

TWENTY-EIGHTH DAY

Monday, March 8, 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 Miss Nancy Lewis of the First Church of Christ Scientist of Honolulu, after which the Roll was called showing all Senators present with the exception of Senators Ajifu and Yamasaki who were excused.

The Chair announced that he had read and approved the Journal of the Twenty-Seventh Day.

DEPARTMENTAL COMMUNICATION

A communication from the Office of Children and Youth (Dept. Com. No. 12), transmitting copies of a report entitled: "Inventory of Out-of-Home Placement Resources in Hawaii," 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. 50 to 53) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 50), transmitting House Bill No. 1944-82, which passed Third Reading in the House of Representatives on March 5, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1944-82, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CODE OF MILITARY JUSTICE," passed First Reading and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 51), transmitting House Bill No. 2154-82, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2154-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPULSORY SCHOOL ATTENDANCE," passed First Reading and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 52), transmitting House Bill

No. 2220-82, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2220-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF EMPLOYMENT AGENCIES," passed First Reading and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 53), transmitting House Bill No. 2319-82, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2319-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading and was referred to the Committee on Judiciary.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 24), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE REPORT ON THE FINAL COMPENSATION PLAN AND THE COST THEREOF," was offered by Senator Uwaine, and was read by the Clerk.

By unanimous consent, S.C.R. No. 24 was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 228-82) informing the Senate that Senate Resolution No. 38 and Standing Committee Report No. 227-82 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 Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 229-82) recommending that Senate Bill No. 2322-82, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawasaki, seconded

by Senator Kuroda and carried, the report of the Committee was adopted and S.B. No. 2322-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE NUMBER PLATES," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 10, 1982.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 2322-82, S.D. 1.

Senator Anderson, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 230-82) recommending that Senate Bill No. 1390, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 230-82 and S.B. No. 1390, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SEIZURE OF UNLICENSED DOGS," was deferred until Wednesday, March 10, 1982.

Senator Anderson, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 231-82) recommending that Senate Bill No. 2196-82, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Anderson, seconded by Senator Abercrombie and carried, the report of the majority of the Committee was adopted and S.B. No. 2196-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE STATE OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 10, 1982 on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Abercrombie and Kawasaki). Excused, 2 (Ajifu and Yamasaki).

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. 2196-82, S.D. 1.

Senator Anderson, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 232-82) recommending that Senate Bill No. 2198-82 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Anderson, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and S.B. No. 2198-82, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COMPENSATION CLAIMS ADJUSTMENTS," passed Second Reading and was placed

on the calendar for Third Reading on Wednesday, March 10, 1982.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 2198-82.

Senator Anderson, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 233-82) recommending that House Bill No. 798, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 798, H.D. 1, S.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTEREST ON UNDER-PAYMENTS AND OVERPAYMENTS."

Senator Anderson, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 234-82) recommending that House Bill No. 804, S.D. 1, as amended in S.D. 2, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. 804, S.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE, ESTATE TAXES."

Senator Anderson, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 235-82) recommending that House Bill No. 1100, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 235-82 and H.B. No. 1100, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEE FOR CIVIL IDENTIFICATION CERTIFICATE," was deferred until Wednesday, March 10, 1982.

Senator Kobayashi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 236-82) recommending that Senate Bill No. 2288-82, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kobayashi, seconded by Senator Henderson and carried, the report of the Committee was adopted and S.B. No. 2288-82, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 10, 1982.

In accordance with Article III, Section 15, of the Constitution of the State of

Hawaii, the 48-hour notice was given on S.B. No. 2288-82.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILL

The President re-referred the following Senate Bill:

Senate Bill No. 647 which was introduced on Friday, February 13, 1981, to the Committee on Ways and Means.

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

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.

"Mr. President, there are rumors circulating around the Capitol that negotiations are going on between the Senate and the House on the pay bill which involves the Governor's salary, his cabinet and judges, and the University President, and probably, some others.

"Mr. President, if these negotiations are in fact going on, I call upon you, as the presiding officer of this body, to call these negotiations to a halt because they violate the sunshine law and procedures set up by this Legislature to allow the legislators and the public, input in the legislative process.

"Now, this process, if I understand it correctly, should go something like this: the subject matter committee or committees, the Senate floor, and the Conference Committee if there is any disagreement with the House, and not the other way around.

"So, Mr. President, I think if these negotiations are really going on, we are flirting with the same sunshine law problem that plagued this body during the last session. Now, this is not an attempt, Mr. President, to put anybody on the spot. It is a very constructive inquiry. I'd like to ask you, as presiding officer, if you know of any negotiations which might substantiate the rumors to which I've referred."

The President then replied:

"If I may respond, Senator Campbell, there are no negotiations going on between

the House and the Senate on any pay bill at all.

"There was discussion prior to last week dealing with the pay bill over in the House. It is my understanding that the House has now taken a position, that since certain deadlines which were set by the House were not met, there is no bill under discussion at the present time.

"Now, to clarify my remarks, as of Friday, there has been no discussion between the House and the Senate on the matter of pay raises for any branch of government."

Senator Campbell then queried:

"Mr. President, prior to Friday, were there discussions or negotiations between anybody in the Senate and the House?"

The President responded:

"There were discussions, on the mechanics, but no negotiations. Just discussions, preliminarily, to discuss whether or not one body or the other body would be able to position a bill for discussion. I must point out to you that the Senate had been waiting for a House vehicle to arrive. That vehicle has not arrived, and has not moved laterally within the House.

"I'm told this by the news media and not by the Speaker himself. But, I think the Speaker's comment regarding this matter is pretty well for the record, that he will not have any movement on the House bill."

At this time, Senator Uwaine rose and stated:

"Mr. President, I would like to make a request that the Chief Clerk of the Senate send a portion of the Journal in relation to Senator Campbell's very wise remarks, as far as the statement ...though his personal privilege remarks are treading on thin ice...of secrecy and behind-closed-door deals, to the Speaker of the House, so that he may gain some wisdom from Senator Campbell's remarks about public openness and the right of the public to know as far as what's going on with the pay bill.

"And, as an ad-lib to that, I would like the Clerk to also put in a short note to the effect that the Senate stands ready to negotiate or to open discussions, so that the public and the press can be in attendance and be privy to what exactly is being talked about and discussed

as far as the executive branch salary increase is concerned.

"If the Clerk would just kindly send a copy of Senator Campbell's remarks to the Speaker of the House, I would appreciate it.

"Thank you."

The President then stated:

"I would like to add that from here on in, any discussion of the pay bill at this time is moot. There is really no bill here before the Senate and I'm told that there is no bill before the House. Therefore, I think we ought to get on with the business of the state. Should things occur, which they often do, then this body might reconsider and take a second look at our position, I think that everyone in this august body can appreciate these things do happen and we accept them as a part of the process here in the Legislature."

Senator Abercrombie then rose and stated:

"On a point of personal privilege, Mr. President, I'm a little disappointed that there is so much concern about the executive pay bill when I am much more interested in my own pay at the moment, and I wish that those members who are concerned about people being paid would pay equal attention in discussions or negotiations, formal or informal, to move the bill which will put the question of whether we can be paid every two weeks on the ballot so that I'm not going to get paid the kind of money that cuts off my cash flow so that I'm practically made into a person who is unable to pay his bills. And, I can tell you for a fact, that I don't care what anybody does in here or over in the House until I get taken care of and I'm not going to worry about somebody in another branch of government."

Senator Cobb then rose and stated:

"Mr. President, I feel compelled to respond on the matter of personal privilege that was raised.

"Frequently, I meet with members of the House, including my House counter-

part, to discuss various bills--not make decisions on them, but merely try to divide up the work load. I don't consider that a violation of the sunshine law, but merely a matter of accommodating their concerns and ours in a most efficient manner.

"We attempt to divide up the work load and let everybody know that so that he'll be working on one area of legislation and I'll be working on another, or he might be working on utilities and I might be on banking bills. This is a matter of division of labor to achieve efficiency. It's not a substantive discussion of the bill's merits nor are there any decisions made relative to the bills.

"I think any decision that is made behind closed doors would violate the sunshine law and that's why we refrain from it. But, more importantly, in my committee and I think this is true in a majority of the committees in the Senate, a decision is not made until a public hearing. If we make a decision prior to having input from the public and other interested parties, we're proceeding really on a basis of closed minds, and I don't see that many closed minds in this body.

"Thank you, Mr. President."

Senator Abercrombie then rose and stated:

"Mr. President, after this morning's festivities, you might like to know that if you go to the Pali Lanes in Kailua, you will be able to engage in a game called 'Monte Carlo.'

"Every Saturday at 7:00 p.m., you may strike it rich in a super-jackpot and you can make reservations for it. And all this time I thought we had to pass a lottery bill to have gambling in Hawaii."

ADJOURNMENT

At 11:59 o'clock a.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 10:30 o'clock a.m., on Tuesday, March 11, 1982.