

SIXTY-SECOND DAY

Tuesday, April 28, 1981

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, convened at 10:00 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Senator Patsy K. Young, after which the Roll was called showing all Senators present, with the exception of Senators Carpenter, Cayetano, Cobb, Henderson, Holt and Ushijima who were excused.

STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1115-A) informing the Senate that Senate Resolution No. 344, Conference Committee Report Nos. 60 to 70 and Standing Committee Report No. 1114 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.

ORDER OF THE DAY

MATTERS DEFERRED
FROM APRIL 27, 1981

FINAL READING

Conference Committee Report No. 53 (H.B. No. 344, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 53 and H.B. No. 344, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," was deferred until Wednesday, April 29, 1981.

Conference Committee Report No. 56 (S.B. No. 1507, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 56 and S.B. No. 1507, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNSEL AND OTHER SERVICES FOR INDIGENT DEFENDANTS IN CRIMINAL AND RELATED CASES," was deferred until Wednesday, April 29, 1981.

Conference Committee Report No. 57 (H.B. No. 1167, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 57 (H.B. No. 1167, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE VENTURE CAPITAL INFORMATION CENTER," was deferred until Wednesday, April 29, 1981.

Conference Committee Report No. 58 (S.B. No. 335, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Ajifu and carried, Conf. Com. Rep. No. 58 was adopted and S.B. No. 335, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Carpenter, Cayetano, Cobb, Henderson, Kawasaki and Ushijima).

Conference Committee Report No. 52 (H.B. No. 919, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 52 and H.B. No. 919, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF A JUDGMENT BETWEEN THE STATE OF HAWAII AND SYLVIA GAMINO," was deferred until Wednesday, April 29, 1981.

Conference Committee Report No. 2 (H.B. No. 769, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 2 (H.B. No. 769, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE 1984 SILVER JUBILEE OF HAWAII'S STATEHOOD AND MAKING AN APPROPRIATION THEREFOR," was deferred until Wednesday, April 29, 1981.

Conference Committee Report No. 18 (H.B. No. 50, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 18 and H.B. No. 50, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," was deferred until Wednesday, April 29, 1981.

Conference Committee Report No. 30 (H.B. No. 1048, H.D. 2, S.D. 2,

C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 30 and H.B. No. 1048, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PUPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," was deferred until Wednesday, April 29, 1981.

Conference Committee Report No. 37 (H.B. No. 1680, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 37 and H.B. No. 1680, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," was deferred until Wednesday, April 29, 1981.

Conference Committee Report No. 44 (S.B. No. 163, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 44 and S.B. No. 163, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDEXING THE HAWAII REVISED STATUTES," was deferred until Wednesday, April 29, 1981.

THIRD READING

Standing Committee Report No. 955 (H.B. No. 114, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 955 and H.B. No. 114, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR," was deferred until Wednesday, April 29, 1981.

Standing Committee Report No. 1102 (H.B. No. 767, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1102 and H.B. No. 767, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED COMPENSATION PLANS FOR PUBLIC EMPLOYEES," was deferred until Wednesday, April 29, 1981.

Standing Committee Report No. 1111 (Gov. Msg. Nos. 129 and 226):

By unanimous consent, action on Stand. Com. Rep. No. 1111 and Gov.

Msg. No. 129 (Virginia Dee Costello and Francis A. Oda, Commission on the Year 2000) and Gov. Msg. No. 226 (Lester E. Cingcade, Commission on the Year 2000) was deferred until Wednesday, April 29, 1981.

Standing Committee Report No. 1112 (Gov. Msg. Nos. 225 and 128):

By unanimous consent, action on Stand. Com. Rep. No. 1112 and Gov. Msg. No. 225 (David M. Murata, Bailey R. Center, George L. Butterfield, Jr. and Franklin Ty Kudo, Commission on Population and the Hawaiian Future) and Gov. Msg. No. 128 (Paul T. Tajima, Commission on Population and the Hawaiian Future) was deferred until Wednesday, April 29, 1981.

At 10:16 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:25 o'clock a.m.

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

"Mr. President and members of the Senate, I have an opinion from the Attorney General's Office which addresses a vital concern of this Legislature.

"In response to a request of a Senate legislative committee to be supplied with pertinent information, a department of the state government stated, 'I have instructed staff not to provide the requested information or to participate in the hearing.'

"I requested the Attorney General's Office to rule as to whether or not that said department had violated Section 21-16, of the Hawaii Revised Statutes, which requires government officers and employees to cooperate and supply information to a legislative committee. A summary statement from the Attorney General reads as follows:

'We find that Section 21-16, Hawaii Revised Statutes, imposes a duty on government officers and employees to cooperate with legislative investigating committees to the extent that these investigating committees have requested information in accordance with the procedures set forth in Chapter 21, Hawaii Revised Statutes.'

"Mr. President, while this legal opinion is void of decisiveness, it does put all departments of the state on notice that a legislative committee

has the authority and the right to request and get cooperation from departments of the state and county governments."

ADJOURNMENT

At 10:29 o'clock a.m., on motion by Senator Kuroda, seconded by Senator Anderson and carried, the Senate adjourned until 9:30 o'clock p.m., Wednesday, April 29, 1981.