

## SIXTEENTH DAY

Wednesday, February 10, 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 the Reverend Shigenori Makino of the Honpa Hongwanji Mission, after which the Roll was called showing all Senators present with the exception of Senators Abercrombie, Anderson, Cobb, Holt, Machida, Mizuguchi, Toyofuku, and Ushijima who were excused.

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

At this time, Senator Saiki, on behalf of Senator Anderson, introduced 40 members of the Aiea Lani Senior Citizens Club who will be visiting Iolani Palace and having lunch in Conference Room 6.

## SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 16), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING FINANCIAL AND MANAGEMENT AUDITS OF THE OAHU COMMUNITY CORRECTIONAL CENTER," was offered by Senators Carpenter, Uwaine, Kobayashi, Kuroda, Abercrombie, Cayetano and Kawasaki, and was read by the Clerk.

By unanimous consent, S.C.R. No. 16 was referred to the Committee on Judiciary.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 15 to 17) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 15), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING STATE VETERANS HOMES ON THE ISLANDS OF HAWAII, MAUI, AND KAUAI," was offered by Senators Carpenter, Cayetano, Ajifu, Cobb, George, Kobayashi, Kawasaki, Yamasaki, O'Connor, Kuroda and Campbell.

By unanimous consent, S.R. No. 15 was referred to the Committee on Health.

A resolution (S.R. No. 16), entitled: "SENATE RESOLUTION REQUESTING FINANCIAL AND MANAGEMENT AUDITS OF THE OAHU COMMUNITY CORRECTIONAL

CENTER," was offered by Senators Carpenter, Cayetano, Uwaine, Saiki, Kobayashi, Kuroda, Kawasaki and Abercrombie.

By unanimous consent, S.R. No. 16 was referred to the Committee on Judiciary, then to the Committee on Legislative Management.

A resolution (S.R. No. 17), entitled: "SENATE RESOLUTION REQUESTING A STUDY TO CONSIDER THE PROBLEM OF THE LARGE UNEMPLOYMENT INSURANCE TRUST FUND BALANCE," was offered by Senators Kawasaki, Kuroda, Ajifu, Cobb, Abercrombie, Cayetano and Yamasaki.

By unanimous consent, S.R. No. 17 was referred to the Committee on Human Resources.

## INTRODUCTION OF SENATE BILLS

On motion by Senator Kuroda, seconded by Senator Yee and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Thursday, February 11, 1982:

## Senate Bills

No. 2376-82 "A Bill for an Act Relating to Time Limitations."

Introduced by: Senators Carpenter, Kawasaki, Ajifu, Yee, Machida, Soares and Kobayashi.

No. 2377-82 "A Bill for an Act Relating to the Hawaii Penal Code."

Introduced by: Senators Carpenter, Kawasaki, Ajifu, Machida, Yee, Yamasaki and Kobayashi.

No. 2378-82 "A Bill for an Act Proposing an Amendment to Article VI, Section 3, of the Hawaii Constitution to Require that the Reappointment of Justices and Judges Be Subject to Consent of the Senate."

Introduced by: Senators Carpenter, Abercrombie, Kuroda, Soares, Young, Kawasaki, Cayetano, Uwaine, Saiki, Yee and Ajifu.

No. 2379-82 "A Bill for an Act Relating to Sentencing."

Introduced by: Senators Carpenter, Kawasaki, Soares, Kobayashi, Yamasaki, Ajifu, Yee and Machida.

No. 2380-82 "A Bill for an Act Relating to Community Mental Health and Substance Abuse Service System."

Introduced by: Senators Carpenter, Cayetano, Uwaine, Saiki, Kobayashi, Soares, Kuroda, Young, O'Connor, Yamasaki, Kawasaki, Yee, Ajifu and Abercrombie.

No. 2381-82 "A Bill for an Act Relating to Corrections."

Introduced by: Senators Carpenter, Kawasaki, Kobayashi, Ajifu and Yee.

No. 2382-82 "A Bill for an Act Relating to Dentistry."

Introduced by: Senator Uwaine.

No. 2383-82 "A Bill for an Act Relating to Workers' Compensation."

Introduced by: Senator Uwaine.

No. 2384-82 "A Bill for an Act Relating to Wage and Hour Law."

Introduced by: Senator Uwaine.

No. 2385-82 "A Bill for an Act Relating to Medical Assistance."

Introduced by: Senator Uwaine.

No. 2386-82 "A Bill for an Act Relating to Securities."

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

No. 2387-82 "A Bill for an Act Proposing an Amendment to Article VI, Section 5, of the Hawaii Constitution Relating to the Evaluation of Justices and Judges."

Introduced by: Senators Cobb, Kuroda, Uwaine, Carpenter, Young and Ajifu.

No. 2388-82 "A Bill for an Act Relating to Horizontal Property Regimes."

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

No. 2389-80 "A Bill for an Act Relating to Intoxicating Liquor."

Introduced by: Senator Yee.

No. 2390-82 "A Bill for an Act Relating to Collective Bargaining."

Introduced by: Senator Saiki, by request.

No. 2391-82 "A Bill for an Act Relating to Taxation."

Introduced by: Senators Saiki, Kuroda,

George, Henderson, Kawasaki, Young, Kobayashi and Carpenter.

No. 2392-82 "A Bill for an Act Making an Appropriation for Tourism."

Introduced by: Senators Kuroda, Kawasaki, Carpenter, George, Yamasaki, Soares, Henderson and Kobayashi.

No. 2393-82 "A Bill for an Act Relating to Measurement Standards."

Introduced by: Senator Wong, by request.

No. 2394-82 "A Bill for an Act Making an Appropriation for Payment of Settlement between the State of Hawaii and Dillingham Corporation DBA Hawaiian Dredging and Construction Company."

Introduced by: Senator Wong, by request.

No. 2395-82 "A Bill for an Act Relating to Death."

Introduced by: Senator Wong, by request.

No. 2396-82 "A Bill for an Act Relating to the Uniform Securities Act (Modified)."

Introduced by: Senator Wong, by request.

No. 2397-82 "A Bill for an Act Relating to Beauty Culture."

Introduced by: Senator Wong, by request.

No. 2398-82 "A Bill for an Act Relating to the Board of Dispensing Opticians."

Introduced by: Senator Wong, by request.

No. 2399-82 "A Bill for an Act Relating to the Department of Regulatory Agencies."

Introduced by: Senator Wong, by request.

No. 2400-82 "A Bill for an Act Relating to the Department of Social Services and Housing."

Introduced by: Senator Wong, by request.

No. 2401-82 "A Bill for an Act Relating to Child Abuse and Neglect."

Introduced by: Senator Wong,

by request.

No. 2402-82 "A Bill for an Act Relating to the Department of Social Services and Housing."

Introduced by: Senator Wong, by request.

No. 2403-82 "A Bill for an Act Relating to the Hawaii Wing, Civil Air Patrol."

Introduced by: Senators Yamasaki, Campbell, Young, Kuroda, Carpenter, George, Kobayashi, Ajifu and Cayetano.

No. 2404-82 "A Bill for an Act Relating to the Hawaii Wing, Civil Air Patrol."

Introduced by: Senators Yamasaki, Machida, Mizuguchi, Yee, Saiki, Kuroda, Toyofuku, Campbell, Carpenter, Cayetano, Henderson, Holt, Ajifu, Young and Kobayashi.

No. 2405-82 "A Bill for an Act Relating to Public Contracts."

Introduced by: Senators Yamasaki, Machida, Carpenter, Kobayashi, Campbell, Henderson, George, Saiki, Kuroda, Young, Cayetano, Holt, Ajifu and Toyofuku.

No. 2406-82 "A Bill for an Act Relating to Contracts for Concessions."

Introduced by: Senator Yamasaki, by request.

No. 2407-82 "A Bill for an Act Relating to Liquor License Fees."

Introduced by: Senator Yamasaki, by request.

No. 2408-82 "A Bill for an Act Relating to the Disbursement of Fines and Forfeitures."

Introduced by: Senator Yamasaki, by request.

No. 2409-82 "A Bill for an Act Relating to Intoxicating Liquor."

Introduced by: Senator Yamasaki, by request.

No. 2410-82 "A Bill for an Act Relating to the Compensation of Public Officers and Employees and Making an Appropriation Therefor."

Introduced by: Senator Yamasaki, Machida, Kuroda, Mizuguchi, Young, Cayetano, Campbell, Holt, Ajifu, Toyofuku, George, Kobayashi and Henderson.

No. 2411-82 "A Bill for an Act Relating

to Enhancement of Commercial Fisheries Development."

Introduced by: Senators Yee, Henderson, Kobayashi, Saiki, George, Carpenter, Ajifu, Soares and O'Connor.

No. 2412-82 "A Bill for an Act Relating to Disposition of Convicted Defendants."

Introduced by: Senator Carpenter.

No. 2413-82 "A Bill for an Act Relating to Disposition of Convicted Defendants."

Introduced by: Senator Carpenter.

No. 2414-82 "A Bill for an Act Relating to Social Services."

Introduced by: Senator Carpenter.

No. 2415-82 "A Bill for an Act Relating to Birth Certificates."

Introduced by: Senators Carpenter and Cayetano.

No. 2416-82 "A Bill for an Act Relating to Manslaughter."

Introduced by: Senators Carpenter and Kawasaki.

No. 2417-82 "A Bill for an Act Relating to Use of Force."

Introduced by: Senators Carpenter and Yamasaki.

No. 2418-82 "A Bill for an Act Relating to Electricians."

Introduced by: Senator Carpenter.

No. 2419-82 "A Bill for an Act Relating to Furloughs for Prisoners."

Introduced by: Senators Carpenter and Kawasaki.

No. 2420-82 "A Bill for an Act Relating to Offenses against the Person."

Introduced by: Senator Carpenter.

No. 2421-82 "A Bill for an Act Relating to Persons in Need of Protection."

Introduced by: Senator Carpenter.

No. 2422-82 "A Bill for an Act Relating to Affirmative Defense."

Introduced by: Senators Carpenter, Kawasaki and Yamasaki.

No. 2423-82 "A Bill for an Act Relating to Hawaii Rules of Evidence."

Introduced by: Senator Carpenter.

No. 2424-82 "A Bill for an Act Relating to Income Tax Credits for Political Contributions."

Introduced by: Senator Carpenter.

No. 2425-82 "A Bill for an Act Relating to Deferred Acceptance of Guilty Plea."

Introduced by: Senator Carpenter.

No. 2426-82 "A Bill for an Act Relating to the Disbursement of Fines and Forfeitures."

Introduced by: Senator Carpenter.

No. 2427-82 "A Bill for an Act Relating to Disposition of Convicted Defendants."

Introduced by: Senator Carpenter.

No. 2428-82 "A Bill for an Act Relating to Mental Health."

Introduced by: Senator Carpenter.

#### STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 11-82) informing the Senate that Senate Bill Nos. 2361-82 to 2375-82 have been printed and are ready for distribution.

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

Senator Kobayashi, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 12-82) recommending that Senate Bill No. 1561, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Ecology, Environment and Recreation.

On motion by Senator Kobayashi, seconded by Senator George and carried, the report of the Committee was adopted and S.B. No. 1561, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEVERAGE CONTAINERS," passed First Reading and was recommitted to the Committee on Ecology, Environment and Recreation.

#### ORDER OF THE DAY

#### REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Tuesday, February 9, 1982:

Senate Bills Referred to:

No. 2361-82 Committee on Government Operations and Intergovernmental Relations, then to the Committee on Ways and Means

No. 2362-82 Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means

No. 2363-82 Committee on Human Resources, then to the Committee on Ways and Means

No. 2364-82 Committee on Economic Development, then to the Committee on Ways and Means

No. 2365-82 Committee on Judiciary

No. 2366-82 Committee on Judiciary

No. 2367-82 Committee on Judiciary

No. 2368-82 Committee on Judiciary

No. 2369-82 Committee on Human Resources, then to the Committee on Ways and Means

No. 2370-82 Committee on Human Resources, then to the Committee on Ways and Means

No. 2371-82 Committee on Human Resources, then to the Committee on Ways and Means

No. 2372-82 Committee on Judiciary, then to the Committee on Ways and Means

No. 2373-82 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 2374-82 Jointly to the Committee on Economic Development and the Committee on Government Operations and Intergovernmental Relations

No. 2375-82 Jointly to the Committee on Economic Development and the Committee on Government Operations and Intergovernmental Relations

At this time, Senator Campbell rose and addressed the members of the Senate as follows:

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

"Yesterday, one of Hawaii's best known citizens and a former member of the Territorial House of Representatives passed away at Kaiser Medical Center.

"The civic leader, the engineer, the builder and humanitarian to which I refer is Nolle Smith, Sr. He was 94 years old.

"Now, while Nolle Smith was known as a leader in many fields of endeavor, he was probably best known as a friendly man. This quality endeared him into the hearts and minds of Hawaii's people. I think Hawaii is a better place to live because Nolle Smith, Sr. passed this way.

"Mr. President, may I request that we vote to adjourn with a standing vote in memory of Nolle Smith.

"Thank you."

Senator Yee then rose and stated:

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

"I would like to reiterate the comments made by Senator Campbell because we

all feel deeply about Nolle Smith and although we would have preferred to offer a resolution, I wish to convey my sincerest condolences to his family."

The President then made the following announcement:

"The Chair would like to make a request to the Chairmen of the respective Committees with regard to the Functional Plans.

"I have as yet neither seen the announcements nor the posting of the announcements for those Functional Plans and I would like to see them in a position for movement."

The President then ordered the members of the Senate to rise in memory of Nolle Smith, Sr.

#### ADJOURNMENT

At 11:42 o'clock a.m., on motion by Senator Kuroda, seconded by Senator Yee and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 11, 1982, in memory of Nolle Smith, Sr.