

FORTIETH DAY

Wednesday, March 24, 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 President in the Chair.

The Divine Blessing was invoked by the Reverend Dean Zenei Okimura of Koboji Shingon Mission, after which the Roll was called showing all Senators present with the exception of Senators Anderson, Saiki and Ushijima who were excused.

The Chair announced that he had read and approved the Journal of the Thirty-Ninth Day.

At this time, the following introductions were made to the members of the Senate:

Senator Soares, on behalf of Senator Anderson, introduced a group of 28 senior citizens from the Makiki Senior Citizens Club.

Senator Abercrombie then recognized the President of the Makiki Senior Citizens Club, Mr. Thomas Nakashima who, accompanied by club members Mr. Robert Chang and his wife Lilly, and Ms. Bernice Loui, visited him in his office this morning.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 46 and 47) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 46), entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP THROUGH PRIVATE DEVELOPERS AND CAPITAL CERTAIN LANDS FOR CERTAIN ENUMERATED PURPOSES," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 46 was referred jointly to the Committee on Ecology, Environment and Recreation and the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 47), entitled: "SENATE CONCURRENT RESOLUTION URGING THE COUNTIES OF THE STATE TO IMPLEMENT URGENTLY NEEDED CHANGES IN THE REAL PROPERTY TAX," was offered by Senators Kawasaki, Uwaine, Kuroda, Young, Abercrombie, Cayetano, Kobayashi, Wong and Carpenter.

By unanimous consent, S.C.R. No. 47 was referred to the Committee on Government Operations and Intergovernmental Relations.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 59 to 61) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 59), entitled: "SENATE RESOLUTION RELATING TO PEDIATRIC CARE IN HAWAII WEEK," was offered by Senators Cayetano, Abercrombie, Campbell, Kawasaki, Saiki, George, Toyofuku, Yamasaki, Soares, Kuroda, Machida, Holt, Cobb, Yee, O'Connor, Kobayashi, Wong, Young, Mizuguchi and Henderson.

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, S.R. No. 59 was adopted.

A resolution (S.R. No. 60), entitled: "SENATE RESOLUTION RELATING TO POISON PREVENTION WEEK," was offered by Senators Cayetano, Abercrombie, Campbell, Kuroda, Kawasaki, Saiki, George, Cobb, Machida, Holt, Kobayashi, Mizuguchi, Henderson, Yee, Toyofuku, O'Connor, Young, Yamasaki, Soares and Wong.

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, S.R. No. 60 was adopted.

A resolution (S.R. No. 61), entitled: "SENATE RESOLUTION URGING THE COUNTIES OF THE STATE TO IMPLEMENT URGENTLY NEEDED CHANGES IN THE REAL PROPERTY TAX," was offered by Senators Kawasaki, Uwaine, Kuroda, Young, Abercrombie, Cayetano, Kobayashi, Wong and Carpenter.

By unanimous consent, S.R. No. 61 was referred to the Committee on Government Operations and Intergovernmental Relations.

STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 532-82) informing the Senate that Senate Concurrent Resolution Nos. 46 and 47 and Senate Resolution Nos. 59 to 61 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

ORDER OF THE DAY

MATTERS DEFERRED FROM MARCH 23, 1982

Standing Committee Report No. 527-82
(Gov. Msg. No. 169):

Senator Carpenter moved that Stand. Com. Rep. No. 527-82 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Carpenter then moved that the Senate advise and consent to the nomination of Eli Nahulu to the Juvenile Justice Interagency Board, term to expire December 31, 1985, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Anderson, Saiki and Ushijima).

Standing Committee Report No. 528-82
(Gov. Msg. No. 170):

Senator Carpenter moved that Stand. Com. Rep. No. 528-82 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Carpenter then moved that the Senate advise and consent to the nominations of Cobey Black, Sharon Y. Moriwaki, Kevin Mulligan, Lyn A. Hemmings and Vivian Rae Hanson to the Commission on the Status of Women, terms to expire December 31, 1985, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Anderson, Saiki and Ushijima).

Standing Committee Report No. 529-82
(Gov. Msg. No. 171):

Senator Carpenter moved that Stand. Com. Rep. No. 529-82 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Carpenter then moved that the Senate advise and consent to the nomination of Joan H. Yamamoto to the Board of Registration of Kauai and Niihau, term to expire December 31, 1985, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of

Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Anderson, Saiki and Ushijima).

Standing Committee Report No. 530-82
(Gov. Msg. No. 177):

Senator Carpenter moved that Stand. Com. Rep. No. 530-82 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Carpenter then moved that the Senate consent to the nomination of James S. Burns as Chief Judge of the Intermediate Court of Appeals, for a ten-year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Anderson, Saiki and Ushijima).

Standing Committee Report No. 531-82
(Gov. Msg. No. 178):

Senator Carpenter moved that Stand. Com. Rep. No. 531-82 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Carpenter then moved that the Senate consent to the nomination of Arthur T. Ueoka as Judge, Second Circuit Court, for a ten-year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Anderson, Saiki and Ushijima).

THIRD READING

Standing Committee Report No. 233-82
(H.B. No. 798, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 233-82 and H.B. No. 798, H.D. 1, S.D. 2, was deferred until Thursday, March 25, 1982.

At this time Senator Cobb rose and addressed the members of the Senate as follows:

"Mr. President, on a point of parliamentary privilege, I'd like to state that the

committee report on this matter is dated March 8, 1982, almost three weeks ago.

"Just as a matter of courtesy, I think when a matter is deferred one day, that's normally a matter of courtesy. When it's two days, it begins to amount to a delay. More than two days it amounts to an obstruction.

"I think if we're looking at standards of courtesy in the matter of deferment, two weeks is considerably longer than the two or three days that we would exercise as a matter of courtesy for Senators to get additional information on this. In the future, I would hope that we would not string out bills for three or four weeks."

The President then responded:

"Mr. Floor Leader, I concur with your assessment, and I think it will be the policy of the Chair, in terms of deferment in the future, that tomorrow this measure will be voted up or down with or without amendments."

Senator Cobb then replied:

"Thank you, Mr. President."

RE-REFERRAL OF HOUSE BILLS

The President made the following re-referral of bills that were received on Wednesday, March 17, 1982:

House Bill	Referred to:
No. 2338-82, H.D. 2	Committee on Ways and Means.
No. 2572-82	Committee on Ways and Means.
No. 2947-82, H.D. 2	Committee on Ways and Means.

At this time, Senator Henderson, Chairman of the Committee on Economic Development, requested a waiver of the 48-hour notice of a Public Hearing on the following measures:

H.B. No. 2043-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A SOLAR ENERGY DEVICE AND HEAT PUMP LOAN FUND"; and

H.B. No. 77, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO THE LEASING OF OCEAN AND MARINE RESOURCES,"

and the President granted the waiver.

At this time, Senator Kawasaki rose and addressed the members of

the Senate as follows:

"Mr. President, I'd like to rise on a point of personal privilege.

"Mr. President, in my 16 years in this chamber, I'm at a loss as to what I should do in the way of answering some questions mailed to me, and I understand that there are several people here equally perplexed and would be eternally grateful if this august body with 25 good thinkers...22 this morning...could give us some guidance as to how we should answer these questions that came from the Sea Grant College.

"The questionnaire reads as follows:

'1. Unfortunately, a good many people with whom I have discussed important social and moral problems don't seem to understand what's going on. Agree or Disagree.'

"Another question:

'Most of the ideas which get printed nowadays aren't worth the paper they're printed on. Agree or Disagree.'

'My blood boils whenever a person stubbornly refuses to admit he's wrong. Agree or Disagree.'

"Another question:

'The highest form of government is a democracy and the highest form of democracy is a government run by those who are most intelligent. Agree or Disagree.'

"Another question runs:

'Fundamentally, the world we live in is a pretty lonesome place. Agree or Disagree.'

"I understand that some others have some questions of equal perplexity to them, that they'd like somebody to answer these questions. The last question I have is: 'What the heck has this got to do with the administration of the Marine Affairs Program at the Sea Grant College?'"

Senator Abercrombie then rose and stated:

"Mr. President, I too have a couple of questions that may be more in line with the way I think. I'm kind of perplexed by one which says:

'I believe women should have as much sexual freedom as men.'

"I don't know why Senator Kawasaki

didn't read that one. This is one perhaps you might find yourself thinking about, Mr. President:

'I often find myself thinking of a tune or phrases for days at a time.'

"And this is one that I'm sure Senator Soares would want to respond to:

'I am always careful about my manner of dress.'

"There are others, but time I realize is upon us and I wouldn't want to hold up any of the work of the Sea Grant Program."

Senator Cayetano then rose and stated:

"Mr. President, I too have a question. Here's one for all of those who are running for reelection. It says:

'It is only natural for a person to be rather fearful of the future.'

"This is one for Senator Abercrombie, and I'd like him to answer for the body, please:

'Of all the different philosophies which exist in this world, there is probably only one which is correct.'

"Senator, would you please answer that?"

Senator Abercrombie then replied:

"I'd like to defer that one day."

The President then interjected:

"Deferred one day."

Senator O'Connor then rose and stated:

"Mr. President, this I think epitomizes the bumper stickers that we see around town all the time which say, 'Divers do it deeper.'"

Senator Yee then stated:

"Mr. President, what I did with my questionnaire was that I said it was just a waste of the taxpayers' money and mailed it back."

Senator Henderson then rose and stated:

"Mr. President, I think that we have already addressed their concerns, gentlemen. I think we passed the bill out of here to get rid of the Marine Affairs Coordinator."

Senator Cobb then rose and stated:

"Mr. President, this may be the 1982 Kinsey survey that I think we should attach it to the bill for consideration by the House."

The President then stated:

"On a much more serious note, I would like to request that the Senators remain in the building because it is the day to get the bills ready for lateral movement to the final committees tomorrow, and if I could ask all Senators to remain here till at least about four or five o'clock, I'm sure the Committee Chairmen would appreciate it."

ADJOURNMENT

At 11:58 o'clock a.m., on motion by Senator Cobb, seconded by Senator Yee and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 25, 1982.