

NINTH DAY

Monday, February 1, 1982

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Bishop William Drumbore of the Universal Church of the Open Road, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 57 to 60) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 57), transmitting copies of the 1981 Annual Report of the Office of Collective Bargaining, Office of the Governor, pursuant to Chapter 89, HRS, as amended, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 58), transmitting copies of the report State Activities to Implement Priority Directions of The Hawaii State Plan, February 1982, prepared utilizing the input of many state agencies and in accordance with Section 226-63(a)(1), HRS, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 59), transmitting copies of the Annual Report (FY 1980-81) of the Governor's Agriculture Coordinating Committee, prepared in accordance with the provisions of Section 164-3, HRS, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 60), transmitting copies of a report of the Workers' Compensation Program Commission, January 1982, in response to Act 217 (1980), requesting a review of Hawaii's law and to report findings and recommendations to reduce or stabilize workers' compensation costs, was referred to the Committee on Human Resources.

DEPARTMENTAL COMMUNICATION

A communication from the Office of Collective Bargaining (Dept. Com. No. 6), transmitting copies of the collective bargaining agreements for the following

public employees covering the biennium 1981-83:

Unit 1 - Blue Collar Nonsupervisory;
Unit 2 - Blue Collar Supervisory;
Unit 3 - White Collar Nonsupervisory;
Unit 4 - White Collar Supervisory;
Unit 9 - Nurses;
Unit 10 - Nonprofessional Hospital and Institutional Workers; and
Unit 13 - Professional and Scientific Employees;

was read by the Clerk and was referred to the Committee on Human Resources.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 4 and 5) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 4), transmitting House Bill No. 2011-82, H.D. 1, which passed Third Reading in the House of Representatives on February 1, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2011-82, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 5), transmitting House Bill No. 1558, H.D. 2, which passed Third Reading in the House of Representatives on February 1, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1558, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRECINCT OFFICIAL COMPENSATION," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

INTRODUCTION OF SENATE BILLS

On motion by Senator Cobb, seconded by Senator Anderson and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Tuesday, February 2, 1982:

Senate Bills

No. 2132-82 "A Bill for an Act Relating to the Hawaii Public Broadcasting Authority."

Introduced by: Senators Kuroda, Carpenter, Ushijima, Campbell, Cobb, Ajifu, Soares, Yamasaki, Uwaine, Young, Holt, Cayetano, Kawasaki, Mizuguchi and Machida.

No. 2133-82 "A Bill for an Act Relating to the Hawaii Public Broadcasting Authority."

Introduced by: Senators Kuroda, Machida, Ushijima, Campbell, Soares, Ajifu, Holt, Mizuguchi and Carpenter.

No. 2134-82 "A Bill for an Act Relating to the Importation of Animals."

Introduced by: Senators Yee, Kobayashi, Henderson, Wong, Yamasaki, Soares, Ajifu, Uwaine, Toyofuku, Cayetano, Kuroda, O'Connor and Abercrombie.

No. 2135-82 "A Bill for an Act Relating to Public Officers and Employees."

Introduced by: Senators Yee, Saiki, Ajifu, Toyofuku, Holt, Ushijima, Young, Machida, Campbell, Kobayashi, Yamasaki, Mizuguchi and Soares.

No. 2136-82 "A Bill for an Act Relating to the Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects."

Introduced by: Senator Cobb, by request.

No. 2137-82 "A Bill for an Act Relating to Motor Vehicle Insurance."

Introduced by: Senators Cobb, Ajifu, Kuroda, Young, Yamasaki, Anderson, Kawasaki, Carpenter and George.

No. 2138-82 "A Bill for an Act Relating to Motor Vehicle Insurance."

Introduced by: Senator Cobb, by request.

No. 2139-82 "A Bill for an Act Relating to Motor Vehicle Insurance."

Introduced by: Senators Cobb, Ajifu, Kuroda, George, Kawasaki, Carpenter and Soares.

No. 2140-82 "A Bill for an Act Relating to Plain Language in Consumer Transactions."

Introduced by: Senator Cobb, by request.

No. 2141-82 "A Bill for an Act Relating to Shoplifting."

Introduced by: Senators Cobb, Anderson, Ajifu, Kawasaki, Carpenter, Kuroda, George and Soares.

No. 2142-82 "A Bill for an Act Relating to Alarm Businesses."

Introduced by: Senators Cobb, Kuroda, Saiki, Yamasaki, Ajifu, Carpenter, Henderson, Young and Kawasaki.

No. 2143-82 "A Bill for an Act Relating to Drug Product Selection."

Introduced by: Senators Cobb, Kuroda, Henderson, Yamasaki, Anderson, Ajifu, Carpenter, Young and Kawasaki.

No. 2144-82 "A Bill for an Act Relating to Drugs."

Introduced by: Senators Cobb, Kuroda, Kawasaki, Carpenter, Henderson, Saiki, Young, Yamasaki, Anderson and Ajifu.

No. 2145-82 "A Bill for an Act Relating to Ridesharing."

Introduced by: Senators Cobb and George.

No. 2146-82 "A Bill for an Act Proposing an Amendment to Article VI of the Hawaii Constitution Relating to the Appointment of Justices and Judges."

Introduced by: Senators George, Henderson, Soares, Ajifu, Kuroda, Cobb, Carpenter, Kobayashi, Abercrombie and Anderson.

No. 2147-82 "A Bill for an Act Relating to Traffic Violations."

Introduced by: Senators George, Henderson, Soares, Kuroda, Cayetano, Carpenter, Kobayashi, Abercrombie, Campbell and Anderson.

No. 2148-82 "A Bill for an Act Making an Appropriation for Student Activity Services."

Introduced by: Senators Toyofuku, Campbell, Ushijima, Mizuguchi, Machida, O'Connor and Holt.

No. 2149-82 "A Bill for an Act Relating to the General Excise Tax."

Introduced by: Senator O'Connor.

No. 2150-82 "A Bill for an Act Relating to Quarantine."

Introduced by: Senator O'Connor.

No. 2151-82 "A Bill for an Act Relating to the Statewide Traffic Code."

Introduced by: Senator O'Connor.

No. 2152-82 "A Bill for an Act Relating to Horizontal Property Regimes."

Introduced by: Senator O'Connor.

No. 2153-82 "A Bill for an Act Relating to Civil Suits."

Introduced by: Senator O'Connor.

No. 2154-82 "A Bill for an Act Relating to Civil Actions and Proceedings."

Introduced by: Senator O'Connor.

No. 2155-82 "A Bill for an Act Making an Appropriation for the Repair and Restoration of the War Memorial at King and Punchbowl Streets, Honolulu."

Introduced by: Senator O'Connor.

No. 2156-82 "A Bill for an Act Relating to the Hearing-Impaired."

Introduced by: Senators Carpenter, Ajifu, Anderson, Campbell, Yamasaki, Saiki, Soares, Uwaine, Kuroda, Machida, Mizuguchi, Holt, Kawasaki and Kobayashi.

No. 2157-82 "A Bill for an Act Relating to Counties."

Introduced by: Senators Carpenter, Abercrombie, Ajifu, Cayetano, Cobb, George, Kawasaki, Kuroda, Soares, Uwaine and Anderson.

No. 2158-82 "A Bill for an Act Relating to Cost of Living Increases for State Retirees."

Introduced by: Senators Carpenter, Anderson, Campbell, Cayetano, Cobb, George, Holt, Kawasaki, Kobayashi, Kuroda, Machida, Mizuguchi, Saiki, Soares and Ushijima.

No. 2159-82 "A Bill for an Act Relating to Small Claims."

Introduced by: Senators Carpenter, Abercrombie, Ajifu, Campbell, Cayetano, Kawasaki, Kuroda, Soares, Uwaine and Yamasaki.

No. 2160-82 "A Bill for an Act Relating to Delinquent Moneys."

Introduced by: Senators Carpenter, Ajifu, Anderson, Cayetano, Cobb, George, Henderson, Holt, Kobayashi, Kuroda, Saiki, Soares, Uwaine and Yamasaki.

No. 2161-82 "A Bill for an Act Relating to Senate Confirmation."

Introduced by: Senators Carpenter, Kawasaki, Ajifu, Cobb, Uwaine, Henderson, Soares, Holt and Cayetano.

No. 2162-82 "A Bill for an Act Relating to Precious Metal Dealers."

Introduced by: Senators Carpenter, Kuroda, Abercrombie, Kawasaki, Ajifu, Yamasaki, Cobb, Henderson, Mizuguchi, Machida, Uwaine, Cayetano, Soares and Ushijima.

No. 2163-82 "A Bill for an Act Relating to Workers' Compensation."

Introduced by: Senators Henderson, Anderson, Ajifu, Saiki, Soares and Yee.

No. 2164-82 "A Bill for an Act Relating to Employment Security."

Introduced by: Senators Henderson, Anderson, Cayetano, Ajifu, Saiki, Soares and Yee.

No. 2165-82 "A Bill for an Act Relating to Taxation."

Introduced by: Senators Henderson, Anderson, Ajifu, Saiki, Soares and Yee.

No. 2166-82 "A Bill for an Act Relating to Income Taxation."

Introduced by: Senator O'Connor.

ORDER OF THE DAY

MATTER DEFERRED FROM JANUARY 29, 1982

Senate Resolution No. 3, S.D. 1:

Senator Young moved that S.R. No. 3, S.D. 1, be adopted, seconded by Senator Cobb.

Senator O'Connor then rose to speak against the resolution and stated as follows:

"Mr. President, I'm going to vote against this resolution, and I'd like to make a couple of comments before I do because I think that Senator Young has done a good job in her work in this area, and I want her to know that my vote will not reflect that situation.

"We had an interim committee work in this area and the interim committee came up with some very simple recommendations. They were, basically, doing away with memorial and congratulatory resolutions, limiting short form bills, and limiting

the number of CIP bills from each individual's district...good ideas.

"We have before us a resolution which at best obfuscates those simple good ideas. It contains some wording that, if literally interpreted, restricts the introduction of executive, legislative, and judicial appropriation measures entirely and can only lead, in the future, to either arguments on the floor or litigation concerning these matters. For example, it allows the President of the Senate and the minority party leader to introduce appropriation bills for the executive, legislative, and judicial branches only after appropriate consultation with committee chairmen and other members of the Senate. A literal reading of that would mean that when the President of the Senate got the executive appropriation bill or bills he would then have to consult with 24 other people before he could legally, pursuant to our Rules, introduce that bill. Now, I can't believe, Mr. President, that that is the intent of this particular measure, and yet that is what it says.

"I go on...that same proposition contains the word 'may' so that limitation only applies to the President and to the minority party leader. It allows all of the rest of us to introduce appropriation bills, left and right, without consulting with anyone.

"I go on...it says, 'each member may introduce one bill appropriating money for capital improvement projects for the member's district.' What it means to say is 'shall only' but it says 'may' which means, we may introduce one, but we may also introduce as many others as come down the pike. That was not the intent of this particular resolution. And I could go on to other sections of the matter.

"I take objection, Mr. President, to this kind of work from a staff standpoint, when some good, crisp, clear-cut ideas have come from Senator Young's efforts. And I believe that this could have been done in a much more crisp, efficient, grammatical style, and I'll defer to the good Senator on my right for grammar later on, than has been done. This isn't the way to handle the Rules of this body.

"For Lord's sake, we don't say that when we come up to a stop sign we're going to stop, however, in consultation with the three other drivers coming from the other direction, we may not stop?

"This resolution was not referred

to the Judiciary Committee. Our Rules are plain. It is the sole province of the Judiciary Committee to handle the Rules of this body, and I would simply suggest, from an administrative standpoint, that instead of the folderol we went through all last week where a Committee of the Whole wrestled this problem backwards and forwards and sideways that, had appropriate and complete committee work been done on these three good ideas, we would not be faced with this hodgepodge we vote upon today.

"Thank you, Mr. President."

Senator Uwaine in response stated as follows:

"Mr. President, I would like to respond to my fellow colleague who spoke before me. The thing about it is that I don't think he's very sincere in what he has just said, primarily, on this floor. The good Senator who has spoken before us chose not to attend, although as a member of that interim committee he may have had ideas that could have helped this whole body.

"I have heard references on several occasions that the seven Senators that refused to attend these caucuses, which were open to this whole body, said they did not want to attend to solve their problems.

"Mr. President, it's not their problems. It's something that we're all working together as a whole body that we want to resolve. If the good Senator from the Seventh District was sincere in his efforts, I welcome him to attend any of our caucuses. He is a Senator and has every right to do so. Thank you, Mr. President."

The motion was put by the Chair and, Roll Call vote having been requested, S.R. No. 3, S.D. 1, amending the Rules of the Senate of the Eleventh Legislature, was adopted on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima).

At this time, the Chair announced that bill introduction begins today and the Clerk will accept bills until 4:30 o'clock p.m.

The Chair then addressed the members of the Senate as follows:

"Members of the Senate, with your indulgence, I would like to make a few brief remarks.

"I have heard some very disturbing stories from the House of Representatives to which, as President, I feel I should respond.

"First, of course, I understand that the Speaker is unhappy with the Senate Coalition. Now, he is entitled to his own opinions but I would think he has enough to do in running the House without having to worry about the Senate too. I don't tell him what to do in running his body and I hope he would show me the same courtesy.

"More seriously, though, I have heard rumors that the House is threatening to kill all of the Senate Coalition bills and the Senate Republican bills that we send over.

"I would caution my colleagues in the House that this kind of tactic would be a mistake. I hope these are only rumors and that they have no basis in fact.

"The Senate Coalition is a very broad-minded, flexible group. We consider bills on their individual merits -- irregardless of whether or not they are Senate bills or House bills, irregardless of whether they are sponsored by a Democrat, Republican or so-called dissident Democrat.

"As proof of the openmindedness of the Senate Coalition, I would like to point out that last year we passed out of the Senate 15 bills which had been introduced by so-called dissident Democrats.

"We're fair; we're open; what more can I say?

"I say this in all sincerity to the House: We want to work together with you cooperatively and constructively; the threats about killing Senate bills are disruptive and may lead, unfortunately, in my opinion, to countermeasures by the Senate. I don't want this to happen. I don't want to fight with the House. I want us to work together. I really hope that we can.

"Thank you very much."

Senator Kawasaki then rose on a point of personal privilege to remark as follows:

"Mr. President, I want to commend you for the remarks you have just delivered. I think it is very appropriate. I too was greatly disturbed at the very intemperate remarks made by the Speaker of the House. I don't think he quite understands the reasons

for the coalition in the first place, its beginning, and why it still exists.

"I repeat again for his edification if he needs this, that the only reason for the coalition having taken place and having continued is that this Senate, the Senate of the State of Hawaii, desires to be, at least among 18 people, an independent Senate completely free of any domination, any intimidation, any influence by any outside group, including lobby groups.

"I was, in the past, very disturbed by remarks made by one member of the House, its Speaker, relative to our coalition and the operation of the Senate here. But I would advise all of us to take heart in the fact that that is one man's opinion in the 51-member House; he doesn't speak for the entire House."

Senator Cobb added as follows:

"Mr. President, I'd like to add a postscript to the record just as a matter of personal privilege.

"Having had both the pleasure and agony of serving with dissident Democrats in the House, I can state for the record that the coalition is one hellava lot more generous than ever happened in the House when 462 bills were introduced by eight dissident Democrats and not one of those bills ever had a public hearing, much less pass third reading; when no member of the so-called dissidents in the House ever served on a major committee as long as they were dissident, much less having any input.

"It's quite a different situation here. In fact, Mr. President, participation is openly invited in the Senate. The fact that this resolution was spoken to earlier on the amendment of the Rules showed a lack of participation by the very party who is complaining about it."

Senator Cayetano then added his remarks as follows:

"Mr. President, I agree with you that the coalition worked well last session. I would hope that the coalition would work as well this session and I think it may, if the political ambitions of members of the coalition do not get in the way of us deciding issues for the public good."

Senator Uwaine also stated as follows:

"Mr. President, just as a postscript to the previous speaker's remarks. I hope that the Speaker's political

ambition, as well, does not interfere with his relationship with the Senate. Thank you."

Senator Abercrombie then rose to state as follows:

"Mr. President, I have to stand up and say at this juncture, at this most serious moment of the legislative session, that I certainly hope that the coalition sponsorship of the legislative pay bill will not fail."

Senator O'Connor added: "As one of the dissidents, I just must say that this is the most serious moment of this session. We are all in deep trouble."

The Chair then stated as follows:

"Senator O'Connor, if I had known the Speaker was speaking on behalf of members of the Senate here I would have hired him as a PR man myself."

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

ADJOURNMENT

At 11:56 o'clock a.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 2, 1982.