

## FIFTH DAY

Tuesday, January 26, 1982

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, convened at 11:30 o'clock a.m., with the Vice-President in the Chair.

The Divine Blessing was invoked by the Reverend Richard DuFresne of the Community Church of Honolulu, after which the Roll was called showing all Senators present with the exception of Senators Kobayashi, Kuroda, Yee and Wong who were excused.

The President announced that he had read and approved the Journal of the Fourth Day.

At this time, Senator Abercrombie introduced to the members of the Senate a group of Kiwanis and "K-Family" sponsored youth club representatives, in recognition of Worldwide Kiwanis Week and the 67th Anniversary of the founding of the Kiwanis International. Sitting in the Senate gallery: Mrs. June Brown, Mrs. Renie Hammann, Louise Berge, Harold K. Berge, District Director of Administration (Kiwanis), Cheryl Millham and Thomas W. Millham, Lt. Governor of California, Division 45 (Kiwanis), Jackie Millham and Al Millham, Treasurer and Past President of the Kiwanis Club of Temple City, California, Division 10; members of Hawaii Kiwanis Clubs on Oahu: Samuel T. Sakamaki, Wallace L. Pitchford, Terry T. Tamura, James S. Takishita, Admiral W. Jefferson, Albert T. Anderson, Wallace Shackle and Karl D. Jahnke; Ray U. Uchimura, member of Circle "K," University of Hawaii Club; Mike Teramoto and Roy T. Fujinaka, members of Key Clubs in the high schools; Sheryl Arakaki and A. Dale Miller, members of Keywanettes in the high schools.

Senator Abercrombie stated: "Kiwanians internationally, including the members in the State of Hawaii, exemplify concern for others and appreciation of human value through community service projects and this legislative body extends congratulations and commendation for their significant contributions and outstanding evidence of good citizenship."

Senator Abercrombie then introduced Mr. Bill Wesley Brown, Governor of the California-Nevada-Hawaii District, Kiwanis International, and Mr. Arthur H. Hammann, Lieutenant Governor for the Hawaii Division, Kiwanis International, who were presented with leis by Senators Saiki and Young and Senate certificates

by Senator Abercrombie.

At 11:40 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:41 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1 to 32) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 1), transmitting copies of the progress report of the Long Term Care Channeling Demonstration Project by the Department of Social Services and Housing, in response to House Resolution No. 418 (1981), was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 2), transmitting copies of reports prepared by the Department of Education in response to:

1. House Bill No. 1 (1981), relating to the Hawaiian Studies Program;

2. House Bill No. 1 (1981), relating to the Asian, European and Pacific Languages Program;

3. House Bill No. 1 (1981), relating to alternative housing for the Office of Instructional Services;

4. House Bill No. 1 (1981), relating to Project Holomua;

5. House Resolution No. 39 (1981), requesting the Board of Education to take corrective measures against school violence and vandalism;

6. House Resolution No. 212 (1981), requesting increased training for educational officers;

7. House Resolution No. 428 (1981), requesting the relocation plan for Department of Education rental offices;

8. House Resolution No. 528 (1981), requesting the Board of Education to study the feasibility of more equitably distributing off-ratio teachers to the elementary and secondary schools to strengthen programs for gifted and talented students;

9. House Resolution No. 580 (1981), requesting the Board of Education to

report on measures taken to resolve the issues relating to the Job Sharing Program;

10. Senate Resolution No. 44 (1981), requesting the Department of Education to broaden course offerings in vocational agriculture and to submit a report on this subject;

11. Senate Resolution No. 153 (1981), regarding cardiopulmonary resuscitation training in high schools;

12. Senate Resolution No. 176 (1981), requesting the preparation of a weighted class size formula;

13. Senate Resolution No. 251 (1981), requesting the Board of Education to report on the efforts to reduce unnecessary expenses by consolidating underutilized schools.

14. Senate Resolution No. 257 (1981), requesting the Department of Education to conduct a feasibility study on establishing a new high school in the Kealakehe Complex in West Hawaii;

15. Senate Resolution No. 274 (1981), encouraging the Department of Education to continue its commitment to nutrition education within the public schools; and

16. Senate Resolution No. 282 (1981), concerning minimum curriculum offerings at all high schools;

was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 3), transmitting copies of a report prepared by the Department of the Attorney General, in response to Senate Resolution No. 279 (1981), requesting the Attorney General to examine the feasibility of amending the Hawaii Rules of Evidence, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 4), transmitting copies of a plan prepared by the Executive Office on Aging, Office of the Governor, in response to Part III, Section 38, Act 1, 1981, "Plan for a Systematic Review and Selection of All Requests for Grants," was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 5), transmitting copies of a report prepared by the Department of Education, in response to House Resolution No. 38 (1981), requesting the Board of Education to report on the Alternative Education Program, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 6), transmitting copies of "Criteria for Systematic Review and Selection of Basic Grants for the Progressive Neighborhoods Program Task Force," pursuant to Act I, Part III, Section 25, SSLH 1981, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 7), transmitting copies of a report prepared by the Office of Economic Opportunity, in response to Act 1, Part III, Section 37, SSLH 1981, requesting the Office of Economic Development to develop a plan for systematic review and selection of "other grants-in-aids," was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 8), transmitting copies of a report prepared by the Department of Labor and Industrial Relations, in response to House Resolution No. 359 (1981), requesting the Department of Labor and Industrial Relations to amend their rules relating to the Boiler and Elevator Safety Law, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 9), transmitting copies of a report prepared by the Executive Office on Aging, in response to House Resolution No. 606 (1981), requesting a study to determine whether any duplication of health screening services for the elderly exist between the state, its counties, and the private community health agencies, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 10), transmitting copies of the Annual Report of the Hawaii Public Broadcasting Authority for the Fiscal Year ending June 30, 1981, submitted pursuant to Section 314-12, HRS, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 11), transmitting copies of the Annual Report of the Commission to Promote Uniform Legislation, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 12), transmitting copies of the Annual Report of the Insurance Commissioner, pursuant to Section 294-16, HRS, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 13), transmitting copies of a report prepared by the Department of Social Services and Housing and by the Judiciary, assisted by the Office

of Children and Youth, in response to House Resolution No. 632 (1981), requesting the Department of Social Services and Housing and the Family Court to report on placement services and related care provided to low, medium, and high-risk juvenile offenders, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 14), transmitting copies of the Annual Report of the Research Corporation of the University of Hawaii for Fiscal Year 1981, as mandated by Section 307-6, HRS, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 15), transmitting copies of "Mariculture and Ocean Thermal Energy Conversion--State-of-the-Art Assessments," a technical supplement to "Ocean Leasing for Hawaii," January 1981, prepared by the Department of Land and Natural Resources, initiated as a result of amendments ratified under Article XI of the Hawaii State Constitution, and in response to House Resolution No. 474 (1979), was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 16), transmitting copies of a report prepared by the Department of Health, in response to Senate Concurrent Resolution No. 29 (1981), urging the Governor to negotiate interstate compacts for the disposal of low-level radioactive wastes, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 17), transmitting copies of the 1980 Annual Report of the State Energy Resources Coordinator, prepared by the Department of Planning and Economic Development, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 18), transmitting copies of the 1980-81 Annual Report prepared by the Department of Hawaiian Home Lands, was referred to the Committee on Housing and Hawaiian Homes.

A message from the Governor (Gov. Msg. No. 19), transmitting copies of the Annual Report prepared by the Hawaii Community Development Authority for Fiscal Year 1980-1981, was referred to the Committee on Housing and Hawaiian Homes.

A message from the Governor (Gov. Msg. No. 20), transmitting copies of an Annual Report prepared by the Department of Transportation, in response to House Resolution No. 274 (1971),

requesting annual evaluation reports on driver education and training programs, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 21), transmitting copies of a report prepared by the Department of Labor and Industrial Relations, in response to House Bill No. 1 (1981), requesting the Department of Labor and Industrial Relations to submit a progress and measures of effectiveness report on the Hawaii Career Information Delivery System (HCIDS), was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 22), transmitting copies of reports which were prepared by the Department of Land and Natural Resources in response to:

1. Senate Resolution No. 208 (1981), relating to the Waikiki Aquarium; and
2. Senate Resolution No. 209 (1981), relating to the Waikiki War Memorial Natatorium;

was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 23), transmitting copies of a report prepared by the Department of Transportation, in response to Senate Resolution No. 220 (1981), requesting the assistance and cooperation of the Department of Transportation to encourage establishment of regular surface transportation between Hawaii and American Samoa, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 24), transmitting copies of a report prepared by the Department of Transportation, in response to House Resolution No. 70 (1981), requesting the Department of Transportation to assess the cause of the fire at Honolulu Harbor on August 15, 1980 and the methods used to combat the fire and to recommend measures to prevent or combat a similar fire, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 25), transmitting copies of a report prepared by the Department of Transportation, in response to Senate Resolution No. 219 (1981), requesting the Department of Transportation in cooperation with the schools and law enforcement officials on Oahu to study and propose methods to reduce student driving for environmental and traffic safety reasons, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 26), transmitting copies of a report prepared by the Medicaid Fraud Control Unit of the Department of the Attorney General, dated January 20, 1982, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 27), transmitting copies of the Annual Report of the Insurance Commissioner of Hawaii, 1981, Summary of Insurance Business for the Year 1980, pursuant to Section 431-45, HRS, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 28), transmitting copies of a report prepared by the Department of Land and Natural Resources, in response to Senate Resolution No. 262 (1981), requesting the Department of Land and Natural Resources for progress reports on state parks on the island of Hawaii, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 29), transmitting copies of reports prepared in response to:

1. Senate Resolution No. 107 (1981), requesting the Department of Agriculture to submit a study on the feasibility of establishing bioconversion facilities using farm animal waste to produce methane gas;

2. House Resolution No. 163 (1981), requesting a report from the Department of Agriculture on problems concerning the use of garbage as swine feed; and

3. House Resolution No. 465 (1981), requesting the Departments of Agriculture and Health to follow the current DBCP pesticide studies and to report the findings and recommendations to the Legislature;

was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 30), transmitting copies of the 1981 Annual Report prepared by the Criminal Injuries Compensation Commission, pursuant to Chapter 351, HRS, as amended, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 31), transmitting copies of the status report of the Economic Planning Information System, prepared by the Department of Planning and Economic Development, in response to Section 80, Act 1, SSLH 1981, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 32), transmitting copies of a report prepared by the Department of Regulatory Agencies, Board of Nursing, dated December 30, 1981, in response to House Resolution No. 533 (1981), relating to the critical shortage of registered nurses, was referred to the Committee on Health.

#### SENATE RESOLUTION

A resolution (S.R. No. 3), amending the Rules of the Senate of the Eleventh Legislature, was offered by Senators Carpenter and Young, and was read by the Clerk.

By unanimous consent, action on S.R. No. 3 was deferred until Wednesday, January 27, 1982.

#### SPECIAL COMMITTEE REPORT

Senator Young, for the Special Senate Interim Committee to Determine Whether a Limitation on the Number of Bills Which May Be Introduced during a Regular Session Should Be Established, which was requested to review whether a limitation on the number of bills which may be introduced during a regular session should be established and if limitation is found to be desirable to recommend the appropriate strategy for implementation, presented a report (Spec. Com. Rep. No. 1) with certain recommendations.

By unanimous consent, the report of the Committee was received and placed on file.

At this time, Senator Young rose to speak on Spec. Com. Rep. No. 1 and S.R. No. 3, as follows:

"Mr. President, in recent years, the number of bills introduced each year has grown larger and larger. In 1981, a total of 2131 Senate bills were introduced. Of these, 503 were short form bills and 589 were appropriation bills. Clearly, these are excessively and unacceptably large numbers. Deciding to tackle the bill proliferation problem head-on, the Senate last year passed Senate Resolution No. 41, S.D. 1, to establish a special interim committee to thoroughly study the problem and to make recommendations addressing it.

"I chaired that Special Interim Committee, the report of which has now been filed with the Senate. Senate Resolution No. 3 proposing amendments to the Senate Rules as recommended by that report has, as you know, been introduced and will be voted on by the Senate tomorrow.

"Let me just outline the recommendations which are now before the members of the Senate:

1. The introduction of short form bills will be eliminated except for a short form package which may be introduced by the President and the minority leader to be used in case of emergency. This will eliminate dozens if not hundreds of unnecessary bills each year.

2. The introduction of appropriation bills will be severely curtailed to a basic package introduced by the President. The only exception will be that each Senator may introduce one CIP bill for his or her own district. Again, this will eliminate many, many unnecessary bills.

3. The introduction of congratulatory or memorial resolutions will also be eliminated to be replaced instead by some suitable certificate. Elimination of these resolutions will greatly cut down on costs and help ease the logjam of measures which we have to contend with each year.

"I hope my fellow Senators will support these recommendations and vote for Senate Resolution No. 3 tomorrow.

"Another area of bill proliferation which the Special Interim Committee considered was the problem of too many duplicate bills being introduced. Unfortunately, because of technical difficulties, the Senate is not able to implement the recommendations to discourage bill duplication at this time. Hopefully, these technical difficulties can be resolved so that perhaps by next year, we will be able to also effectively address this problem.

"In the meanwhile, I call on my fellow Senators this session to make every attempt to minimize duplication. Some of the things that we might do include:

- Consult with one another more while drafting bills to avoid duplication of effort.
- Co-sponsor bills rather than individually introduce them.
- Check before introducing a bill to make sure a duplicate bill has not already been introduced.

"If these steps are taken, a lot of the duplicate bill problem can be eliminated.

"In closing, I would like to express my appreciation to the members of the Special Interim Committee - Senators D.G. Anderson, Dante Carpenter, Steve Cobb, Mary George, Dennis O'Connor, and Mamoru Yamasaki - for their interest, participation and input. Mr. Richard Kahle of the Legislative Reference Bureau deserves thanks for doing most of the committee's research and technical work and Mr. Emmett Cahill of the Honolulu Council of Churches merits a special 'mahalo' for his ongoing interest in the committee's work.

"Thank you, Mr. President."

The Chair thanked Senator Young and remarked as follows:

"On behalf of the Senate, we commend you, as committee chairman, and the members of your committee for an action well-taken. I trust that the House of Representatives will try to emulate our wisdom in undertaking something like this."

Senator Cobb added his remarks as follows:

"Mr. President, just one additional word of thanks to the chairman and members of the Senate for their participation in support of not only the resolution but the idea of limiting bills. It's been a long time coming. We've been pushing for it for six years and I think this step is long overdue and I'd just like to say 'mahalo'."

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

"Mr. President, I would just like to indicate to the members of the Senate that today is the anniversary, if you will, of the attempt by the Department of Health to move leprosy patients from Hale Mohalu four years ago. I was there at that day of infamy for this state. I am very happy to say that the patients still occupy those premises after four years.

"I expect that in modern history of America no other group of people has demonstrated their desire for justice and manifested it with a commitment such as our leprosy patients have in this state. I think it is a measure not only of the righteousness of their cause but of their determination that they still occupy those premises after four years, and it's an example of the failure of the Department of Health to demonstrate not only the necessity for moving them in the first place, but the utter paucity of substance in terms

of the policy which attempted to move them in the first place.

"I hope by January 26 in 1983 that this issue will be resolved in favor of the human dimension in this issue rather than on the kind of bureaucratic inertia which has characterized the policies of the Department of Health with respect to leprosy patients over the last four years.

"Thank you."

ADJOURNMENT

At 11:47 o'clock a.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11:00 o'clock a.m., Wednesday, January 27, 1982.