

FORTY-SECOND DAY

Monday, March 30, 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 Edmond Walker, Hawaii Baptist Convention, after which the Roll was called showing all Senators present, with the exception of Senators Campbell, Cayetano, Ushijima, Uwaine and Wong who were excused.

The President then announced that he had read and approved the Journal of the Forty-First Day.

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

Senator Kobayashi introduced 13 members of the Student Council of Stevenson Intermediate School, accompanied by their teacher, Ms. Lovelyn Watson.

Senator Yee introduced a number of guests from Japan, American Samoa, the Northern Marianas and the United States who are in Hawaii to participate in the deliberations on the Pacific Billfish Plan, as follows: Mr. S. Kawamoto and Mr. K. Ohata, Fishery Agency, Government of Japan; Mr. T. Suzuki, Director, Japan Tuna, and President of the Northern Miyagi Prefecture Fishery Cooperative Association; Mr. Y. Harada, Japan Tuna, International Division; Mr. S. Nakamura, Director, Japan Near Sea Tuna Fishery Association; Mr. S. Sakai, National Federation of Fisheries Cooperative Association; Senator Peter Reid, American Samoa, Vice Chairman; Dr. Paul Calahan, Guam; Mr. Pedro Dela Cruz, Northern Marianas; and Mr. Ray Aranando, State Department, Washington, D.C.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 306 to 309) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 306), returning Senate Current Resolution No. 55, which was adopted in the House of Representatives on March 27, 1981, was placed on file.

A communication from the House (Hse. Com. No. 307), transmitting House Concurrent Resolution No.

82, H.D. 1, which was adopted in the House of Representatives on March 27, 1981, was placed on file.

By unanimous consent, H.C.R. No. 82, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING INCREASED TRAINING FOR EDUCATIONAL OFFICERS," was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 308), transmitting House Concurrent Resolution No. 160, which was adopted in the House of Representatives on March 27, 1981, was placed on file.

By unanimous consent, H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION URGING STATE AND COUNTY HOUSING AGENCIES TO REQUIRE THE TEN-YEAR WARRANTY/INSURANCE PROTECTION PLAN PROVIDED BY THE HAWAII HOME OWNERS WARRANTY COUNCIL FOR THEIR PROJECTS," was referred jointly to the Committee on Housing and Hawaiian Homes and the Committee on Government Operations and Intergovernmental Relations.

A communication from the House (Hse. Com. No. 309), transmitting House Concurrent Resolution No. 204, which was adopted in the House of Representatives on March 27, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION CONGRATULATING THE UNIVERSITY OF HAWAII RAINBOW BASKETBALL TEAM FOR A VICTORIOUS 1980-1981 SEASON," was adopted.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 61), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INTERIM STUDY CONCERNING THE ESTABLISHMENT OF CLOSED-CIRCUIT TELEVISION SYSTEMS BETWEEN THE STATE ADULT CORRECTIONAL FACILITIES AND ITS RESPECTIVE CIRCUIT COURTS," was offered by Senators Cobb, Kuroda, Cayetano, Soares, Carpenter, Campbell, George and Henderson and was read by the Clerk.

By unanimous consent, S.C.R. No. 61 was referred to the Committee on Judiciary.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 173 to 175) were read by the Clerk

and were disposed of as follows:

A resolution (S.R. Nos. 173), entitled: "SENATE RESOLUTION CONGRATULATING ANTONE S. 'TONY' SILVA FOR BEING CHOSEN THE 'OUTSTANDING HAWAII FARM BUREAU FEDERATION MEMBER FOR 1980' AND COMMENDING HIM FOR HIS COMMUNITY SERVICE," was offered by Senators Toyofuku, Ajifu, Kobayashi, Young, Kawasaki, Cobb, Kuroda, Uwaine, Ushijima, Henderson, Saiki, Yamasaki, Soares, Anderson, Campbell, Yee, O'Connor, Carpenter, Holt, Cayetano and George.

On motion by Senator Toyofuku, seconded by Senator Ajifu and carried, S.R. No. 173 was adopted.

A resolution (S.R. No. 174), entitled: "SENATE RESOLUTION REQUESTING AN INTERIM STUDY CONCERNING THE ESTABLISHMENT OF CLOSED-CIRCUIT TELEVISION SYSTEMS BETWEEN THE STATE ADULT CORRECTIONAL FACILITIES AND ITS RESPECTIVE CIRCUIT COURTS," was offered by Senators Cobb, Kuroda, George, Soares, Henderson, Carpenter, Campbell, Machida, Cayetano and Mizuguchi.

By unanimous consent, S.R. No. 174 was referred to the Committee on Judiciary.

A resolution (S.R. No. 175), entitled: "SENATE RESOLUTION COMMENDING THE TWENTY-FOURTH HAWAIIAN SCIENCE AND ENGINEERING FAIR," was offered by Senators Carpenter, Kuroda, Holt, Uwaine, Abercrombie, Kobayashi, Henderson, Soares, Ajifu, Toyofuku, Cobb, Saiki, Yee, Wong, Anderson, Yamasaki, Campbell, Cayetano, Kawasaki, Machida, Mizuguchi, Ushijima, Young, O'Connor and George.

On motion by Senator Carpenter, seconded by Senator Kuroda and carried, S.R. No. 175 was adopted.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 687) informing the Senate that Senate Resolution Nos. 170 to 172 and Standing Committee Report Nos. 632 to 686 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.

Senators Ajifu and George for the Committee on Agriculture and the Committee on Transportation, presented a joint report (Stand. Com.

Rep. No. 688) recommending that Senate Resolution No. 42, as amended in S.D. 1, be adopted.

On motion by Senator Ajifu, seconded by Senator George and carried, the joint report of the Committees was adopted and S.R. No. 42, S.D. 1, entitled: "SENATE RESOLUTION URGING THE GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE TO EXAMINE CURRENT AIR AND SURFACE SHIPPING SCHEDULES FOR AGRICULTURAL PRODUCTS AND SUBMIT A REPORT," was adopted.

Senator Ajifu, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 689) recommending that Senate Resolution No. 47 be adopted.

On motion by Senator Ajifu, seconded by Senator Kobayashi and carried, the report of the Committee was adopted and S.R. No. 47, entitled: "SENATE RESOLUTION REQUESTING APPROPRIATE ACTIONS TO CORRECT SUCH ABUSES AND PROBLEMS AS MAY EXIST WITH RESPECT TO STATE OWNED LANDS LEASED FOR AGRICULTURAL PURPOSES," was adopted.

Senator Ajifu, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 690) recommending that Senate Resolution No. 49 be adopted.

On motion by Senator Ajifu, seconded by Senator Kobayashi and carried, the report of the Committee was adopted and S.R. No. 49, entitled: "SENATE RESOLUTION RELATING TO THE CONSTITUTIONALLY MANDATED WATER RESOURCES AGENCY AND AGRICULTURE-RELATED WATER RESOURCES NEEDS AND ISSUES," was adopted.

Senator Ajifu, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 691) recommending that Senate Resolution No. 50 be adopted.

On motion by Senator Ajifu, seconded by Senator Kobayashi and carried, the report of the Committee was adopted and S.R. No. 50, entitled: "SENATE RESOLUTION RELATING TO SECTIONS OF THE INTERNAL REVENUE CODE GOVERNING SOIL AND WATER CONSERVATION EXPENDITURES AND EXPENDITURES FOR FERTILIZER AND LAND CLEARING AND REQUESTING A REPORT TO THE LEGISLATURE," was adopted.

Senator Ajifu, for the majority of the Committee on Agriculture presented a report (Stand. Com. Rep. No. 692) recommending that Senate Resolution

No. 52 be adopted.

On motion by Senator Ajifu, seconded by Senator Kobayashi and carried, the report of the majority of the Committee was adopted and S.R. No. 52, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO MINIMIZE THE PUBLIC AUCTION METHOD IN FAVOR OF OTHER METHODS IN LEASING PUBLIC LANDS FOR AGRICULTURAL PURPOSES," was adopted.

Senator Ajifu, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 693) recommending that Senate Resolution No. 54 be adopted.

On motion by Senator Ajifu, seconded by Senator Kobayashi and carried, the report of the Committee was adopted and S.R. No. 54, entitled: "SENATE RESOLUTION REQUESTING PROMPT FOLLOW-UP ACTIONS RELATING TO THE TRANSPORTATION AND USE OF AGRICULTURAL WASTE IN LAND RECLAMATION IN THE COUNTY OF HAWAII AND REQUESTING A REPORT FROM THE DEPARTMENT OF AGRICULTURE," was adopted.

Senator Ajifu, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 694) recommending that Senate Resolution No. 55 be adopted.

On motion by Senator Ajifu, seconded by Senator Kobayashi and carried, the report of the Committee was adopted and S.R. No. 55, entitled: "SENATE RESOLUTION EXPRESSING LEGISLATIVE ACKNOWLEDGEMENT OF THE SEVERITY OF THE PROBLEMS POSED BY THE SEVERAL VARIETIES OF THE WHITE FLY KNOWN TO EXIST IN HAWAII," was adopted.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

Senator Ajifu, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 695) recommending that Senate Resolution No. 107, as amended in S.D. 1, be adopted.

On motion by Senator Ajifu, seconded by Senator Kobayashi and carried, the report of the Committee was adopted and S.R. No. 107, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING BIOCONVERSION FACILITIES USING FARM ANIMAL WASTE

TO PRODUCE METHANE GAS," was adopted.

Senators Ajifu and Henderson, for the Committee on Agriculture and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 696) recommending that House Bill No. 770, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ajifu, seconded by Senator Henderson and carried, the joint report of the Committees was adopted and H.B. No. 770, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 1, 1981.

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. 770, S.D. 1.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 697) recommending that the Senate advise and consent to the nomination of Mary Gayle Bitterman, Ph.D., as Director of Regulatory Agencies, in accordance with Governor's Message No. 99.

By unanimous consent, action on Stand. Com. Rep. No. 697 and Gov. Msg. No. 99 was deferred until Tuesday, March 31, 1981.

Senator Ajifu, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 698) recommending that Senate Concurrent Resolution No. 40 be adopted.

On motion by Senator Ajifu, seconded by Senator Kobayashi and carried, the report of the Committee was adopted and S.C.R. No. 40, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A CONCERTED EFFORT BY FEDERAL AND STATE OFFICIALS AND AGENCIES TO ELIMINATE FEDERAL REGULATIONS WHICH ADVERSELY AFFECT INTERSTATE AND INTERNATIONAL MARKETING OF MEAT AND POULTRY PRODUCTS," was adopted.

ORDER OF THE DAY

THIRD READING

MATTER DEFERRED
FROM MARCH 27, 1981

H.B. No. 794, H.D. 2:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, H.B. No. 794, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Campbell, Cayetano, Ushijima, Uwayne and Wong).

RE-REFERRAL OF HOUSE BILLS

The Chair made the following referral of a House bill received on Monday, March 16, 1981:

House Bill	Referred to:
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No. 733	Committee on Ways and Means
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The Chair made the following referral of a House bill received on Thursday, March 19, 1981:

House Bill	Referred to:
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No. 482, H.D. 2	Committee on Ways and Means
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Senator Yee then rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege, for all of us, in regard to what has happened today in Washington, D.C. to the President, his staff and other people.

"I think it grieves all of us to hear, by radio, that someone again has taken a bold, crazy attempt to shoot, with purpose to kill, the highest elected official of this country. It's very sinful. We've already lost two great men, President Kennedy and his brother

Bobby Kennedy, and now this is another attempt. I think this is a disgrace to our people.

"An elected official's position is difficult because he or she must make decisions that are going to hurt some people and benefit others. All we can say at this particular point in time is that everyone of us in this country should reassess, re-evaluate ourselves and respect the leaders of our country for what they are trying to do.

"I think the age of permissiveness should be over, and it's high time justice deals a quick and fast blow, so that this can be a lesson in the direction that our country will go in treating people who have wanton disregard for the lives of others.

"I would like to ask that this body adjourn today with wishes for the speedy recovery of these people. Thank you."

Senator Carpenter, Chairman of the Committee on Judiciary, requested a waiver of the 48-hour notice of a Public Hearing on the following measure:

H.B. No. 168, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE,"

and the Chair granted the waiver.

ADJOURNMENT

At 11:59 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, March 31, 1981, with a prayer for the speedy recovery of President Reagan and all those injured in today's shooting.