

## FORTY-FIFTH DAY

Thursday, April 1, 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 Veryl Henderson of the Hawaii Baptist Convention, after which the Roll was called showing all Senators present.

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

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

Senator Abercrombie introduced a group of Windward Community College students and their instructor, Mr. Roy Fujimoto.

Senator Carpenter, on behalf of the Big Island Senators, introduced 19 students from the Hawaii District Legislative Experience Program, representing Hilo, Kau-Puna, Pahoa, Puna and Waiakea High Schools, who were accompanied by Mrs. Beth Fujimoto and Miss Luann Aki, coordinators; faculty adviser Mrs. Helen Kobayashi; and Department of Education specialist Mr. Wallace Aki. Senator Carpenter added that the students have been trained as lobbyists and are here to lobby the Big Island legislative delegation and to observe the Legislature in action.

Senator Anderson then introduced 40 members of Hui O'Kaala Senior Citizens Club of Waianae.

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 233), informing the Senate that on March 31, 1982, he signed Senate Bill No. 2197-82 as Act 2, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was read by the Clerk and was placed on file.

## SENATE RESOLUTION

A resolution (S.R. No. 73), entitled: "SENATE RESOLUTION ESTABLISHING A SPECIAL COMMITTEE TO INVESTIGATE THE PROBLEM OF THE PESTICIDE HEPTACHLOR IN LOCALLY PRODUCED MILK," was offered by Senator Wong, and was read by the Clerk.

On motion by Senator Cobb, seconded by Senator Anderson and carried,

S.R. No. 73 was adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (O'Connor).

The President, in accordance with S.R. No. 73, then appointed Senators Cayetano, Chairman, Ajifu, Carpenter, Cobb, Kobayashi and Yamasaki as members, to serve on the Special Committee to Investigate the Problem of the Pesticide Heptachlor in Locally Produced Milk.

The Chair then remarked and directed the Special Committee as follows:

"I want to note for the record that the committee's job is to investigate the heptachlor problem; to get the facts and then to make recommendations pursuant to S.R. No. 73.

"It is not, I repeat, not intended that the committee go on a witch-hunt or to play political games.

"We've witnessed in the past few days a change in leadership in the Department of Health. That matter should be looked at but not dwelled on.

"What is most important is for the committee to gather the facts, and make a report. Of utmost importance is the restoration of public confidence in government to which I hope the committee can contribute.

"Members of the Special Committee should move expeditiously, adopt rules for the committee and then get on with its business.

"I hope that the work will begin as early as next week."

## STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 595-82) informing the Senate that Senate Resolution No. 73 and Standing Committee Report Nos. 596-82 to 614-82 have been printed and distributed to all members of the Senate.

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

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 596-82) recommending that House Bill No. 2173-82 pass Second Reading

and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2173-82, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 597-82) recommending that House Bill No. 2339-82, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2339-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 598-82) recommending that House Bill No. 2848-82 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2848-82, entitled: "A BILL FOR AN ACT RELATING TO SICK LEAVE EXCEPTIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 599-82) recommending that Senate Resolution No. 10, as amended in S.D. 1, be adopted.

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.R. No. 10, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO THE HAWAII STATE LIBRARY BUILDING," was adopted.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 600-82) recommending that Senate Resolution No. 19, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded

by Senator Young and carried, the report of the Committee was adopted and S.R. No. 19, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO HELP ALLEVIATE NOISE PROBLEMS AT WAIPAHU ELEMENTARY SCHOOL," was adopted.

Senator Soares, for the Committee on Public Utilities, presented a report (Stand. Com. Rep. No. 601-82) recommending that the Senate advise and consent to the nomination of Albert Q.Y. Tom to the Public Utilities Commission, in accordance with Governor's Message No. 180.

By unanimous consent, action on Stand. Com. Rep. No. 601-82 and Gov. Msg. No. 180 was deferred until Friday, April 2, 1982.

Senator Soares, for the Committee on Public Utilities, presented a report (Stand. Com. Rep. No. 602-82) recommending that House Bill No. 2230-82, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2230-82, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICITY GENERATED FROM NON-FOSSIL FUELS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senator Soares, for the Committee on Public Utilities, presented a report (Stand. Com. Rep. No. 603-82) recommending that House Bill No. 2889-82, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2889-82, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senators Cobb and George, for the Committee on Consumer Protection and Commerce and the Committee on Transportation, presented a report (Stand. Com. Rep. No. 604-82) recommending that Senate Resolution No. 5 be adopted.

On motion by Senator Cobb, seconded by Senator George and carried, the joint report of the Committees was adopted and S.R. No. 5, entitled: "SENATE

RESOLUTION REQUESTING A STUDY OF IMPEDIMENTS TO RIDESHARING WITH REGARD TO THE COST, AVAILABILITY, AND ADEQUACY OF MOTOR VEHICLE INSURANCE," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 605-82) recommending that House Bill No. 1042, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 1042, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FILING OF FINANCING STATEMENTS BY CONSIGNORS AND LESSORS UNDER THE UNIFORM COMMERCIAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 606-82) recommending that House Bill No. 1488, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 1488, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 607-82) recommending that House Bill No. 2029-82, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2029-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BILLIARDS AND BOWLING ALLEYS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 608-82) recommending that House Bill No. 2191-82, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2191-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FROM THE PUBLIC," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 609-82) recommending that House Bill No. 2405-82 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2405-82, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF FINANCE COSTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 610-82) recommending that House Bill No. 2550-82, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2550-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAVINGS AND LOAN ASSOCIATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 611-82) recommending that House Bill No. 2902-82 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2902-82, entitled: "A BILL FOR AN ACT RELATING TO SAFETY DEPOSIT BOXES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 612-82) recommending that House Bill No. 2935-82, H.D. 1, pass Second Reading and be placed on the calendar

for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2935-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BRANCH BANKS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 613-82) recommending that House Bill No. 3030-82 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 3030-82, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

Senators Young and Kawasaki, for the Committee on Housing and Hawaiian Homes and the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 614-82) recommending that House Bill No. 473, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the joint report of the Committees was adopted and H.B. No. 473, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1982.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

#### ORDER OF THE DAY

#### THIRD READING

#### MATTERS DEFERRED FROM MARCH 30, 1982

House Bill No. 1963-82, H.D. 1, S.D. 1:

Senator Carpenter moved that H.B. No. 1963-82, H.D. 1, S.D. 1, having

been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator O'Connor spoke against the measure and stated:

"Mr. President, I'm going to vote against this bill.

"This bill relieves from standard civil liability any person who donates food for the consumption of another. It is my belief that any person who donates food should be willing to take the same standard of care as the person who distributes food in any other way. And I think that the recent situation that we have with the milk in this state demonstrates clearly that that should be the case.

"I do not believe that simply because one donates food that that person should not stand the same liability test applied to everyone else in the processing of food or other businesses, and I will vote against this measure."

The motion was put by the Chair and H.B. No. 1963-82, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DONATION OF FOOD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (O'Connor and Ushijima).

House Bill No. 1964-82:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1964-82, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2154-82, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2154-82, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPULSORY SCHOOL ATTENDANCE," was deferred until Friday, April 2, 1982.

House Bill No. 2585-82, H.D. 1, S.D. 1:

Senator Carpenter moved that H.B. No. 2585-82, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator Abercrombie, speaking in favor of the bill, stated:

"Mr. President, I will vote for the bill but, for the record, should it come to constitutional test again, that if the

judge involved or the attorneys involved can find it useful, I would like to enter remarks which reflect those that I have made previously in this area.

"The idea here, Mr. President, which the Judiciary Committee struggled with, is to increase the capacity to deal in a realistic way in the area of child abuse. Unfortunately, there was some confusion or I believe misapplication of the law as it previously existed with respect to pornography. Now, there has been a definition added by the Judiciary Committee which presumably would meet the necessary tests with respect to the establishment of what is pornographic and what is not. Unfortunately, this has the effect of moving it into the area of the First Amendment argument, as opposed to what I consider to be the essence of what we are dealing with here which is to save abused children.

"One of the reasons that I opposed, in the past, adding in the element of the establishment of the pornographic content of material with respect to whether or not child abuse has taken place is that precisely because it would generate an argument as to whether it was protected by the First Amendment. This to me is a very sad situation where the sexual assault of a child could be discussed in First Amendment terms. It becomes almost absurd on its face. I hope that this will not take place.

"I most certainly will be watching it and I hope that the Judiciary chairman will be watching it, and I hope that the prosecutor will pay close attention so that if cases are prosecuted and they turn out badly because of an argument as to what constitutes a pornographic or an element of pornography in a sense with respect to child abuse, then we can come back again and wrestle with this thing once more to make sure that we accomplish what we set out to do which is to protect children against assault by adults, and not have this degenerate into a travesty over an argument over what constitutes artistic, aesthetic content, as opposed to a violation of a child, physically or emotionally or mentally."

Senator O'Connor spoke against the measure and stated:

"Mr. President, I'm going to vote against this bill.

"This section was adopted two years ago in an attempt to take this type of child abuse out of the pornographic law. A specific attempt was made to do that because the law of pornography

in the United States, as we all know, has been a gray abyss for many years.

"For many years this state went without an anti-pornography law due to certain rulings of the Supreme Court and certain rulings of our local courts. This area was considered so important that an attempt was made to take it out of pornography entirely and never use the word. Today, we go right back into that abyss.

"There is another section of the Penal Code which specifically deals with pornography, and just in 1981 we amended that section and redefined pornography for minors which takes into consideration the very matters which this bill is now amended to address.

"We're going to have two sections of the Penal Code dealing with the same thing, namely, pornography for minors. This section was never intended to deal with pornography. And that Circuit Court ruling which had tried to place the three-step Miller decision to this section, in my mind, was wrong. And if the court has any validity in its reasoning, this section should be amended again to try to do that without using the word pornography.

"For all those reasons I'm going to vote against it. I think we're going backwards in the area of child abuse."

Senator Abercrombie responded and queried:

"Mr. President, the previous speaker seems to be making my argument for me and yet he's voting against it. I just wonder if the previous speaker would indicate from his experience, both as an attorney and in considering this bill, exactly why adding this in would not meet the test that the judge seems to require in order to make the law effective because if I have misunderstood that, then perhaps I should change my vote and urge others to do the same."

The Chair then asked Senator O'Connor if he would care to respond and Senator O'Connor answered:

"Mr. President, I'll be happy to answer that question.

"The adding of this word and the Miller definition to this section does meet the test that one Circuit Court judge sought to impose upon this section. But, simultaneously, in 1981 we did that by amending the definition of pornographic for minors and pornography in Section 712-1210. It's already been done. This section is there to address the problem of child abuse in this sexual

deviant and sadomasochistic area from a completely different angle, not tying in the law of pornography.

"Because of the problems that we've run into on appeal and in court in attempting to enforce the law of pornography, which up to this time has been essentially unenforceable in this state and in most other states, this area, having to do with child abuse through sexual means, was deemed so important that we were attempting to do it without use of the word pornography and I believe that that Circuit Court judge was wrong. The matter was never resolved by our Supreme Court, and we are reacting to a Circuit Court decision where we should not in this area.

"If we desire to clean up this section a little bit to try to make it more constitutional, it's one thing, but the minute we use the word pornography we invite the ACLU and everyone else in town to knock over this section on that issue only. That's my objection."

The motion was put by the Chair and carried, and H.B. No. 2585-82, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Abercrombie, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima).

House Bill No. 2751-82, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 2751-82, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS GENERALLY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2822-82, H.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 2822-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES RELATED TO DRUGS AND INTOXICATING COMPOUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

House Bill No. 3091-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and

carried, H.B. No. 3091-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION REGISTRATION FOR THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### MATTERS DEFERRED FROM MARCH 31, 1982

House Bill No. 2507-82:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 2507-82, entitled: "A BILL FOR AN ACT RELATING TO TRIALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2175-82:

By unanimous consent, action on H.B. No. 2175-82, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Friday, April 2, 1982.

House Bill No. 2178-82:

On motion by Senator Henderson, seconded by Senator Yee and carried, H.B. No. 2178-82, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES AND WILDLIFE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2208-82, H.D. 1:

On motion by Senator Henderson, seconded by Senator Yee and carried, H.B. No. 2208-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF QUALIFIED STATE APPRAISERS AS WELL AS INDEPENDENT APPRAISERS TO DETERMINE THE VALUE OF REMNANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2176-82, H.D. 2:

By unanimous consent, action on H.B. No. 2176-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Friday, April 2, 1982.

House Bill No. 2177-82, H.D. 1:

By unanimous consent, action on

H.B. No. 2177-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST AND WATER RESERVE ZONES," was deferred until Friday, April 2, 1982.

House Bill No. 2934-82, H.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 2934-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII BANK ACT OF 1931," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### RE-REFERRAL OF HOUSE BILL

The President re-referred House Bill No. 2318-82 which was received on Monday, March 15, 1982, to the Committee on Judiciary.

At this time, Senator Campbell rose to inquire as follows:

"Mr. President, I rise on a point of parliamentary inquiry. My point relates to the appointment of the special committee to investigate the problem of pesticides in locally produced milk.

"Mr. President, I share with you and the Senate the significance of this problem, therefore, I certainly share the feeling of many that this Senate should take the lead and in the manner in which this resolution has indicated.

"The question I have for you, Mr. President, is that should not such a committee, because the issue is so significant, shouldn't such a committee be as broadly based as possible? In other words, should not the seven minority Democrats be represented on the committee?"

The Chair answered:

"Senator Campbell, first of all, the resolution specifies the number of members on the committee. If you will examine the make-up of the committee, 'in the wisdom of the president,' I have appointed those individuals that I feel have some kind of tie-in, as chairmen of respective standing committees, to the milk problem. For example, Senator Cayetano is the chairman of the Health Committee; Senator Ajifu is the chairman of Agriculture; Senator Cobb is the chairman of the Consumer Protection and Commerce Committee;

Senator Carpenter is the chairman of the Judiciary Committee; Senator Kobayashi is chairman of the Ecology, Environment and Recreation Committee; and Senator Yamasaki is chairman of the Ways and Means Committee.

"It is the feeling of the Chair that these particular individuals represent the spectrum of the Senate's interest and concern in this particular problem.

"If one were to request of the chairman of the special committee to sit in with the committee at any of its public meetings, I feel most confident that any member of this Senate that chooses to do so will be welcome.

"Does that answer your question, Senator Campbell?"

Senator Campbell responded: "Yes, Mr. President, that answers my question but it doesn't satisfy my inquiry, though."

The Chair replied: "Sometimes you have to call it as you see it."

At 12:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:13 o'clock p.m.

Senator O'Connor then rose to state:

"Mr. President, just on the earlier issue which was being debated, I would like the record to reflect that there was no objection made by any member of the coalition, Democrat or Republican, for a special committee to be made up entirely of committee chairmen.

"I want these remarks to be clearly imprinted on the record for later reference, in later years, when this body comes together."

The Chair answered that the record will so note.

At 12:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:17 o'clock p.m.

#### RECONSIDERATION OF ACTIONS TAKEN

House Bill No. 2176-82, H.D. 2:

Senator Cobb moved that the Senate reconsider its action on H.B. No. 2176-82, H.D. 2, seconded by Senator Anderson and carried.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2176-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was recommitted to the Committee on Economic Development.

House Bill No. 2177-82, H.D. 1:

Senator Cobb moved that the Senate reconsider its action on H.B. No. 2177-82, H.D. 1, seconded by Senator Anderson and carried.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2177-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST AND WATER RESERVE ZONES," was recommitted to the Committee on Economic Development.

Senator O'Connor then rose to state as follows:

"Mr. President, regarding those two bills that were just recommitted, I urge that committee to have an attorney look at the bills...they contain some of the most slipshod language that I've seen around lately."

Senator Henderson answered:  
"That language came from the House, that's why we are recommitting the bills."

At 12:19 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:20 o'clock p.m.

At this time, the Chair addressed the members of the Senate as follows:

"Members of the Senate, if I may, I would like to make a few comments, both for the record and for the edification of our colleagues in the House.

"I speak for many Senators when I say that we are extremely disturbed by what appears to be very high-handed treatment of many worthwhile Senate bills in the House. The House has evidently killed or gutted Senate bills for banning time-sharing, for the prohibition of fireworks, for indirect initiative, for capital punishment, for a wide range of subjects. These are bills that the Senate had worked hard in developing over the past two years.

"It is very disappointing to see our efforts go down the drain in the House.

"During the last couple of weeks,

we have all seen a number of House members over here in the Senate lobbying for their bills. By and large we have tried to accommodate them. We have heard their bills. Many of these House bills are moving through the Senate.

"There doesn't appear to be the same spirit of reciprocity in the House for our Senate bills.

"Now I want to make it very clear at this point that I am not trying to leverage or pressure the House on my lottery bill. The lottery bill is dead, I accept that fact. As far as I'm concerned, the lottery issue is all pau for the session.

"I'm not talking about the lottery bill; I'm talking about what we perceive as a distinct lack of reciprocity and cooperation on the part of the House.

"The record shows that we in the Senate have been fair and open-minded in our deliberations on House bills.

"Last year, out of 325 House bills that crossed over to the Senate, we passed 224 on third reading. That's about a 70% passage rate. On the other hand, we sent 248 Senate bills to the House last year and they passed only 96 of them on third reading--that's under 40%.

"Even allowing for the fact that many of the House bills we passed were routine, noncontroversial or companions of Senate bills that came over first, I don't really think anyone can say that House bills don't generally get a fair shake in the Senate.

"All we're asking for is the same sort of fair treatment.

"Today marks the 45th day of the 1982 Legislative Session. We're three-fourths of the way through.

"As we enter into the final weeks of the session, I call on the members of the House to please be more receptive and open-minded about our Senate bills. I want us to finish our work cooperatively. I don't want to see bills--either Senate or House--killed arbitrarily and other bills killed in retaliation.

"I want us all, Senators and Representatives, to work together."

#### ADJOURNMENT

At 12:24 o'clock p.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m.,



Friday, April 2, 1982.