

TWENTY-NINTH DAY

Tuesday, March 10, 1981

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, convened at 11:30 o'clock a.m., with the Vice-President in the Chair.

The Divine Blessing was invoked by Reverend Iopu Fale, Pastor of the Cup of Freedom United Church of Christ, after which the Roll was called showing all Senators present, with the exception of Senator Machida who was excused.

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

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

Senator Anderson introduced 45 members of the Hui O Kaimuki Seniors Club who are on a visit of Washington Place and the State Capitol.

Senator Toyofuku introduced a delegation of 12 members of the Kauai Senior Legislative Group who are spending a week at the Legislature testifying and lobbying on various issues. Senator Toyofuku added that the delegation is a part of the Seniors' Legislative Observer Program which is sponsored by the four legislators from Kauai and this is the seventh year that they have welcomed such a group from Kauai. Ms. Ellie Lloyd and Ms. Kealoha Takahashi from the Kauai County Office of Elderly Affairs accompanied the group.

Senator Yee then introduced 60 fifth grade students from Jefferson School and their teachers, Mrs. Thelma Oda and Mrs. Betty Muraoka.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 91), transmitting copies of a report prepared by the Department of Transportation, regarding the Department's plan to mitigate the involuntary separation of large numbers of project-funded personnel in the Department, dated February 6, 1981, in response to Section 15 of Act 214, Session Laws of Hawaii 1979, was read by the Clerk and was referred jointly to the Committee on Transportation and the Committee on Ways and Means.

HOUSE COMMUNICATIONS

The following communications from

the House (Hse. Com. Nos. 40 to 43) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 40), transmitting House Concurrent Resolution No. 79, H.D. 1, which was adopted by the House of Representatives on March 9, 1981, was placed on file.

By unanimous consent, H.C.R. No. 79, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE FEDERAL GOVERNMENT AND THE STATE OF HAWAII PERMIT THE BURNING OF HIGHER SULFUR CONTENT FUEL OIL AT HAWAIIAN ELECTRIC COMPANY'S KAHE POWER PLANT," was referred jointly to the Committee on Ecology, Environment and Recreation and the Committee on Public Utilities.

A communication from the House (Hse. Com. No. 41), transmitting House Bill No. 86, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 86, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 42), transmitting House Bill No. 459, which passed Third Reading in the House of Representatives on March 9, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 459, entitled: "A BILL FOR AN ACT RELATING TO THE VALUATION OF PROPERTY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 43), transmitting House Bill No. 753, which passed Third Reading in the House of Representatives on March 9, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 753, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION SYSTEMS RATES AND CHARGES," passed First Reading by title and was referred jointly to the Committee on Agriculture and the Committee on Economic Development, then to the Committee on Ways and Means.

At 11:42 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock a.m.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 42), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO REAL PROPERTY TAX EXEMPTION FOR ALTERNATIVE ENERGY FACILITIES," was offered by Senators Yee, Kobayashi, George, Soares, Ajifu, Henderson, O'Connor, Carpenter, Mizuguchi, Yamasaki, Ushijima, Toyofuku and Cayetano, and was read by the Clerk.

By unanimous consent, S.C.R. No. 42 was referred jointly to the Committee on Agriculture and the Committee on Ways and Means.

SENATE RESOLUTIONS

The following resolutions (S.R. No. 115 and 116) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 115), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO PROVIDE EMERGENCY MEDICAL SERVICES FOR THE LAUPAHOEHOE AND HONOKAA AREAS OF THE BIG ISLAND," was offered by Senators Carpenter, Henderson, O'Connor, Abercrombie, Young and Mizuguchi.

By unanimous consent, S.R. No. 115 was referred to the Committee on Health.

A resolution (S.R. No. 116), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING AND THE DEPARTMENT OF HEALTH TO COOPERATIVELY TAKE ACTIVE MEASURES TO SECURE TITLE XIX FUNDS FOR THE DEVELOPMENT OF HEALTH-CARE SERVICES," was offered by Senators Carpenter, Kobayashi, Soares, Cayetano, Anderson, Campbell, Young, Kawasaki, Abercrombie, Henderson, Saiki, Ajifu, Kuroda, Cobb and Uwaine.

By unanimous consent, S.R. No. 116 was referred jointly to the Committee on Health and the Committee on Human Resources.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 300) informing the Senate that Senate Resolution Nos. 111 to 114 and Stand. Com. Rep.

Nos. 291 to 299 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 Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 301) recommending that Senate Bill No. 659 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Uwaine and carried, the report of the Committee was adopted and S.B. No. 659, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF ITINERANT VENDORS OF MEDICINES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 12, 1981.

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. 659.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 302) recommending that Senate Bill Nos. 594, 595, 596, 597, 598, 599, 600 and 601 pass First Reading by title and be recommitted to the Committee on Consumer Protection and Commerce.

On motion by Senator Cobb, seconded by Senator Uwaine and carried, the report of the Committee was adopted and

S.B. No. 594, entitled: "A BILL FOR AN ACT RELATING TO CEMETERIES AND MORTUARIES";

S.B. No. 595, entitled: "A BILL FOR AN ACT RELATING TO HEARING AID DEALERS AND FITTERS";

S.B. No. 596, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE";

S.B. No. 597, entitled: "A BILL FOR AN ACT RELATING TO NURSING HOME ADMINISTRATORS";

S.B. No. 598, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS";

S.B. No. 599, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRISTS";

S.B. No. 600, entitled: "A BILL FOR AN ACT RELATING TO PRACTICING PSYCHOLOGISTS"; and

S.B. No. 601, entitled: "A BILL FOR AN ACT RELATING TO SPEECH PATHOLOGISTS AND AUDIOLOGISTS,"

passed First Reading by title and were recommitted to the Committee on Consumer Protection and Commerce.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 303) recommending that Senate Bill No. 1111, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 1111, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 46, HAWAII REVISED STATUTES," passed First Reading and was recommitted to the Committee on Judiciary.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 304) recommending that Senate Bill No. 1112, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 1112, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 76, HAWAII REVISED STATUTES," passed First Reading and was recommitted to the Committee on Judiciary.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 305) recommending that Senate Bill No. 1136, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 1136, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 353, HAWAII REVISED STATUTES," passed First Reading and was recommitted to the Committee on Judiciary.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 306) recommending that Senate Bill No. 1145, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 1145, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 11, HAWAII REVISED STATUTES," passed First Reading and was recommitted to the Committee on Judiciary.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 307) recommending that Senate Bill No. 1163, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 1163, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 706, HAWAII REVISED STATUTES," passed First Reading and was recommitted to the Committee on Judiciary.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 308) recommending that Senate Bill No. 1114, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 1114, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 80, HAWAII REVISED STATUTES," passed First Reading and was recommitted to the Committee on Judiciary.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The President made the following re-referral of bills that were introduced on Wednesday, February 18, 1981:

Senate Bill Referred to:

No. 1150 Committee on Judiciary

No. 1161 Committee on Judiciary

At this time, Senator Carpenter, Chairman of the Committee on Judiciary, requested a waiver of the 48-hour notice of Public Hearing on the aforementioned measures:

S.B. No. 1150, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 237, HAWAII REVISED STATUTES";
and

S.B. No. 1161, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 329, HAWAII REVISED STATUTES,"

and the President granted the waiver.

Senator Campbell then rose on a point of personal privilege and stated as follows:

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

"Mr. President, I would like to respond to an article by a newspaper reporter found in the Sunday Star-Bulletin and Advertiser, dated March 8, 1981. The article was entitled, 'House Press Coverage Diminished.'

"Mr. President, the article refers to a new rule in the State House barring news reporters on the floor during break in a daily session, and I have some comments on this article but I would not like to have my remarks interpreted to mean that I'm trying to speak for the members of the House. I think they are fully capable of speaking for themselves. But, with reference to access to lawmakers on the floor, I would like to just make a passing comment.

"There is very serious doubt in my mind, Mr. President, and, as a former newsman myself, I make that statement--that a productive and conclusive interview can be accomplished on the floor at the time there is a caucus break--certainly, an interview that gives both reporter and lawmaker ample opportunity to explore the subject matter of the interview.

"Now, if the legislators make themselves available on the floor before and after session; in their offices, in the corridors of the State Capitol, in the committee rooms, by holding press conferences, in my judgment, the opportunity of the press to gather the news would not be adversely affected.

"Now, Mr. President, I'd like to move on to another issue which was raised by the reporter in his news commentary. The newsman made a very important point when he said, and I'm quoting his statement, 'The public puts up a hefty sum of its own money each year to have 76 individuals sort through the state's problems and come up with a slate of solutions. For their money taxpayers are entitled to know what went into the process of making new law, as well as being informed about the final product. As a practical matter, this information comes through the news media. It is impossible for 800,000 citizens

to come down to the Legislature each day and ask what's going on. Those who are interested spend a little money to buy a newspaper or use television or radio to get their information, and that information has to come from conversation with individual lawmakers.'

"In other words, the reporter is saying that the public has really paid a hefty sum to learn what their 76 legislators are doing, and the only way to get that information is through the press, and the only way the press can get that information is by talking to individual legislators.

"Now, Mr. President, the question is, if the press limits its information gathering to a few lawmakers, will their responsibility to the 800,000 citizens of Hawaii be adequately and justly carried out. The power of the press is awesome. If they choose not to cover a story, to the majority of the 800,000 citizens it is as though that story never happened. It is the hope of many of us, Mr. President, that the responsibility of the press to be fair and equitable will continue to be the benchmark which made our democracy a laudable process.

"Thank you."

Senator Abercrombie then added as follows:

"Mr. President, just in reflection of the prior speaker's remarks, I'm pleased to have that quotation that it is the obligation of the media to inform the public about the final product of legislation. That gives me great hope that Mr. Twigg-Smith will now alter his testimony and support your bill for full disclosure of the Hawaii Newspaper Preservation Act in terms of informing the public about the final product of that bill."

Senator Cobb then responded as follows:

"Mr. President, in brief response, I do not speak for the House nor do I presume any members of this body to do so, but I want to make it perfectly clear that the right of the press to uninterrupted access to any legislator on the floor of the Senate shall remain inviolate, and that we cannot claim to have a free or open body if that right were ever interfered with.

"I further maintain that the press can get very significant information by one or two questions to any legislator on the floor of this body, and they should have the absolute, untrampled

right to do so when we are not in session.

"Secondly, I would not presume ever to tell a reporter how to do a story, how to write it, or who to see. They have their own methods of getting a story, and speaking as an ex-newspaperman myself, I recognize the divergent methods of gathering a story and reporting the news. If we have any complaints about the fairness or objectivity of that news, we always have the right of personal privilege on the floor of the Senate.

"Thank you."

Senator Kuroda also rose to speak on the issue as follows:

"Mr. President, I also rise to speak on the issue mentioned by Senator Campbell. What the House chooses to do, it has chosen, and it has taken into consideration many factors, but I don't think that we are here to cast any disparaging...cast any shadow on what they have done.

"Let us remember that there have

been moments in these halls, among us, who have given thought to the need for the reporters to give us some privacy, when during recess we have discussed many personal matters. And the Senate has in caucus agreed not to prohibit the press from visiting with the Senators on the floor during recess. However, I think it very important that press members do honor the need for some privacy during the time that we do discuss certain things in private during recess.

"Thank you."

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

ADJOURNMENT

At 12:00 o'clock noon, on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 11, 1981.