

## FIFTY-THIRD DAY

Tuesday, April 14, 1981

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

The Divine Blessing was invoked by Reverend Daniel Nebres, Pastor of the Cosmopolitan United Church of Christ, after which the Roll was called showing all Senators present, with the exception of Senator Yee who was excused.

The President announced that he had read and approved the Journal of the Fifty-Second Day.

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

Senator Kuroda introduced the following Webelos Cub Scouts, Pack 42, who are fourth and fifth grade students of Maryknoll School: Jeffery Chang, Peter Weigher, Nolan Brown, Jamie Hoban, James Armstrong, John Morgan and Eddie Colby, accompanied by their scout leaders/fathers: Mr. Howard Chang and Mr. James Hoban.

Senator Abercrombie then introduced a group of 25 "rambunctious" fifth grade students from Kaahumanu School and their teacher Susan Imai.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 284 to 305) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 284), submitting for consideration and confirmation to the Board of Barbers, the nomination of Lois M. Post, term to expire December 31, 1981, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 285), submitting for consideration and confirmation to the Board of Massage, the nomination of Sydney Drosihn, term to expire December 31, 1983, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 286), submitting for consideration and confirmation to the Real Estate Commission, the nominations of Gloria J. Damron and Constance B. Smales, terms to expire December 31, 1984, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 287), submitting for consideration and confirmation to the Animal Species Advisory Commission, the nominations of Robert M. Nakamura, term to expire December 31, 1984, and Elizabeth Alison Kay, term to expire December 31, 1983, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 288), submitting for consideration and confirmation to the Animal Species Advisory Commission, the nomination of C. John Ralph, term to expire December 31, 1983, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 289), submitting for consideration and confirmation to the Hawaii Historic Places Review Board, the nomination of Glenn E. Mason, term to expire December 31, 1984, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 290), submitting for consideration and confirmation to the Education Commission of the States, the nomination of Hiroshi Yamashita, term to expire December 31, 1983, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 291), submitting for consideration and confirmation to the Library Advisory Commission, County of Hawaii, the nominations of Chieko Tanimoto, term to expire December 31, 1984; Robert Sanborn, term to expire December 31, 1983; Verna Mae Delo Santos, term to expire December 31, 1983; Alfred Evangelista, term to expire December 31, 1984; Grace Kekaulike Basque, term to expire December 31, 1982; and Daisy U. Smith, term to expire December 31, 1981, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 292), submitting for consideration and confirmation to the Board of Health, the nominations of Andrew P. Sackett, term to expire December 31, 1981, and Robert Berry, term to expire December 31, 1984, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 293), submitting for consideration and confirmation to the State Health Planning and Development Agency, the nomination of KeNam Kim, term to expire December 6, 1982, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 294), submitting for consideration and confirmation to the Hawaii County Subarea Health Planning Council, the nominations of Beverly Jean Withington, term to expire December 31, 1982; Garold Enloe, term to expire December 31, 1984; and Neal K. Nakashima, term to expire December 31, 1984, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. Nos. 295), submitting for consideration and confirmation to the Board of Directors, Research Corporation, University of Hawaii, the nomination of J.W.A. Buyers, term to expire December 31, 1982, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 296), submitting for consideration and confirmation to the Advisory Council for Housing and Construction Industry, the nomination of Sheldon S.H. Zane, term to expire December 31, 1982, was referred to the Committee on Housing and Hawaiian Homes.

A message from the Governor (Gov. Msg. No. 297), submitting for consideration and confirmation to the Advisory Council for Children and Youth, the nomination of Donna M. Fujii, term to expire December 31, 1982, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 298), submitting for consideration and confirmation to the Board of Trustees, Hawaii Public Employees Health Fund, the nominations of Roy E. King and E. Mabry Beard, terms to expire December 31, 1984, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 299), submitting for consideration and confirmation to the Hawaii Crime Commission the nominations of Rafael Acoba, A. Van Horn Diamond, George Iranon, Alwyn Kakuda, Neal Okabayashi, Thomas Oshiro, Borick Peroff, Frank D. Slocum and Frank P. White, Jr., all terms to expire January 30, 1984, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 300), submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of Kevin Mulligan, term to expire December 31, 1981, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 301), submitting for consideration and confirmation to the Medical Advisory Board, the nomination of Robert L. Smith, M.D., term to expire December 31, 1984, was referred to the Committee

on Transportation.

A message from the Governor (Gov. Msg. No. 302), submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District, the nomination of Lovey Leinaala Apana, term to expire December 31, 1984, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 303), submitting for consideration and confirmation to the Board of Trustees, Employees' Retirement System, the nomination of Jerry A. Ruthruff, term to expire January 1, 1987, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 304), submitting for consideration and confirmation to the Public Utilities Commission, the nomination of Clyde S. DuPont, term to expire December 31, 1985, was referred to the Committee on Public Utilities.

A message from the Governor (Gov. Msg. No. 305), transmitting two reports, prepared by the State Law Enforcement Planning Agency, in response to the following:

Senate Resolution No. 298 (1980), "Requesting a Study of Plans and Designs for Juvenile Intake Centers," February 1981, and

Senate Resolution No. 300 (1980), "Concerning the Development and Design of a Permanent Plan for the Koolau Youth Correctional Facility," which was submitted to the Senate in February 1981,

was referred to the Committee on Judiciary.

#### SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 80), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO REPORT TO THE LEGISLATURE CONCERNING COMPREHENSIVE ENERGY REPORTS BY PUBLIC UTILITIES," was offered by Senator Soares, and was read by the Clerk.

By unanimous consent, S.C.R. No. 80 was referred to the Committee on Public Utilities.

#### SENATE RESOLUTION

A resolution (S.R. No. 289), entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO TAKE THE APPROPRIATE ACTION TO ESTABLISH A NATIONAL TYPE APPROVAL PROGRAM," was offered

by Senators Cobb and Uwaine, and was read by the Clerk.

By unanimous consent, S.R. No. 289 was referred to the Committee on Government Operations and Intergovernmental Relations.

#### STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 935) recommending that Senate Concurrent Resolution Nos. 72 to 80, Senate Resolution Nos. 232 to 289, and Standing Committee Report Nos. 933 and 934 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. 936) recommending that the Senate advise and consent to the nomination of Albert F. Alfonso to the Civil Defense Advisory Council, term to expire December 31, 1984, in accordance with Governor's Message No. 233.

By unanimous consent, action on Stand. Com. Rep. No. 936 and Gov. Msg. No. 233 was deferred until Wednesday, April 15, 1981.

Senator Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 937) recommending that Senate Concurrent Resolution No. 21, as amended in S.D. 1, be adopted.

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and S.C.R. No. 21, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING ALL STATE, COUNTY AND CITY CRIMINAL JUSTICE AGENCIES TO ESTABLISH AND MAINTAIN COMPATIBLE DATA PROCESSING SYSTEMS," was adopted.

Senator Saiki, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 938) recommending that the Senate advise and consent to the nominations of John C.J. Yuen and Gerald Pang-Ching to the Board of Directors, Research Corporation of the University of Hawaii, terms to expire December 31, 1984, in accordance with Governor's Message No. 150.

By unanimous consent, action on

Stand. Com. Rep. No. 938 and Gov. Msg. No. 150 was deferred until Wednesday, April 15, 1981.

Senator Saiki, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 939) recommending that the Senate advise and consent to the nominations of Sumie F. McCabe, term to expire December 31, 1983, and David L. Fairbanks, term to expire December 31, 1984, to the Western Interstate Commission for Higher Education, in accordance with Governor's Message No. 151.

By unanimous consent, action on Stand. Com. Rep. No. 939 and Gov. Msg. No. 151 was deferred until Wednesday, April 15, 1981.

Senator Saiki, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 940) recommending that the Senate advise and consent to the nomination of Marjorie Manuia to the State Post-Secondary Education Commission, term to expire December 31, 1984, in accordance with Governor's Message No. 250.

By unanimous consent, action on Stand. Com. Rep. No. 940 and Gov. Msg. No. 250 was deferred until Wednesday, April 15, 1981.

#### ORDER OF THE DAY

#### MATTERS DEFERRED FROM APRIL 13, 1981

##### Senate Resolution No. 272:

By unanimous consent, S.R. No. 272, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO REVIEW ALL STATE LAWS RELATING TO SPOUSE ABUSE," was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

##### Senate Resolution No. 273:

By unanimous consent, S.R. No. 273, entitled: "SENATE RESOLUTION CONCERNING THE PAYMENT OF FUTURE DAMAGES BY PUBLIC ENTITIES," was referred to the Committee on Judiciary.

##### Senate Resolution No. 274:

By unanimous consent, S.R. No. 274, entitled: "SENATE RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO CONTINUE ITS COMMITMENT TO NUTRITION EDUCATION WITHIN THE PUBLIC SCHOOLS," was referred to the Committee on Education.

## Senate Resolution No. 275:

By unanimous consent, S.R. No. 275, entitled: "SENATE RESOLUTION RELATING TO THE ARRANGEMENT OF NAMES IN ELECTION BALLOTS," was referred to the Committee on Judiciary, then to the Committee on Legislative Management.

## Senate Resolution No. 276:

By unanimous consent, S.R. No. 276, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO STUDY AND EXPERIMENT WITH THE USE OF AN ELECTRONIC TELEMETRY SYSTEM," was referred to the Committee on Judiciary.

## Senate Resolution No. 277:

By unanimous consent, S.R. No. 277, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE REPORT OF THE HAWAII STATEWIDE SENTENCING PROJECT AND OF THE SENTENCING PROVISIONS OF THE HAWAII PENAL CODE," was referred to the Committee on Judiciary, then to the Committee on Legislative Management.

## Senate Resolution No. 278:

By unanimous consent, S.R. No. 278, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII HOUSING AUTHORITY TO PROVIDE LOW COST HOUSING PROJECTS ON STATE LANDS IN WEST HAWAII," was referred to the Committee on Housing and Hawaiian Homes.

## Senate Resolution No. 279:

By unanimous consent, S.R. No. 279, entitled: "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO EXAMINE THE FEASIBILITY OF AMENDING THE HAWAII RULES OF EVIDENCE," was referred to the Committee on Judiciary.

## Senate Resolution No. 280:

By unanimous consent, S.R. No. 280, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE DISQUALIFICATION PROCEDURES OF A JUDGE," was referred to the Committee on Judiciary.

## Senate Resolution No. 281:

By unanimous consent, S.R. No. 281, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE CAUSES WHICH INFLUENCE, ENCOURAGE, OR LEAD TO THE ESCAPE OF PRISONERS IN CORRECTIONAL FACILITIES," was referred to the Committee on Judiciary, then to the Committee on Legislative

Management.

## Senate Resolution No. 282:

By unanimous consent, S.R. No. 282, entitled: "SENATE RESOLUTION CONCERNING MINIMUM CURRICULUM OFFERINGS AT ALL HIGH SCHOOLS," was referred to the Committee on Education.

## Senate Resolution No. 283:

By unanimous consent, S.R. No. 283, entitled: "SENATE RESOLUTION REQUESTING THE DIRECTOR OF THE DEPARTMENT OF BUDGET AND FINANCE IN CONJUNCTION WITH THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT AND THE STATE COMPTROLLER, TO DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES TO ENSURE THAT CONSIDERATION BE GIVEN TO MULTIPLE AGENCY FACILITIES IN THE BUDGET PLANNING AND EXECUTION PROCESS," was referred to the Committee on Government Operations and Intergovernmental Relations.

## Senate Resolution No. 284:

By unanimous consent, S.R. No. 284, entitled: "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL OF THE STATE OF HAWAII TO ASSUME STATUTORY RESPONSIBILITY FOR THE JUVENILE JUSTICE INTERAGENCY BOARD IN THE EVENT THE STATE LAW ENFORCEMENT PLANNING AGENCY IS NO LONGER IN EXISTENCE," was referred to the Committee on Judiciary.

## Senate Resolution No. 285:

By unanimous consent, S.R. No. 285, entitled: "SENATE RESOLUTION RELATING TO THE ESTABLISHMENT OF A COMMISSION TO REVIEW CHAPTER 326, HAWAII REVISED STATUTES, 'RELATING TO LEPROSY', AND RULES AND REGULATIONS OF PUBLIC HEALTH POLICY APPERTAINING TO LEPROSY," was referred to the Committee on Health.

## Senate Resolution No. 286:

By unanimous consent, S.R. No. 286, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO AUDIT THE STATE HUNTER-SAFETY TRAINING PROGRAM," was referred to the Committee on Ecology, Environment and Recreation, then to the Committee on Legislative Management.

## Senate Resolution No. 287:

By unanimous consent, S.R. No. 287, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE SENTENCES FOR DRUG RELATED OFFENSES," was referred to the Committee on Judiciary, then

to the Committee on Legislative Management.

Senate Resolution No. 288:

By unanimous consent, S.R. No. 288, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO STUDY THE FEASIBILITY OF PROVIDING CHIROPRACTIC COVERAGE FOR PUBLIC ASSISTANCE RECIPIENTS IN THE STATE OF HAWAII," was referred to the Committee on Human Resources.

#### MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 7 to 12) were read by the Clerk and were disposed of as follows:

A communication from the Office of the Honorable Spark M. Matsunaga, United States Senate (Misc. Com. No. 7), acknowledging receipt of Senate Resolution Nos. 134 and 49 (1981), was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 8), acknowledging receipt of Senate Resolution No. 43 (1981), was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 9), acknowledging receipt of Senate Concurrent Resolution No. 49 and Senate Resolution No. 134 (1981), was placed on file.

A communication from Mr. James P. Walsh, Acting Administrator, United States Department of Commerce (Misc. Com. No. 10), acknowledging receipt of Senate Resolution No. 96 (1981), was placed on file.

A communication from the Honorable Spark Matsunaga, United States Senator (Misc. Com. No. 11), acknowledging receipt of Senate Resolution No. 96 (1981), was placed on file.

A communication from the Honorable Howard H. Baker, Jr., United States Senator (Misc. Com. No. 12), acknowledging receipt of Senate Resolution No. 132 (1981), was placed on file.

At this time, Senator Saiki, Chairman of the Committee on Higher Education, requested a waiver of the 48-hour notice of a Public Hearing on the following:

Governor's Message No. 295, submitting for consideration and confirmation to the Board of Directors, Research Corporation, University of Hawaii, the nomination of J.W.A. Buyers,

and the President granted the waiver.

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 o'clock p.m.

At this time, Senator Soares, Chairman of the Committee on Public Utilities, requested a waiver of the 48-hour notice of a Public Hearing on the following:

Governor's Message No. 304, submitting for consideration and confirmation to the Public Utilities Commission, the nomination of Clyde S. DuPont.

and the President granted the waiver.

Then, Senator Young, Chairman of the Committee on Housing and Hawaiian Homes, requested a waiver of the 48-hour notice of a Public Hearing on the following:

Governor's Message No. 296, submitting for consideration and confirmation to the Advisory Council for Housing and Construction Industry, the nomination of Sheldon S.H. Zane; and

Senate Resolution No. 278, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII HOUSING AUTHORITY TO PROVIDE LOW COST HOUSING PROJECTS ON STATE LANDS IN WEST HAWAII,"

and the President granted the waiver.

At this time, Senator Campbell rose on a point of personal privilege as follows:

"Mr. President, I have in my hand a report which is entitled, 'Symposium on School Violence and Vandalism,' which should be on your desk and the desk of the other Senators sometime today or tomorrow. This symposium met on December 5, 1980, in Washington, D.C.

"Before going into a discussion of that report, I think that at this point I would like to stress appreciation to the Education Commission of the States for their cooperation in setting up this symposium. Mr. President, the Washington conference was set up to give Hawaii additional information concerning the problems plaguing our schools today, and I have reference to school violence and vandalism.

"As I feel, it is imperative that this Legislature concern itself with

a comprehensive program for early identification and treatment of troubled students. Some of us had some hope last year when Senate Bill 1933 passed the Senate and passed the House Education Committee, but got stopped in the House Finance Committee. In writing the bill some of us felt that the biggest loophole in the fight against violent crime was losing track of students who exhibit problems in the early years, or students who identify those problems but no action was taken to solve the problem.

"A dramatic example of this point that I'm trying to make is the assault on a school teacher in the classroom last Friday. Mr. President, it is incredible that the same youngster could commit the same kind of violent crime in the same general manner and place without having been referred to a program which would have prevented the second offense. Furthermore, it is difficult to understand why this 17-year old was not identified earlier in his school career and preventive action taken. The fact that this high school junior could come on campus and repeat the same crime is an indication that there is something wrong with our preventive system.

"It is my hope that this report of the Symposium on School Violence and Vandalism will be used as a basis for seriously addressing this problem. I'm submitting a copy to the Board of Education and to the Department of Education.

"And in a kind of closing statement, Mr. President, may I call for the implementation of an effective program to combat school violence and vandalism. Time is not on our side. Thank you very much."

Senator Uwaine then rose to inquire "if the Senator from the Fifth District will yield to a question" and Senator Campbell replied: "Yes, if it's prudent and germane."

Senator Uwaine asked: "Mr. President, is the young man that he refers to, I guess the 17-year old, a repeat offender, was he found guilty yet?"

Senator Campbell answered: "Mr. President, no, I don't think he's been found guilty yet. He was found guilty a year ago of assaulting a custodian, and I think the point that the Senator is making is a very technical one. I don't know whether it relates to the comments that I made on school violence and vandalism or not, but in direct answer to the Senator, no,

he hasn't been convicted yet of the crime, but I think we have a number of students in the same category who have not been convicted yet, but the problem remains. Thank you."

Senator Uwaine responded: "Mr. President, I just think that it's very important that we remember that our laws are based on the fact that a person is innocent until proven guilty."

Senator O'Connor then remarked: "Mr. President, juveniles are never convicted."

At this time, Senator Kuroda, Chairman of the Committee on Tourism, requested a waiver of the 48-hour notice of a Public Hearing on the following measure:

Senate Bill No. 271, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOTELS,"

and the President granted the waiver.

The Chair then made the following announcement:

"The Chair would like to inform the members of the Senate that the House has taken formal action on the naming of its conferees. Transmittal of the final documents to the Senate will be some time this afternoon. As soon as those documents have arrived from the House naming the House conferees, distribution will be made to the members of the Senate."

#### APPOINTMENT OF CONFEREES

House Bill No. 629, H.D. 1, S.D. 2:

The President appointed Senators Yamasaki, Chairman, Uwaine, Carpenter, O'Connor and Yee as Managers on the part of the Senate at the conference to be held for the consideration of amendments made by the Senate to H.B. No. 629, H.D. 1:

House Bill No. 1870, H.D. 1, S.D. 1:

The President appointed Senators Yamasaki, Chairman, Uwaine, Campbell and Yee as Managers on the part of the Senate at the conference to be held for the consideration of amendments made by the Senate to H.B. No. 1870, H.D. 1.

#### ADJOURNMENT

At 11:58 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.,  
Wednesday, April 15, 1981.