SEVENTEENTH DAY

Thursday, February 7, 1985

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Herb Schaan, Pastor of Good Shepherd Lutheran Church, after which the Roll was called showing all Senators present with the exception of Senator Holt who was excused.

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

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

Senator Cobb introduced a group of 35 students from Maryknoll High School U.S. History Class who were accompanied by their teacher Daryl Matsui.

Senator Yamasaki, on behalf of the Senators from Maui, introduced the following persons representing the Hui Malama organization: Harolyn Hong and Nora Vierra, students; Charlene Montalvo, former student and current secretary; and Priscilla Mikell, executive director.

Senator Matsuura introduced Mr. Yuki Nishimoto, a constituent from Hilo.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 160 to 162) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 160, transmitting a report prepared by the Department of Social Services and Housing, in response to H.R. No. 35 (1984), Requesting a Study of the Feasibility of Developing a Systematic Process for Prison Population Management, was referred to the Committee on Judiciary.

Gov. Msg. No. 161, informing the Senate that on February 6, 1985, he signed H.B. No. 2 as Act 1, entitled: "MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," was placed on file.

Gov. Msg. No. 162, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nomination of Stephen D. Goodenow, term to expire December 31, 1988, was referred to the Committee on Consumer Protection and Commerce.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 28 from the Department of Defense, transmitting the "Economic Contributions of the Hawaii Army and Air National Guard, Fiscal Year 1984," was read by the Clerk and was referred to the Committee on Government Operations.

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. 404 "A BILL FOR AN ACT RELATING TO HAWAIIAN HOMES COMMISSION ACT, 1920."

Introduced by: Senators Solomon, B. Kobayashi, Chang, McMurdo, Holt, Mizuguchi, George, Matsuura, A. Kobayashi, Henderson, Cobb and Hagino

Referred to: Committee on Economic Development.

No. 405 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator B. Kobayashi.

Referred to: Committee on Labor and Employment, then to the Committee on Consumer Protection and Commerce.

No. 406 "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES, OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Senators B. Kobayashi and Aki.

Referred to: Committee on Housing and Community Development, then to the Committee on Judiciary.

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 Friday, February 8, 1985:

No. 407 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Senator Soares.

No. 408 "A BILL FOR AN ACT

RELATING TO EMPLOYMENT SECURITY."

Introduced by: Senator Soares.

No. 409 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Senator Soares.

No. 410 "A BILL FOR AN ACT RELATING TO NEW EMPLOYER TAX CREDITS."

Introduced by: Senator Soares.

No. 411 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Senator Soares.

No. 412 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators McMurdo, Abercrombie, Kuroda, George, Soares and Henderson.

No. 413 "A BILL FOR AN ACT RELATING TO COMMON CARRIERS."

Introduced by: Senators McMurdo and Abercrombie.

No. 414 "A BILL FOR AN ACT RELATING TO INCOME TAXATION."

Introduced by: Senator Young.

No. 415 "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."

Introduced by: Senator Young.

No. 416 "A BILL FOR AN ACT RELATING TO THE STATE COORDINATOR."

Introduced by: Senator Young.

No. 417 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senator Young.

No. 418 "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."

Introduced by: Senator Young.

No. 419 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Young.

No. 420 "A BILL FOR AN ACT RELATING TO SICK LEAVE BENEFITS."

Introduced by: Senators Machida and

Yamasaki.

No. 421 "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES."

Introduced by: Senators Machida and Yamasaki.

No. 422 "A BILL FOR AN ACT RELATING TO COUNTIES."

Introduced by: Senators Machida and Yamasaki.

No. 423 "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES."

Introduced by: Senators Machida and Yamasaki.

No. 424 "A BILL FOR AN ACT RELATING TO HOLIDAYS."

Introduced by: Senators Machida and Yamasaki.

No. 425 "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES."

Introduced by: Senators Machida and Yamasaki.

No. 426 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND."

Introduced by: Senators Machida and Yamasaki.

No. 427 "A BILL FOR AN ACT RELATING TO A JOB-SHARING PILOT PROJECT IN THE DEPARTMENT OF HEALTH."

Introduced by: Senators Machida and Yamasaki.

No. 428 "A BILL FOR AN ACT RELATING TO ALLOWANCE ON SERVICE RETIREMENT."

Introduced by: Senators Machida and Yamasaki.

No. 429 "A BILL FOR AN ACT RELATING TO RETIREMENT BENEFITS OF PUBLIC OFFICERS AND EMPLOYEES."

Introduced by: Senators Machida and Yamasaki.

No. 430 "A BILL FOR AN ACT RELATING TO ORDINARY DISABILITY RETIREMENT UNDER THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Machida and

Yamasaki.

No. 431 "A BILL FOR AN ACT RELATING TO PENSIONERS BONUS AND POST RETIREMENT ALLOWANCE."

Introduced by: Senators Machida and Yamasaki.

No. 432 "A BILL FOR AN ACT RELATING TO PENSIONER'S BONUS."

Introduced by: Senators Machida and Yamasaki.

No. 433 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' HEALTH RETIREMENT SYSTEM."

Introduced by: Senators Machida and Yamasaki.

No. 434 "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS."

Introduced by: Senator Wong, by request.

No. 435 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Wong, by request.

No. 436 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Senator Wong, by request.

No. 437 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Senators McMurdo, Yamasaki, B. Kobayashi and Matsuura.

No. 438 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Senators Kuroda, Solomon, Matsuura, Aki, Young, Fernandes Salling, McMurdo, Kawasaki, Yamasaki, Cayetano, Hagino, Abercrombie, Hee, Toguchi, Cobb, Wong and Chang.

No. 439 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Senators Kuroda, Machida, Yamasaki and Chang.

No. 440 "A BILL FOR AN ACT

RELATING TO LITTER."

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

No. 441 "A BILL FOR AN ACT RELATING TO SCHOOL BONDS."

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

No. 442 "A BILL FOR AN ACT RELATING TO PRIVATE ENTERPRISE."

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

No. 443 "A BILL FOR AN ACT RELATING TO LAND."

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

No. 444 "A BILL FOR AN ACT RELATING TO THE DISBURSEMENT OF FINES AND FORFEITURES."

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

No. 445 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS."

Introduced by: Senators Cayetano, Kuroda, Solomon, A. Kobayashi, George, Toguchi, Young, Aki and McMurdo.

No. 446 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."

Introduced by: Senators Cayetano, Kuroda, Solomon, Machida, A. Kobayashi, George, Mizuguchi, Toguchi, Aki and McMurdo.

No. 447 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senators Cayetano, Abercrombie, Kuroda, Solomon, Machida, A. Kobayashi, George, Mizuguchi, Aki, McMurdo and Fernandes Salling.

No. 448 "A BILL FOR AN ACT RELATING TO THE TAXATION OF AFFILIATED CORPORATIONS."

Introduced by: Senator Young.

No. 449 "A BILL FOR AN ACT RELATING TO REAL PROPERTY IN DESIGNATED AREAS."

Introduced by: Senators Cobb, George, Hagino, Toguchi, Mizuguchi, Fernandes Salling, Solomon, A. Kobayashi and Cayetano. No. 450 "A BILL FOR AN ACT RELATING TO SENTENCING."

Introduced by: Senators George, Matsuura, McMurdo, Cayetano, Soares, Henderson, Kuroda, Solomon, Hagino and Toguchi.

No. 451 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."

Introduced by: Senators George, Soares, McMurdo, Cayetano, Henderson, A. Kobayashi, Solomon and Toguchi.

No. 452 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR."

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

No. 453 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS."

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

No. 454 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."

Introduced by: Senators Cobb, Matsuura, Yamasaki, Chang, Mizuguchi, B. Kobayashi, Kuroda and Young.

No. 455 "A BILL FOR AN ACT RELATING TO EXPENDITURE OF STATE MONEY."

Introduced by: Senators Cobb, Yamasaki, Aki, Kuroda, Cayetano, Machida, Fernandes Salling and George.

No. 456 "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE."

Introduced by: Senator Cobb, by request.

No. 457 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."

Introduced by: Senator Cobb, by request.

No. 458 "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS."

Introduced by: Senator Cobb, by request.

No. 459 "A BILL FOR AN ACT RELATING TO THE HAWAII CRIMINAL JUSTICE DATA CENTER."

Introduced by: Senator Wong, by request.

No. 460 "A BILL FOR AN ACT RELATING TO THE HAWAII CRIMINAL JUSTICE DATA CENTER."

Introduced by: Senator Wong, by request.

No. 461 "A BILL FOR AN ACT RELATING TO SHOPLIFTING."

Introduced by: Senator Wong, by request.

No. 462 "A BILL FOR AN ACT RELATING TO TERMS OF BOARDS AND COMMISSIONS."

Introduced by: Senator Wong, by request.

No. 463 "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR."

Introduced by: Senator Wong, by request.

No. 464 "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME."

Introduced by: Senator Wong, by request.

No. 465 "A BILL FOR AN ACT RELATING TO WITNESS AND DEFENDANT EXPENSES."

Introduced by: Senator Wong, by request.

No. 467 "A BILL FOR AN ACT RELATING TO REPORTING OF PENAL CODE OFFENSES OCCURRING IN PUBLIC SCHOOLS."

Introduced by: Senator Wong, by request.

No. 468 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."

Introduced by: Senator Wong, by request.

No. 469 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."

Introduced by: Senator Wong, by request.

No. 470 "A BILL FOR AN ACT

request.

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."

Introduced by: Senator Wong, by request.

No. 472 "A BILL FOR AN ACT RELATING TO A HAWAII FILM INDUSTRY AUTHORITY."

Introduced by: Senator Wong, by request.

No. 473 "A BILL FOR AN ACT RELATING TO RELEASE OF INMATES."

Introduced by: Senator Wong, by request.

No. 474 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING."

Introduced by: Senator Wong, by request.

No. 475 "A BILL FOR AN ACT RELATING TO THE TRANSFER OF OFFENDERS UNDER TREATY."

Introduced by: Senator Wong, by request.

No. 476 "A BILL FOR AN ACT RELATING TO THE TAXATION OF AIRLINES."

Introduced by: Senator Wong, by request.

No. 477 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Wong, by request.

No. 478 "A BILL FOR AN ACT RELATING TO ADMINISTRATION OF TAXATION."

Introduced by: Senator Wong, by request.

No. 479 "A BILL FOR AN ACT RELATING TO ADMINISTRATION OF TAXATION."

Introduced by: Senator Wong, by request.

No. 480 "A BILL FOR AN ACT RELATING TO DUTIES OF THE DIRECTOR OF PERSONNEL SERVICES."

Introduced by: Senator Wong, by request.

No. 481 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Senator Wong, by

"A BILL FOR AN ACT No. 482 то SICK LEAVE AND RELATING TEMPORARY DISABILITY INSURANCE." Introduced by: Senator Wong, by request. "A BILL FOR AN ACT No. 483 REEMPLOYMENT AND RELATING TO RECALL LISTS." Wong, Introduced by: Senator bv request. "A BILL FOR AN ACT No. 484 **RELATING TO PUBLIC EMPLOYMENT."** Introduced by: Senator Wong, by request. "A BILL FOR AN ACT No. 485 **RELATING TO PUBLIC EMPLOYMENT."** Introduced by: Senator Wong, by request. "A BILL FOR AN ACT No. 486 EMPLOYEES RELATING то PUBLIC FUND AND AMENDING HEALTH HAWAII REVISED CHAPTER 87, STATUTES." Introduced by: Wong, Senator by request. No. 487 "A BILL FOR AN ACT COLLECTIVE RELATING тО BARGAINING." Introduced by: Senator Wong, by request. No. 488 "A BILL FOR AN ACT **RELATING TO PUBLIC EMPLOYMENT."** Introduced by: Senator Wong, by request. FOR AN No. 489 "A BILL ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES NOT COVERED BY CHAPTER 89." Wong, by Introduced by: Senator request. "A BILL FOR AN ACT No. 490 RELATING TO THE CIVIL SERVICE LAW DISMISSALS. SUSPENSIONS, ON DEMOTIONS, AND EMPLOYEE STATUS INVESTIGATION OF PENDING AN CHARGES." by Introduced by: Senator Wong,

No. 491 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING UNIT DETERMINATION."

request.

Introduced by: request.		Senator		Vong,	by	
Io. 492	"A	BILL	FOR	AN	ACT	

No. 492 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS."

Introduced by: Senator Wong, by request.

No. 493 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Senator Wong, by request.

No. 494 "A BILL FOR AN ACT RELATING TO TOURISM PROMOTION."

Introduced by: Senators Wong, Yamasaki, Chang, Aki, Hagino, Kawasaki, Solomon, Cayetano, Toguchi, Matsuura, Hee, Abercrombie, Kuroda, McMurdo and Cobb.

No. 495 "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATE-OPERATED LOTTERY SYSTEM."

Introduced by: Senators Wong, Yamasaki, Cayetano, Hagino, Kawasaki, Solomon, Toguchi, Machida, Chang, Fernandes Salling, Hee, Kuroda, McMurdo, Aki and Cobb.

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills were referred to print and were placed on the calendar for further consideration on Friday, February 8, 1985:

Senate Bills

No. 466 "A BILL FOR AN ACT RELATING TO THE PURCHASE AND MAINTENANCE OF COMPUTER INFORMATION SYSTEMS."

Introduced by: Senator Wong, by request.

No. 471 "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND MAKING AN APPROPRIATION THEREFOR."

Introduced by: Senator Wong, by request.

STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 8) informing the Senate that S.B. Nos. 385 to 406 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.

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

Senate Bills	Referred to:
No. 385	Committee on Judiciary
No. 386	Committee on Judiciary
No. 387	Committee on Judiciary
No. 388	Committee on Judiciary
No. 389 Protection and	Committee on Consumer Commerce
No. 390 Development	Committee on Economic
No. 391	Committee on Judiciary
No. 392 Services	Committee on Human
No. 393 Services	Committee on Human
No. 394	Committee on Judiciary
No. 395	Committee on Judiciary
No. 396	Committee on Judiciary

No. 397 Committee on Transportation, then to the Committee on Ways and Means

No. 398 Committee on Ways and Means

No. 399 Committee on Transportation, then to the Committee on Judiciary

No. 400 Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means

No. 401 Committee on Judiciary

No. 402 Committee on Judiciary

No. 403 Committee on Judiciary

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

At this time, Senator Abercrombie rose on a point of personal privilege and remarked as follows:

"Mr. President, yesterday, I indicated that some of the press reports coming out as to what was in the Majority package were not accurate and that it would be in the interest of the public if the media would wait until the Majority package actually appears before it is assumed that we know what is in it.

"Nonetheless, Mr. President, I am compelled to rise again because the morning paper came up with another version today which there is no relationship to what happened, as I understand, in the caucus. And I refer specifically, and I am compelled to speak for a moment in this area, of raising the drinking age from 18 to 21.

"Mr. President, the Majority package will not say that the drinking age is going to be raised from 18 to 21 but, rather, that the matter is going to be considered and taken up and debated on its merits.

"And I want it very clear, to members of the press and I hope it will appear in tomorrow's newspaper, particularly in the Advertiser, that it's not the case that the Majority has decided that this infamous usurpation of civil liberties is to be imposed upon those who are 18, 19 and 20 years old until we can have a proper debate so that those who do not agree with me will see the light. Thank you."

Senator Henderson also rose on a point of personal privilege and stated:

"Mr. President, the Honolulu Star-Bulletin, yesterday, on the front page...I was dismayed when I looked at the front page and saw, 'GOP Leader Calls for a Tax Hike,' and I turned to page 11 and on the top of the page it said 'Senate GOP Leader Urges 6% General Excise Tax.'

"Now, Mr. President, that might be the case, but the headline certainly doesn't reflect what my intentions were. My tax package, which has yet to be introduced, is really a three-part plan. It would provide about \$125 million in tax reductions to the citizens of Hawaii. It would give about \$70 million in revenue sharing to the counties. It would provide about \$50 million in tax savings to the business community and it would provide about \$18 million in savings to lessees. So, I think, Mr. President, it was a well rounded, well thought out plan. It was one of reform, not increase; to the actual revenue effect to the plan, it would probably be negative. It would probably be a small decrease in the revenues to the general fund. In order to cover these tax savings it was necessary to put in a modest 2 percent increase in the excise tax.

"That's really the situation, Mr. President. I hope that everybody understands it. Thank you."

Senator Kawasaki then rose on a point of information as follows:

"Mr. President, in this case, to provide some information, in view of the complaints from both the Republican and Democratic parties about both newspapers, for the edification of the members here, I just want to let them know that I have my annual three bills to repeal some mistakes we made back in 1970. I hope you will all read those bills and vote in favor of them."

The Chair then made the following announcement:

"Members of the Senate, according to Rule 41 of the Temporary Rules of the Senate of the Thirteenth Legislature, individual members are restricted as to the introduction of simple appropriation bills. By simple appropriation bills, I mean bills that just appropriate money with no statutory language involved. The restrictions were put in as part of the Senate's efforts to cut down on unnecessary paperwork since simple appropriation bills normally do not pass anyway.

"However, there appears to be broad interest among Senators to be able to introduce these simple appropriation bills for the purpose of discussion, hearing, and public information. As a result, the Chair is prepared to entertain a motion to rescind Rule 41 for the purpose of allowing members to introduce simple appropriation measures."

Senator Young then moved that Rule 41 of the Temporary Rules of the Senate of the Thirteenth Legislature be rescinded to allow for the introduction by individual members of simple appropriation bills, seconded by Senator Soares.

In accordance with Rule 82(1) of the Temporary Rules of the Senate of the Thirteenth Legislature, the motion was deferred until Friday, February 8, 1985, for further consideration.

ADJOURNMENT

At 12:06 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., Friday, February 8, 1985.