

THIRD DAY

Friday, January 17, 1986

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:30 o'clock a.m., with the President in the Chair.

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

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1 to 69) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 1, informing the Senate that he appointed David Ige (43rd district) and Jake Manegdeg (40th district) to the House of Representatives to fill the unexpired terms of Arnold Morgado Jr., and Donna Mercado Kim, respectively, pursuant to Sec. 17-4, HRS, was placed on file.

Gov. Msg. No. 2, transmitting the State Energy Resources Coordinator 1984 Annual Report, pursuant to Sec. 196-4(11), HRS, was referred to the Committee on Energy.

Gov. Msg. No. 3, transmitting the Annual Report of activities under the Job Training Partnership Act, prepared by the Hawaii Job Training Coordinating Council for the transition year (Oct. 1, 1983 - June 30, 1984), was referred to the Committee on Labor and Employment.

Gov. Msg. No. 4, transmitting a report "1984 Report on Vocational Education," prepared by the State Commission on Manpower and Full Employment, pursuant to Title II, Education Amendments of 1976, P.L. 94-482, was referred to the Committee on Labor and Employment.

Gov. Msg. No. 5, transmitting the 1984-1985 Annual Report, prepared by the Commission on the Handicapped, Department of Health, was referred to the Committee on Human Services.

Gov. Msg. No. 6, transmitting the Hawaii State Veterans Affairs Advisory Council Subcommittee Report, was referred to the Committee on Government Operations.

Gov. Msg. No. 7, transmitting a report, "A Final Status Report on Legislative Bills and Resolutions Affecting the Elderly Introduced at the 1985 Regular Session of the Legislature, State of Hawaii," prepared by the Executive Office on Aging, was

referred to the Committee on Human Services.

Gov. Msg. No. 8, transmitting a report, "Statistics of Hawaiian Agriculture 1984," prepared by the State and U. S. Departments of Agriculture, was referred to the Committee on Agriculture.

Gov. Msg. No. 9, transmitting the following State Functional Plans, pursuant to Chap. 226, HRS, and H.C.R. Nos. 37 and 38 (1985), respectively:

State Agriculture Functional Plan; and

State Education Functional Plan,

was referred to the Committee on Economic Development.

Gov. Msg. No. 10, transmitting the 1984 Annual Report of the Department of Social Services and Housing, pursuant to Sec. 346-5, HRS, was referred to the Committee on Human Services.

Gov. Msg. No. 11, transmitting the "State of Hawaii Ocean Management Plan," prepared by the Department of Planning and Economic Development, was referred to the Committee on Economic Development.

Gov. Msg. No. 12, transmitting the "Final Report of the Governor's Investigatory Panel on Pesticides," was referred to the Committee on Health.

Gov. Msg. No. 13, transmitting the "Findings and Recommendations of the Commission on Child Support Enforcement: A Report to the Governor," pursuant to Executive Order 84-2, was referred to the Committee on Judiciary.

Gov. Msg. No. 14, transmitting the following reports prepared by the Department of Land and Natural Resources:

"Volume 1, Executive Summary, Proposed Demonstration Desalting Plant"; and

"Volume 2, Engineering Report, Proposed Demonstration Desalting Plant," was referred to the Committee on Economic Development.

Gov. Msg. No. 15, transmitting the Annual Report of Deposits and Investments of the State of Hawaii, FY ending June 30, 1985, prepared by the Finance Division, Department of Budget and Finance, was referred to the Committee on Ways and Means.

Gov. Msg. No. 16, transmitting a report prepared by the State Land Use Commission in response to H.R. No. 50 (1985), requesting a review of the Land Use Commission's efforts to comply with the State Planning Act coordination process, was referred to the Committee on Economic Development.

Gov. Msg. No. 17, transmitting reports prepared by the Department of Agriculture in response to the following:

S.R. No. 45 (1985), requesting the Department of Agriculture and the Department of Land and Natural Resources to recommend alternative concepts for the management of the agricultural parks program, was referred to the Committee on Agriculture.

H.R. No. 41 (1985), requesting the Department of Agriculture and the Department of Land and Natural Resources to present a review and update of the agricultural parks program including the appraisal of the agricultural parts action plans and the agricultural parks laws, was referred to the Committee on Agriculture.

Gov. Msg. No. 18, transmitting a report prepared by the Department of Agriculture, pursuant to Sec. 31 of the General Appropriations Act of 1985, requesting a review of the financial assistance for aquaculture program, was referred to the Committee on Agriculture.

Gov. Msg. No. 19, transmitting a report prepared by the Department of Health, pursuant to Act 201 (1982), pertaining to the Agent Orange Program, was referred to the Committee on Health.

Gov. Msg. No. 20, transmitting reports prepared by the Department of Education in response to the following:

General Appropriations Bill (1985), Sec. 102 - Summer Program for the Enhancement of Basic Education (SPEBE);

General Appropriations Bill (1985), Sec. 106 - Reorganization and related position conversions;

General Appropriations Bill (1985), Sec. 108 - Distribution of funds on upgrading and replacing athletic equipment in the high schools;

General Appropriations Bill (1985), Sec. 111 - Alternative plans for the recruitment of teachers in shortage categories;

General Appropriations Bill (1985), Sec. 114 - Revise and update its furniture inventory and submit an expenditure plan for FY 1986-1987;

S.R. No. 6 (1985) - Encourage the use of school facilities for after school care programs and to examine the feasibility of establishing before school care programs for school age children;

S.R. No. 98 (1985) - Review and report on the newswriting and yearbook publications curriculum and programs offered in public secondary schools;

S.R. No. 101 (1985) - Critically examine the apparently adverse impact of the school attendance area designation for the Village Park, Crestview, and Waipio-Gentry subdivisions, specifically, and the Waipahu and Pearl City communities, generally, upon the provision of equal educational opportunities, particularly in the Waipahu educational complex;

S.R. No. 118 (1985) - Together with the Kamehameha Schools, to further establish cooperative programs that utilize the resources of the Kamehameha Schools and the institutional capabilities of the DOE to provide educational opportunities to Hawaiian and part-Hawaiian children and youth; and

H.R. No. 288 (1985) - Conduct a study of the feasibility of allowing tenured teachers to return to college with full pay in order to obtain the necessary credits for certification to teach mathematics or science,

was referred to the Committee on Education.

Gov. Msg. No. 21, transmitting a report prepared by the Department of Budget and Finance in response to S.R. No. 126 (1985), requesting a study of "exempt" employment in the civil service, was referred to the Committee on Labor and Employment.

Gov. Msg. No. 22, transmitting a report on special purpose revenue bonds, issued and outstanding and authorized but unissued as of July 1, 1985, pursuant to Sec. 12, Article VII of the Constitution of the State of Hawaii, was referred to the Committee on Ways and Means.

Gov. Msg. No. 23, transmitting a report prepared by the Department of the Attorney General, Hawaii Criminal Justice Data Center, "Progress Report on the Criminal History Record Checks Program," pursuant to Act 209, SLH 1985, was referred to the Committee on Judiciary.

Gov. Msg. No. 24, transmitting a report prepared by the Department of Accounting and General Services in response to H.R. No. 103 (1985), retrofit of the central air conditioning system of state buildings under DAGS jurisdiction, was referred to the

Committee on Government Operations.

Gov. Msg. No. 25, transmitting a report prepared by the Department of Accounting and General Services in response to S.R. No. 113 (1985), regarding alternate parking for Iolani Palace, was referred to the Committee on Tourism and Recreation.

Gov. Msg. No. 26, transmitting a report prepared by the Department of Accounting and General Services, pursuant to Sec. 211 of Act 300, SLH 1985, workers' compensation paid in lieu of general fund salary, FY 1984-1985, was referred to the Committee on Ways and Means.

Gov. Msg. No. 27, transmitting a report, "Electronic Fund Transfer Crime: An Overview," prepared by the Department of the Attorney General, Hawaii Criminal Justice Data Center, was referred to the Committee on Judiciary.

Gov. Msg. No. 28, transmitting a report prepared by the Department of Land and Natural Resources in response to H.R. No. 61 (1985), requesting the department to expand its efforts in restoring and protecting the State's seaweed beds, was referred to the Committee on Economic Development.

Gov. Msg. No. 29, transmitting the Office of Collective Bargaining Annual Report, 1985, pursuant to Chap. 89, HRS, was referred to the Committee on Labor and Employment.

Gov. Msg. No. 30, transmitting a report, "Parenting Leave Study," prepared by the Department of Labor and Industrial Relations in cooperation with the Office of Collective Bargaining, in response to S.R. No. 102 (1985), was referred to the Committee on Labor and Employment.

Gov. Msg. No. 31, transmitting the "Corrections Task Force Report, April 1985," was referred to the Committee on Judiciary.

Gov. Msg. No. 32, transmitting the report of the State Plan Policy Council, "The Hawaii State Plan Revisions Report to the Legislature," pursuant to Chap. 226, HRS, was referred to the Committee on Economic Development.

Gov. Msg. No. 33, transmitting the "Executive Office on Aging's Assessment Report on the Program on Alzheimer's Disease," was referred to the Committee on Human Services.

Gov. Msg. No. 34, transmitting a report prepared by the State Foundation on Culture and the Arts, pursuant to Sec. 154, Act 300 (1985), was referred to the Committee on Ways and Means.

Gov. Msg. No. 35, transmitting the following documents:

The Executive Budget Supplemental (Budget Period 1985-1987), Volumes I and II, pursuant to Sec. 37-69, HRS; and

The Variance Report for Fiscal Years 1985 and 1986, Volumes I and II, pursuant to Sec. 37-75, HRS,

was referred to the Committee on Ways and Means.

Gov. Msg. No. 36, transmitting a draft of a resolution for review of action taken by the Board of Land and Natural Resources on the exchange of public for private land (Mr. and Mrs. Arthur C. Lum, Waimanalo, Oahu), pursuant to Sec. 171-50(c), HRS, was referred to the Committee on Economic Development.

Gov. Msg. No. 37, transmitting a draft of a resolution for review of action taken by the Board of Land and Natural Resources on exchange of public for private land (the Estate of James Campbell, Puna, Hawaii), pursuant to Sec. 171-50(c), HRS, was referred to the Committee on Economic Development.

Gov. Msg. No. 38, transmitting a report of the Surplus Property Management Program, prepared by the Department of Accounting and General Services, pursuant to Sec. 213, Act 300 (1985), was referred to the Committee on Ways and Means.

Gov. Msg. No. 39, transmitting a report prepared by the Department of Agriculture, in response to H.R. No. 242 (1985), requesting a demonstration of the source of pesticide contamination of Maui wells, was referred to the Committee on Agriculture.

Gov. Msg. No. 40, transmitting a report prepared by the Board of Trustees of the Hawaii Public Employees Health Fund in response to S.R. No. 92 (1985), requesting a study on the feasibility of authorizing the state and counties to establish cafeteria benefit plans, was referred to the Committee on Labor and Employment.

Gov. Msg. No. 41, transmitting reports prepared by the Department of Education in response to the following:

General Appropriations Bill, Sec. 98 - Requiring an evaluation of the Early Provisions for School Success (EPSS) program; and

HRS 296-11 - "Student Achievement Report: Low Achievers,"

was referred to the Committee on Education.

Gov. Msg. No. 42, transmitting reports prepared by the Department of Transportation in response to the following:

S.R. No. 109 (1985) - Requesting a study to implement a change in school hours to reduce peak hour traffic congestion;

S.R. No. 133 (1985) - Requesting directional signs for the Bishop Museum;

H.R. No. 103 (1985) - Requesting a report on the retrofit of the central air-conditioning systems of state buildings;

H.R. No. 160 (1985) - Requesting a progress report on the implementation of the Kewalo Basin Task Force's recommendations; and

H.R. No. 274 (1971) - Requesting annual evaluation reports on driver education and training program,

was referred to the Committee on Transportation.

Gov. Msg. No. 43, transmitting the "Report of the Public Utilities Commission on a Plan to Complete Major Utility Rate Cases Within the Statutory Nine Month Period," pursuant to Sec. 186, Act 300 (1985), was referred to the Committee on Ways and Means.

Gov. Msg. No. 44, transmitting reports prepared by the Department of Health as follows:

Annual Report of the Dental Health Division;

Priority Implementation Annual Report, 1983-1985, of the State Planning Council on Developmental Disabilities;

Report on the Study on Compulsive Gambling and Its Treatment, in response to H.R. No. 279 (1985);

Annual Report on the State Plan for Substance Abuse, pursuant to HRS 321-195; and

Annual Report of the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, pursuant to HRS 329-3,

was referred to the Committee on Health.

Gov. Msg. No. 45, transmitting a report prepared by the Department of Land and Natural Resources in response to S.R. No. 155 (1985), requesting a study to determine methods to control the growth of and to eliminate potentially dangerous stands of molucca albizia in the state, was referred to the Committee on Economic Development.

Gov. Msg. No. 46, transmitting the 1985 Annual Report of the Design Professional Conciliation Panel, pursuant to Sec. 672-12, HRS, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 47, transmitting the Fourth Annual Report of the Compliance Resolution Fund (CRF), pursuant to Act 60, SLH 1982, covering the activities of the Regulated Industries Complaints Office, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 48, transmitting the "Annual Report, Fiscal Year 1984-85, Hawaii Public Broadcasting Authority," pursuant to Sec. 314-12, HRS, was referred to the Committee on Education.

Gov. Msg. No. 49, transmitting a report, "Hawaii State Income Tax Benefits for Taxpayers Over 65," (January 1, 1985 to December 31, 1985), prepared by the Executive Office on Aging, was referred to the Committee on Human Services.

Gov. Msg. No. 50, transmitting the "1984-1985 Annual Report, Hawaii Community Development Authority," was referred to the Committee on Housing and Community Development.

Gov. Msg. No. 51, transmitting a report prepared by the Public Utilities Commission in response to S.R. No. 64 (1985), requesting a study on telephone lifeline service and its impact on the elderly, handicapped and persons of limited income, was referred to the Committee on Economic Development.

Gov. Msg. No. 52, transmitting the Final Compensation Plan for blue and white collar classes, pursuant to Sec. 77-4 and 77-5, HRS, as amended, was referred to the Committee on Labor and Employment.

Gov. Msg. No. 53, transmitting the 1985 Annual Report of the Research Corporation of the University of Hawaii, pursuant to Sec. 307-6, HRS, was referred to the Committee on Higher Education.

Gov. Msg. No. 54, transmitting a report prepared by the Department of Planning and Economic Development in response to S.R. No. 140 (1985), requesting the DPED to expedite geothermal development, was referred to the Committee on Energy.

Gov. Msg. No. 55, transmitting a report, "Interim Study on Methods to Simplify Condominium Public Reports," prepared by the Real Estate Commission with the Hawaii Association of Realtors and Hawaii State Bar Association, in response to S.R. No. 156 (1985), was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 56, transmitting the Third Annual Report on the Nursing Home Without Walls Demonstration Project, prepared by the Department of Social Services and Housing, pursuant to Sec. 6, Act 207, SLH 1985, was referred to the Committee on Human Services.

Gov. Msg. No. 57, transmitting a report prepared by the Department of Social Services and Housing in response to H.R. No. 77 (1985), urging the Corrections Division of the Department of Social Services and Housing to utilize retired educators in prison education programs, was referred to the Committee on Judiciary.

Gov. Msg. No. 58, transmitting the "Report of Findings on Adjustments to the Compensation Plan," prepared by the Public Employees Compensation Appeals Board, pursuant to Act 121, SLH 1963, was referred to the Committee on Labor and Employment.

Gov. Msg. No. 59, transmitting the survey report, "Pay Rates in Hawaii," September 1985, prepared by the Research Department, Hawaii Employers Council, was referred to the Committee on Labor and Employment.

Gov. Msg. No. 60, transmitting a report, "Crime Trends in Hawaii, Eighth Month Report, 1985," prepared by the Hawaii Criminal Justice Data Center, Department of the Attorney General, was referred to the Committee on Judiciary.

Gov. Msg. No. 61, transmitting a report prepared by the Department of Land and Natural Resources in response to H.R. No. 62 (1985), urging the state to assist Hawaiian Tuna Packers to continue operations in this state, was referred to the Committee on Economic Development.

Gov. Msg. No. 62, transmitting the "Criminal Injuries Compensation Commission Eighteenth Annual Report, 1985," pursuant to Chap. 351, HRS, was referred to the Committee on Ways and Means.

Gov. Msg. No. 63, transmitting the following reports prepared by the Department of Social Services and Housing:

"Reorganization Plans for the Child Protective Services (CRS) Units" (Oahu, Maui, Kauai, and Hawaii Branches), pursuant to Sec. 83, Act 300, SLH 1985;

"Study on Fee-for-Service Medical Services at all Hawaii State Correctional Facilities," pursuant to Act 300, State Budget General Appropriation Act, Part III, Sec. 177;

"Feasibility Study on Energy

Conservation Measures at Hawaii State Correctional Facilities," pursuant to Act 300, State Budget General Appropriation Act, Part III, Sec 172;

"Review of the Adult Corrections Officer Training Program," pursuant to Act 300, State Budget General Appropriation Act, Sec. 175;

"Overtime Costs in the Corrections Division," pursuant to Act 300, State Budget General Appropriation Act, Part III, Sec. 173; and

"Department of Social Services and Housing Transfer of Funds," pursuant to Sec. 95, Act 301, 1985,

was referred to the Committee on Ways and Means.

Gov. Msg. No. 64, transmitting a report prepared by the Department of Land and Natural Resources in response to H.R. No. 63 (1985), requesting a review of the commercial fishing licensing system to determine any existing problems with the system and ways in which it can be improved, was referred to the Committee on Economic Development.

Gov. Msg. No. 65, transmitting a report prepared by the Department of Land and Natural Resources in response to S.R. No 97 (1985), requesting the Department of Land and Natural Resources to undertake a feasibility study for the establishment of a major information and education program, was referred to the Committee on Economic Development.

Gov. Msg. No. 66, transmitting a report prepared by the Department of Land and Natural Resources, pursuant to Act 300, SLH 1985, Sec. 43, "Review of the Effectiveness of the Canine Program Under LNR 405," was referred to the Committee on Economic Development.

Gov. Msg. No. 67, transmitting the Report of the Governor 1985, "People Working for People," was placed on file.

Gov. Msg. No. 68, transmitting the Declaration of Sister Province/State Affiliation with the Province of Ilocos Sur, Republic of the Philippines, in response to H.C.R. No. 124 (1985), was placed on file.

Gov. Msg. No. 69, transmitting a draft of a Senate Concurrent Resolution authorizing the Department of Land and Natural Resources to dispose, by way of an easement, certain government submerged lands and lands beneath tidal waters situate at Kaohai, Lanai, Hawaii, for the purposes of enabling the construction of certain offshore improvements, was placed on file.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 1 to 28) were read by the Clerk and were disposed of as follows:

Dept. Com. No. 1 from the Department of the Attorney General, Hawaii Criminal Justice Data Center, submitting Research Report No. RS02B, "Re-Arrest after Release from Prison, Court Discharged and Maximum Term Served Releases, CYs 1978-1979," was referred to the Committee on Judiciary.

Dept. Com. No. 2 from the Department of the Attorney General, Hawaii Criminal Justice Data Center, submitting, "Crime Trends in Hawaii, Three Month Review, June 1985," was referred to the Committee on Judiciary.

Dept. Com. No. 3 from the Department of the Attorney General, Hawaii Criminal Justice Data Center, submitting, "Crime Trends in Hawaii, Six Month Review, October 1985," was referred to the Committee on Judiciary.

Dept. Com. No. 4 from the Department of Budget and Finance, transmitting certified statements and supporting schedules on the debt limit and total outstanding indebtedness of the State of Hawaii as of July 1, 1985, was referred to the Committee on Ways and Means

Dept. Com. No. 5 from the Office of Collective Bargaining, transmitting various collective bargaining agreements — Units 2, 3, 4, 6, 8, 11, 12 and 13, was referred to the Committee on Labor and Employment.

Dept. Com. No. 6 from the Department of Education, transmitting the Agreement between the State of Hawaii, Board of Education, and Hawaii State Teachers Association (Unit 5 - Teachers) and the Agreement between the State of Hawaii, Board of Education, and the Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO (Unit 6 - Educational Officers), was referred to the Committee on Labor and Employment.

Dept. Com. No. 7 from the Department of Planning and Economic Development, transmitting the "Jobs for Hawaii's People: Fundamental Issues in Economic Development," July 1985, was referred to the Committee on Economic Development.

Dept. Com. No. 8 from the Department of Planning and Economic Development, transmitting the "1984 HCPO Conference Proceedings, Planning Economic Development: A Joint Adventure," July 25-27, 1984, was referred to the Committee on Economic Development.

Dept. Com. No. 9 from the Department of Planning and Economic Development, transmitting a report, "Hawaii Exporters & Importers 1985," was referred to the Committee on Economic Development.

Dept. Com. No. 10 from the Department of Planning and Economic Development, transmitting the "Industrial Parks and Areas in Hawaii, 1985," was referred to the Committee on Economic Development.

Dept. Com. No. 11 from the Department of Planning and Economic Development, transmitting a brochure, "The DPED, Help in Getting Government Permits," was referred to the Committee on Economic Development.

Dept. Com. No. 12 from the Office of the Legislative Auditor, transmitting Report No. 86-2, "Sunset Evaluation Update, Practice of Barbering, Chapter 438, HRS," was referred to the Committee on Consumer Protection and Commerce.

Dept. Com. No. 13 from the Department of Planning and Economic Development, transmitting a supplement to the Honolulu Advertiser and the Honolulu Star-Bulletin, October 7, 1985, relating to the Hawaii State Plan, was referred to the Committee on Economic Development.

Dept. Com. No. 14 from the State Plan Policy Council, Department of Planning and Economic Development, transmitting "The Hawaii State Plan Revisions, Proposed Recommendations, September 1985," pursuant to Chap. 226, HRS, was referred to the Committee on Economic Development.

Dept. Com. No. 15 from the Department of Planning and Economic Development, Research and Economic Analysis Division, transmitting the "Hawaii Quarterly Statistical and Economic Report, Third Quarter, 1985," was referred to the Committee on Economic Development.

Dept. Com. No. 16 from the Department of Planning and Economic Development, transmitting a report, "Marine Mining: A New Beginning," Conference Proceedings, July 18-21, 1982, at Hilo, Hawaii, was referred to the Committee on Economic Development.

Dept. Com. No. 17 from the Supreme Court, transmitting the Judiciary's Supplemental Budget and Variance Report for Fiscal Biennium 1985-1987, pursuant to Sec. 601-2, HRS, was referred to the Committee on Ways and Means.

Dept. Com. No. 18 from the Supreme Court, transmitting the Evaluation Report of the Judiciary's Purchase of Service Program for FY 1984-1985, pursuant to Sec.

42-5, HRS, was referred to the Committee on Ways and Means.

Dept. Com. No. 19 from the Office of the Administrative Director of the Courts, transmitting the Annual Report (FY 1984-1985) of the Judiciary with the Statistical Supplement, pursuant to Sec. 601-3, HRS, was referred to the Committee on Judiciary.

Dept. Com. No. 20 from the Office of Hawaiian Affairs, transmitting the 1984-1985 Annual Report, pursuant to Sec. 10-15, HRS, was referred to the Committee on Economic Development.

Dept. Com. No. 21 from the University of Hawaii, Personnel Office, transmitting the 1985-87 Agreement between the University of Hawaii Professional Assembly and the Board of Regents of the University of Hawaii - Unit 07, was referred to the Committee on Labor and Employment.

Dept. Com. No. 22 from the Office of the Legislative Auditor, transmitting a "Report of the Chairperson of the Temporary Commission on Comparable Worth," pursuant to Act 185, SLH 1984, was referred to the Committee on Labor and Employment.

Dept. Com. No. 23 from the Office of the Legislative Auditor, transmitting Report No. 86-1, "Sunset Evaluation Report, Pest Control Operators," pursuant to Chap. 460J, HRS, was referred to the Committee on Consumer Protection and Commerce.

Dept. Com. No. 24 from the Department of Defense, transmitting a pamphlet, "Economic Contributions of the Hawaii Army and Air National Guard, FY 1985," referred to the Committee on Government Operations.

Dept. Com. No. 25 from the Department of Planning and Economic Development, transmitting the Quarterly Statistical and Economic Report, Fourth Quarter 1985, was referred to the Committee on Economic Development.

Dept. Com. No. 26, a brochure, "Facts About the University of Hawaii (Campuses), December 1985," was referred to the Committee on Higher Education.

Dept. Com. No. 27 from the Office of the Legislative Auditor, transmitting Report No. 86-4, "Sunset Evaluation Report, Regulation of Motor Vehicle Repairs, Chapter 437B, HRS," was referred to the Committee on Consumer Protection and Commerce.

Dept. Com. No. 28 from the Office of the Legislative Auditor, transmitting Report No. 86-3, "Sunset Evaluation Report, Motor Vehicle Industry Licensing, Chapter 437,

HRS," was referred to the Committee on Consumer Protection and Commerce.

INTRODUCTION OF SENATE BILLS

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills passed First Reading by title, were printed and distributed and were referred to committee:

Senate Bills

No. 1488-86 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1985 TO JUNE 30, 1987."

Introduced by: Senator Wong, by request.

Referred to: Committee on Ways and Means.

No. 1489-86 "A BILL FOR AN ACT RELATING TO SMOKING."

Introduced by: Senators B. Kobayashi, Matsuura, Solomon, A. Kobayashi and Kawasaki.

Referred to: Committee on Health.

No. 1490-86 "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES."

Introduced by: Senators B. Kobayashi, Matsuura, A. Kobayashi, Solomon and Kawasaki.

Referred to: Committee on Health.

No. 1491-86 "A BILL FOR AN ACT RELATING TO CIGARETTES."

Introduced by: Senators B. Kobayashi, Matsuura, Solomon, A. Kobayashi, George and Kawasaki.

Referred to: Committee on Health.

No. 1492-86 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators B. Kobayashi, Matsuura, Solomon, A. Kobayashi and George.

Referred to: Committee on Health, then to the Committee on Ways and Means.

At 11:39 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:40 o'clock a.m.

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, January 20, 1986:

Senate Bills

No. 1493-86 "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES."

Introduced by: Senators Cobb, McMurdo, Hee, Abercrombie, Yamasaki, Solomon and Holt.

No. 1494-86 "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES."

Introduced by: Senators Cobb, McMurdo, Abercrombie, Hee, Yamasaki, Solomon and Holt.

No. 1495-86 "A BILL FOR AN ACT RELATING TO GEOTHERMAL ROYALTIES."

Introduced by: Senators Matsuura, A. Kobayashi and B. Kobayashi.

No. 1496-867 "A BILL FOR AN ACT RELATING TO GEOTHERMAL DEVELOPMENT."

Introduced by: Senators Matsuura, A. Kobayashi and B. Kobayashi.

No. 1497-86 "A BILL FOR AN ACT RELATING TO GEOTHERMAL SUBZONES."

Introduced by: Senators Matsuura, Aki and A. Kobayashi.

No. 1498-86 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senators Matsuura, A. Kobayashi and B. Kobayashi.

No. 1499-86 "A BILL FOR AN ACT RELATING TO ARBITRATION AND MEDIATION."

Introduced by: Senators Matsuura, Chang and B. Kobayashi.

No. 1500-86 "A BILL FOR AN ACT RELATING TO THE STATE TORT LIABILITY ACT."

Introduced by: Senators Matsuura, Chang and B. Kobayashi.

No. 1501-86 "A BILL FOR AN ACT RELATING TO THE STATE TORT LIABILITY ACT."

Introduced by: Senators Matsuura, A. Kobayashi and B. Kobayashi.

No. 1502-86 "A BILL FOR AN ACT

RELATING TO THE STATE TORT LIABILITY ACT."

Introduced by: Senators Matsuura, A. Kobayashi and B. Kobayashi.

No. 1503-86 "A BILL FOR AN ACT RELATING TO MEDICAL MALPRACTICE."

Introduced by: Senators Matsuura, Chang and B. Kobayashi.

No. 1504-86 "A BILL FOR AN ACT RELATING TO TORTS."

Introduced by: Senators Matsuura and Chang.

No. 1505-86 "A BILL FOR AN ACT RELATING TO TORTS."

Introduced by: Senators Matsuura and Chang.

No. 1506-86 "A BILL FOR AN ACT RELATING TO INSTREAM USES OF WATER."

Introduced by: Senators Matsuura and Toguchi.

No. 1507-86 "A BILL FOR AN ACT RELATING TO AIR QUALITY STANDARDS."

Introduced by: Senators Matsuura and B. Kobayashi.

No. 1508-86 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Matsuura and Toguchi.

No. 1509-86 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES RETIREMENT SYSTEM."

Introduced by: Senators Matsuura, Aki and B. Kobayashi.

No. 1510-86 "A BILL FOR AN ACT RELATING TO BANKING."

Introduced by: Senator Cobb, by request.

No. 1511-86 "A BILL FOR AN ACT RELATING TO INSURANCE COMPANIES, FREEDOM OF CHOICE OF."

Introduced by: Senator Cobb, by request.

No. 1512-86 "A BILL FOR AN ACT RELATING TO COMPENSATION OF TRUST COMPANIES AND BANKS AUTHORIZED TO ENGAGE IN A TRUST BUSINESS."

Introduced by: Senator Cobb, by

request.

No. 1513-86 "A BILL FOR AN ACT RELATING TO BANKING."

Introduced by: Senator Cobb, by request.

No. 1514-86 "A BILL FOR AN ACT RELATING TO INTEREST AND USURY."

Introduced by: Senator Cobb, by request.

No. 1515-86 "A BILL FOR AN ACT RELATING TO BANK LOANS AND INVESTMENTS."

Introduced by: Senator Cobb, by request.

No. 1516-86 "A BILL FOR AN ACT RELATING TO COMPENSATION."

Introduced by: Senator Cobb, by request.

No. 1517-86 "A BILL FOR AN ACT RELATING TO TRUST COMPANIES."

Introduced by: Senator Cobb, by request.

No. 1518-86 "A BILL FOR AN ACT RELATING TO DEBT COLLECTION PRACTICES."

Introduced by: Senator Cobb, by request.

STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1-86) informing the Senate that Senate Bill Nos. 1488-86 to 1492-86 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.

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 1 to 3) were read by the Clerk and were disposed of as follows:

Misc. Com. No. 1 from the Manager and Chief Engineer, Department of Water, County of Kauai, transmitting the following:

Resolution No. 2 of the Board of Water Supply, County of Kauai, relating to the approval of its budget for FY 1986-1987, adopted on December 5, 1985, together with a copy of said budget; and

"Proposed CIP Projects Request for

State Aid, 1986 Session,"

was referred to the Committee on Ways and Means.

Misc. Com. No. 2 from the Fire Department, City and County of Honolulu, transmitting a report in response to H.R. No. 271 (1985), requesting the State Fire Council to study the feasibility of using aircraft for firefighting in this state, was referred to the Committee on Government Operations.

Misc. Com. No. 3 from the Historic Hawaii Foundation, transmitting a report, pursuant to Sec. 151, Act 300, SLH 1985, on the use of a \$25,000 general fund appropriation to fund the Main Street Task Force, was referred to the Committee on Ways and Means.

At this time, Senator Henderson introduced to the members of the Senate three friends from Hilo — Margaret Stearns, Floyd Grimmer and Marian Montgomery.

Senator Abercrombie then rose on a point of personal privilege and remarked:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, I'm sure you can imagine my shock this morning when I picked up the Honolulu Advertiser and noticed that one of our Senators was featured in that publication this morning — Senator Cayetano. I think my shock was compounded by the fact that he was criticized in that paper. As you know, Mr. President, I think part of the rules for the '86 session is that we're not allowed to criticize Senator Cayetano. Isn't that correct?"

The Chair responded: "No, you're not allowed to criticize Wong." (Laughter)

Senator Abercrombie continued:

"Oh, I see. Okay. (Laughter)

"I did read it with some measure of shock because not really that he was criticized. As you know, I'm kidding about that and I'm getting to the serious part now ... but Senator Cayetano was characterized as being ignorant of the law and that really did shock me. I thought that it was rather unfortunate that a public relations person for the law who has never practiced law, so far as I know, the closest approximation to being with the law, has been making pronouncements about it would characterize Senator Cayetano as ignorant of the law and intend to instruct him in the law.

"And I just wanted to make absolutely sure, Mr. President, hasn't Senator Kawasaki been assigned to instruct Senator

Cayetano on matters of law here?"

Senator Kawasaki responded: "Mr. President, one of my rare 'no comment.'"

Senator Abercrombie continued:

"I just wanted to make absolutely sure so that if in future someone wishes to instruct Senator Cayetano on the matter of law, I hope they will check with Senator Kawasaki first."

Senator Cobb then remarked:

"Mr. President, I'd like to rise on a point of personal privilege.

"I discussed the matter with Senator Cayetano this morning and I am preparing a request to the Attorney General as to whether or not the subject of x-rated videos is either protected under the First Amendment of the Constitution or in more detail under the 'right to privacy' provisions

of the Hawaii State Constitution. I'll be circulating that request to interested parties and would like to ask them to join me in that request, if it's at all feasible. I think the answer that we receive may help clarify the situation on this but I'd just like to say, for the record, that I agree with what they were saying yesterday and in this morning's paper and I appreciate the reference. Thank you."

Senator Cayetano then added:

"Mr. President, if anyone else wants to check with me on the law, please meet me in the caucus room."

ADJOURNMENT

At 11:48 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., Monday, January 20, 1986.