, I welcome the opportunity to go through the task of separating the various items under grants-in-aid or purchasing service or appropriations bill as a way not only of being able to group these various areas within the committee that I may have the privilege of chairing, but allow the public to have its full say and to exercise full opportunity to let us know what they think about it and what is involved.

"So this is a big step forward. Sometimes, you know, we find, and I will grant to the proponent of defeating this measure that to the degree that abuse was perceived we made an experiment to see if we couldn't alter it. It's just that the experiment hasn't worked out. If there's some other way to handle it, perhaps it could be considered, but my own view is that it is far better to deal with the logistics of seeing that that paper goes to the proper committees and that the public be notified than it is to cut off the opportunity for people to have a chance for discussion."

Senator Cayetano then rose to speak against the motion:

"Mr. President, first of all I want to incorporate some of the remarks made by Senator Cobb. I think those remarks are pertinent.

"I also want to state, that in 1979 I was probably the principal mover to eliminate the use of bills for grants-in-aid and to reduce it to the present process that we have today, namely the application process. The reasons for that was precisely those stated by Senator Cobb. I think that we ought to be candid with ourselves. We have to admit here that there are some bills which do not stand a chance of passing and those are the so called 'pork' bills. I think everyone here realizes it and must admit that.

"We know that we introduce these bills sometimes for the purposes stated by Senator Toguchi, for hearings, for flagging out the issues, so to speak. These bills never pass. They never pass because they're included, usually, in the budget.

"I think that the experiment that we undertook several years ago in terms of limiting the number of bills was a good one. It is a good one and should be allowed to continue, precisely for the cost reason set forth by Senator Cobb. If one bill costs

\$250, what we're talking about today is saving thousands of dollars, and saving much time in terms of hearings and all of that.

"I'd like to see this experiment, as it was described by one of the previous speakers, continue because quite frankly I don't think that there is anything or any disadvantage, except maybe a political disadvantage to continue on with the old system or the experiment. We can do for our district under that system as we can do by the introduction of bills which do not have a chance of passing."

Senator Toguchi rose on a point of clarification:

"Mr. President, the limitations that I am talking about are the limitations that cause problems for the chairmen of various committees. I think there is a distinct difference between committees. For example, if you take the Consumer Protection Committee and let's say the Higher Education or the Education Committees.

"The primary work of some committees are in the area of policy. With the Education Committee, the policies are generally addressed by the Board of Education.

"With the Education Committee the primary function here in the Legislature is the \$393 million budget, including federal funds. Basically that's our primary function here in terms of approving and making necessary changes.

"Thank you."

Senator Kawasaki then spoke in favor of the motion:

"Mr. President, I'll keep it short by just reminding the body that there is much validity to the opinion I've held for a while here, a number of two years, as a matter of fact, that contrary to the public opinion held by you and some of the people in this body, that the dissidents always act in concert, indeed, my opinion that they dissidents are indeed independent cusses."

Senator George rose and spoke against the motion:

"Mr. President, as a member of the committee which studied this matter during the interim, I believe a couple of years, chaired by Senator Young as I remember on the resolution by Senator Cobb, we listened to a lot of tedious testimony and went over a lot of tedious figures and arrived at a committee recommendation on the basis of hearing from the public and studying the figures that were given to us. I think the decision was made thoughtfully and I am somewhat distressed, Mr. President, to hear

us debating this matter now for a change without hearing once again from the public who testified so willingly before us at the time the committee undertook its deliberations.

"I am going to vote against the rescission, Mr. President."

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:10 o'clock p.m.

The motion was then put by the Chair and carried, and in accordance with Rule 82(1) of the Temporary Rules of the Senate of the Thirteenth Legislature, said Rule 41 was rescinded on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Cayetano, Chang, Cobb, George and Young).

#### ORDER OF THE DAY

#### REFERRAL OF SENATE BILLS

The President then made the following committee assignments of bills that were introduced on Thursday, February 7, 1985:

#### Senate Bills Referred to:

No. 407	Committee on Labor and Employment, then to the Committee on Ways and Means
No. 408	Committee on Labor and Employment
No. 409	Committee on Labor and Employment, then to the Committee on Ways and Means
No. 410	Committee on Labor and Employment, then to the Committee on Ways and Means
No. 411	Committee on Labor and Employment
No. 412	Committee on Labor and Employment
No. 413	Committee on Economic Development
No. 414	Committee on Ways and Means
No. 415	Committee on Government Operations, then to the Committee on Ways and Means
No. 416	Committee on Government Operations
No. 417	Committee on Housing and Community Development, then to the
	Committee on Ways and Means
No. 418	Committee on Economic Development, then to the Committee on Ways and Means
No. 419	Committee on Ways and Means
No. 420	Committee on Labor and Employment, then to the Committee on Ways and Means
No. 421	Committee on Labor and Employment
No. 422	Committee on Labor and Employment
No. 423	Committee on Labor and Employment
No. 424	Committee on Education
No. 425	Committee on Labor and Employment, then to the Committee on Ways and Means
No. 426	Committee on Labor and Employment, then to the Committee on Ways and Means
No. 427	Committee on Labor and Employment, then to the Committee on Ways and Means
No. 428	Committee on Labor and Employment, then to the Committee on Ways and Means
No. 429	Committee on Labor and Employment, then to the Committee on Ways and Means
No. 430	Committee on Labor and Employment, then to the Committee on Ways and Means
No. 431	Committee on Labor and Employment, then to the Committee on Ways and Means
No. 432	Committee on Labor and Employment, then to the Committee on Ways and Means
No. 433	Committee on Labor and Employment, then to the Committee on Ways and Means
No. 434	Committee on Judiciary
No. 435	Committee on Ways and Means
No. 436	Committee on Economic Development, then to the Committee on Ways and Means
No. 437	Committee on Tourism and Recreation, then to the Committee on Ways

and Means

No. 438 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 439 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 440 Committee on Health, then to the Committee on Ways and Means

No. 441 Committee on Ways and Means

No. 442 Committee on Government Operations, then to the Committee on Ways and Means

No. 443 Committee on Economic Development, then to the Committee on Ways and Means

No. 444 Committee on Judiciary, then to the Committee on Ways and Means

No. 445 Committee on Transportation, then to the Committee on Judiciary

No. 446 Committee on Health, then to the Committee on Judiciary

No. 447 Committee on Transportation

No. 448 Committee on Ways and Means

No. 449 Committee on Consumer Protection and Commerce

No. 450 Committee on Judiciary

No. 451 Committee on Housing and Community Development, then to the Committee on Ways and Means

No. 452 Committee on Transportation, then to the Committee on Judiciary

No. 453 Committee on Judiciary

No. 454 Committee on Consumer Protection and Commerce

No. 455 Committee on Government Operations

No. 456 Committee on Consumer Protection and Commerce

No. 457 Committee on Consumer Protection and Commerce

No. 458 Committee on Consumer Protection and Commerce

No. 459 Committee on Judiciary,

then to the Committee on Ways and Means

No. 460 Committee on Judiciary, then to the Committee on Ways and Means

No. 461 Committee on Judiciary

No. 462 Committee on Judiciary

No. 463 Committee on Judiciary, then to the Committee on Ways and Means

No. 464 Committee on Judiciary, then to the Committee on Ways and Means

No. 465 Committee on Judiciary, then to the Committee on Ways and Means

No. 466 Committee on Ways and Means

No. 467 Committee on Education, then to the Committee on Judiciary

No. 468 Committee on Economic Development

No. 469 Committee on Economic Development

No. 470 Committee on Economic Development, then to the Committee on Ways and Means

No. 471 Committee on Labor and Employment, then to the Committee on Ways and Means

No. 472 Committee on Economic Development, then to the Committee on Ways and Means

No. 473 Committee on Judiciary

No. 474 Committee on Human Services, then to the Committee on Ways and Means

No. 475 Committee on Judiciary

No. 476 Committee on Transportation, then to the Committee on Ways and Means

No. 477 Committee on Ways and Means

No. 478 Committee on Ways and Means

No. 479 Committee on Ways and Means

No. 480 Committee on Labor and Employment

No. 481 Committee on Labor and Employment, then to the Committee on Ways and Means

No. 482 Committee on Labor and

Employment, then to the Committee on  
Ways and Means

No. 483 Committee on Labor and  
Employment

No. 484 Committee on Labor and  
Employment

No. 485 Committee on Labor and  
Employment, then to the Committee on  
Ways and Means

No. 486 Committee on Labor and  
Employment

No. 487 Committee on Labor and  
Employment

No. 488 Committee on Labor and  
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No. 489 Committee on Labor and  
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No. 490 Committee on Labor and

Employment

No. 491 Committee on Labor and  
Employment

No. 492 Committee on Labor and  
Employment

No. 493 Committee on Labor and  
Employment

No. 494 Committee on Tourism and  
Recreation, then to the Committee on Ways  
and Means

No. 495 Committee on Judiciary,  
then to the Committee on Ways and Means

#### ADJOURNMENT

At 12:13 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., Monday, February 11,  
1985.