

THIRD DAY

Friday, January 21, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:30 o'clock a.m., with the Vice-President in the Chair.

The Divine Blessing was invoked by the Reverend Nathan Mamo, Pastor, St. John Vianney Church, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Second Day.

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

Senator Solomon introduced the Hawaii State Teachers Association (HSTA) delegation from the Big Island, Geraldine Giffin of Kamuela and Masue Ando of Hilo, who were accompanied by Elaine Hara and Laverne Moore, Oahu members.

Senator Cobb then introduced the Honorable John Johnson, president of the Legislative Council of New South Wales, Australia, and Mrs. (Pauline) Johnson. Senator Young, on behalf of the Senate, presented a lei to Mr. Johnson.

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

The Senate reconvened at 11:42 o'clock a.m.

At this time, the Chair invited Mr. Johnson to the rostrum to address the Senate.

The Honorable John Johnson addressed the members of the body as follows:

"Thank you very much for your very kind and warm welcome, Mr. President and honorable Senators.

"As you know, I come from Australia and the state that I represent is the largest of the states. We have some 15 million people. We have a climate much the same as your own in the majority of our continent. We are one people, with one language, occupying one island continent. We're rather unique.

"Mr. President, I would trust that the deliberations of your honorable

Senate will be to the advancement of the glory of God and the advancement of your people in the future. Thank you very much."

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1 to 26) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 1) transmitting a report prepared by the Department of Social Services and Housing, assisted by the University of Hawaii, School of Public Health, October 1982, in partial response to House Resolution No. 290 (1982), requesting a study of statewide child care resource and referral system and child care training component for providers and families, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 2) transmitting the Statement of Special Purpose Revenue Bonds, Issued and Outstanding and Authorized but Unissued as of July 1, 1982, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 3) transmitting a report prepared by the Hawaii Housing Authority, dated October 22, 1982, in response to House Resolution No. 169 (1982), requesting the University of Hawaii and the Hawaii Housing Authority to offer their expertise on the after-hours gerontology program for elderly housing projects to the neighbor isles to enable their emulation of the successful Oahu model in the counties of Kauai, Maui, and Hawaii, was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 4) transmitting a report prepared by the State Intake Service Centers, Department of Social Services and Housing, Report No. 83-002, January 1983, in response to House Resolution No. 64 (1982), requesting the development of proposed bail reform legislation, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 5) transmitting the 1981-1982 Annual Report, prepared by the Hawaii Public Employment

Relations Board in accordance with Section 89-5, HRS, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 6) transmitting various reports, all dated November 1982, prepared by the University of Hawaii, in response to the following respective resolutions and bills was placed on file, and:

1. A preliminary report, on Senate Resolution No. 39 (1982), requesting the University of Hawaii to monitor federal financial aid cutbacks and to assess impact on state financial aid programs; and

2. A report, on Senate Resolution No. 64 (1982), requesting the University of Hawaii to explore alternative means of assuring continuance of summer sessions at the community colleges;

were referred to the Committee on Higher Education.

3. A report on Senate Resolution No. 72 (1982), requesting the adoption of electric cars for state and county vehicles, was referred to the Committee on Government Operations and County Relations.

4. A report on House Resolution No. 195 (1982), requesting a study of educational opportunities for veterans of the Vietnam conflict (status report attached);

5. A report on House Resolution No. 311 (1982), requesting the Board of Regents of the University of Hawaii to prepare a proposal to strengthen skills and competency of all prospective teachers in dealing more effectively with students with behavioral and attitudinal problems;

6. A report on House Bill No. 1 (1981 Appropriations Act, Part III, Section 57), directing the Office of Research Administration to report on utilization of natural energy development funds;

7. A report on House Bill No. 2070 (1982 Supplemental Appropriations Act), Part III, Section 60A, on the nursing training program; and

8. A report on Senate Bill No. 1720 (1982), directing the University of Hawaii to prepare an Annual Report on the status of research and training revolving fund, including a breakdown on travel expenses;

were referred to the Committee on

Higher Education.

A message from the Governor (Gov. Msg. No. 7) transmitting various reports prepared by the Department of Taxation, in response to the following respective resolutions:

1. A report on Senate Resolution No. 47 (1982), requesting the Department of Taxation to determine the impact on professional and state tax collections of shares in a professional corporation to be transferred into a revocable living trust; and

2. A report on House Resolution No. 303 (1982), requesting the Department of Taxation to study the feasibility of amending Hawaii's income tax laws to allow single heads of households with dependent persons to claim the same standard deduction as married couples with dependents filing jointly;

was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 8) transmitting the Annual Report, 1981-82, of the Teacher Education Coordinating Committee, pursuant to Section 304-20, HRS, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 9) transmitting copies of the State Functional Plans (12) (dated October 1982), in accordance with Section 226-58, HRS, as amended, together with accompanying Technical Reference Documents and reports of the State Functional Plan Advisory Committee, as follows:

1. The State Energy Plan, prepared by the Department of Planning and Economic Development, was referred to the Committee on Economic Development;

2. The State Transportation Plan, prepared by the Department of Transportation, was referred to the Committee on Transportation;

3. The State Water Resources Development Plan, prepared by the Department of Land and Natural Resources, was referred to the Committee on Economic Development;

4. The State Historic Preservation Plan, prepared by the Department of Land and Natural Resources, was referred to the Committee on Ecology, Environment and Recreation;

5. The State Recreation Plan, prepared by the Department of Land and Natural Resources, was referred to the Committee on Ecology, Environment and Recreation;

6. The State Health Plan, prepared by the Department of Health, was referred to the Committee on Health;

7. The State Education Plan, prepared by the Department of Education, was referred to the Committee on Education;

8. The State Housing Plan, prepared by the Hawaii Housing Authority, was referred to the Committee on Housing and Urban Development;

9. The State Conservation Lands Plan, prepared by the Department of Land and Natural Resources, was referred to the Committee on Ecology, Environment and Recreation;

10. The State Higher Education Plan, prepared by the University of Hawaii, was referred to the Committee on Higher Education;

11. The State Agriculture Plan, prepared by the Department of Agriculture, was referred to the Committee on Agriculture; and

12. The State Tourism Plan, prepared by the Department of Planning and Economic Development, was referred to the Committee on Tourism.

A message from the Governor (Gov. Msg. No. 10) transmitting a report prepared by the Insurance Division, Department of Commerce and Consumer Affairs, in response to Senate Concurrent Resolution No. 60 (1982), requesting a study on possible modifications of the optional coverage requirement of the Hawaii No-Fault Law, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 11) transmitting various reports prepared by the Department of Education, in response to the following respective resolutions and bills:

1. A report on House Bill No. 2070 (1982), evaluation of the Hawaiian Studies Program and a program design for the implementation and expansion of the Hawaiian Studies Program with emphasis on secondary schools;

2. A report on House Bill No. 2070 (1982), requesting the Board of Education to prepare a plan for reallocating special counselors to more appropriately reflect student enrollment and student needs including socio-economic, academic and personal adjustment factors;

3. A report on House Bill No. 2070 (1982), educational demonstration projects and supportive special programs;

4. A report on House Resolution No. 16 (1982), requesting public pre-school programs;

5. A report on House Resolution No. 159 (1982), requesting the Board of Education to study the feasibility of establishing a permanent cardiopulmonary resuscitation (CPR) program in the state public school system;

6. A report on House Resolution No. 210 (1982), requesting the Board of Education to prepare a report identifying all school facilities which require soundproofing in order to comply with the Department of Health's noise regulations;

7. A report on House Resolution No. 286 (1982), relating to personnel preparation for the handicapped and encouraging the continuation of a joint University of Hawaii/Department of Education in-service training program for Department of Education teachers, administrators and support personnel;

8. A report on House Resolution No. 325 (1982), requesting the Board of Education to review the compensation schedule for coaches;

9. A report on House Resolution No. 285 (1982), requesting the Board of Education to report on the status of the noise abatement program and how improvements could be implemented on a more timely basis;

10. A report on Senate Resolution No. 19 (1982), requesting the Department of Education to help alleviate noise problems at Waipahu Elementary School;

11. A report on Senate Resolution No. 41 and Senate Concurrent Resolution No. 29 (1982), requesting the Board of Education to review and make recommendations to correct possible pay differential inequities between 10- and 12- month education officers; and

12. A report on Senate Resolution No. 57 (1982), requesting the Board of Education to implement cardiopulmonary resuscitation (CPR) training in high schools;

was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 12) transmitting copies of a report prepared by the Highway Safety Council of the Motor Vehicle Safety Office, State Department of Transportation, entitled: "The Adequacy, Enforcement and Adjudication of Driving under the Influence of Alcohol Laws in Hawaii," November 19, 1982, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 13) transmitting the Annual Report for fiscal year 1982 of the Hawaii Paroling Authority, Department of Social Services and Housing, as mandated by HRS, 93-12, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 14) transmitting 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. 15) transmitting copies of the Report of the Insurance Commissioner of Hawaii, 1982, Summary of Insurance Business for the Year 1981, pursuant to Section 431-45, HRS, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 16) transmitting copies of a report prepared by the Department of Social Services and Housing, in response to Senate Resolution No. 78 (1982), requesting the Department of Social Services and Housing to plan a demonstration project which shall provide home care services to persons who are eligible for Medicaid benefits, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 17) transmitting copies of the Report of the Commission to Promote Uniform Legislation, 1982 Annual Report, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 18) transmitting various reports prepared by the Executive

Office on Aging, in response to the following:

1. House Resolution No. 298 (1982), requesting a study on the feasibility of modifying the Medical Assistance Program to make eligible elderly persons who meet the medical assistance income standard but who do not meet the present resource standard because they own their homes, December 1982; and

2. Section 39A, Act 264-82, SLH, a progress report on the implementation of the small group homes program on the counties of Kauai, Maui and Hawaii, December 1982;

was referred to the Committee on Youth and Elderly Affairs.

A message from the Governor (Gov. Msg. No. 19) transmitting the Annual Report (Fifth Year) for Fiscal Year 1981-1982, prepared by the Hawaii Community Development Authority, was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 20) transmitting copies of the Program Structure and the Variance Report for Fiscal Years 1982 and 1983, pursuant to Section 37-75, Budget-Variance Report, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 21) submitting the findings and results of the review and the update of the "Instructions for the Interpretation of the Series and Class Specifications for the Secretary Series and Private Secretary Series," in compliance with the provisions of House Resolution No. 223 (1982), was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 22) transmitting the Annual Report of the Hawaii Public Broadcasting Authority for the fiscal year ending June 30, 1982, in compliance with the provisions of Chapter 314-12, HRS, was referred to the Committee on Culture and the Arts.

A message from the Governor (Gov. Msg. No. 23) transmitting copies of a report prepared by the Department of Social Services and Housing, December 1982, in response to Senate Resolution No. 66 (1982), requesting the Department of Social Services and Housing with the Department of Health, to develop a plan to amend the state's Medicaid program to

include waivers for home and community-based services, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 24) transmitting copies of the Response of the Governor's Agriculture Coordinating Committee, January 1983, in response to Senate Resolution No. 44 (1982), encouraging the development of and requesting a study of private development of agricultural parks, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 25) transmitting copies of the Response of the Governor's Agriculture Coordinating Committee, January 1983, in response to Senate Resolution No. 58 (1982), urging landowners of the Pearl Harbor area to support wetland agriculture, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 26) transmitting the Annual Report of the Hawaii Housing Authority for the period July 1, 1981 to June 30, 1982, was referred to the Committee on Housing and Urban Development.

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

"Mr. President, Kauai presents its aloha through the buttons you have seen with the message, 'Kauai Loves You.' On your desks is a token of the aloha I personally extend to you with one of Kauai's finest products for you to enjoy - 'Kulolo.' Thank you."

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

"Mr. President, on the desks of the honorable Senators are copies of two articles that I was fortunate enough to be able to obtain when I was on the mainland recently.

"The first is a transcript of Governor Mario Cuomo's address at the Empire State Plaza in Albany on the occasion of his inauguration on New Year's Day of this year. Accompanying it is a critique of that speech, that inaugural address, by a well-known political columnist, Mr. James Reston of the New York Times, a column entitled, 'A Different Voice.'

"I commend Governor Cuomo's address to the attention of the

Senators and Mr. Reston's commentary on it for the reason that I believe, Mr. President, it is one of the most inspiring speeches; one of the most transient analysis of our current day political problems that I have witnessed.

"It was a very interesting and enlightening experience, Mr. President, to be in New York at the time of Governor Cuomo's inauguration because of the inspiration that took place all across that state. The commentary that took place in conversation ... people feeling for the first time in a long time that someone in high office was saying something positive about what the role of government was. What the individual, in this instance Governor Cuomo, intended to accomplish and what his philosophical basis was.

"It's a great disappointment to me to return to Hawaii and hear so many, people in government especially, speaking of our own people as if they were obstacles to be overcome, as if we have to punish our own people.

"I did not join the Democratic Party, I assure you, nor did I campaign in the last election on the basis that my first act or acts that I would participate in upon rejoining the Legislature would be to see what I could do to punish our own people for putting me in office.

"And I hope that the Senators will take the time, as we approach our own state-of-the-state address and our own budgetary process for the next two years, take the time to read what Governor Cuomo has to say because I think it helps set a tone and direction that we could all well follow.

"I would just like to quote a very short paragraph from his speech: 'Those who made our history taught us above all things the idea of family, mutuality, the sharing of benefits and burdens fairly for the good of all. There's an ideal essential to our success and no family that favored its strong children or that in the name of evenhandedness failed to help its vulnerable ones would be worthy of the name. And no state or nation that chooses to ignore its troubled regions and people, while watching others thrive, can call itself justified.'

"I think that the sentiments expressed there and in the rest of his speech exemplify the kind of

approach and philosophy, ideology if you will, that I think is in the best sense not only of the Democratic Party but of everyone who cares to see that public service is indeed that. Public service to all our people!

"Thank you."

Senator Soares then responded as follows:

"Mr. President, just glancing over 'A Different Voice' by James Reston, I thank my colleague for the article. I'd like to reflect on a couple of comments here.

"First, Governor Cuomo's first act was not partisan. He appointed an appellate judge from the opposite party to the New York Court of Appeals as a symbol of his philosophy, and I buy that. He then says that the guess here is that not only does it make good sense but

good politics; Governor Cuomo didn't get to be Governor of New York by being nice to the Republicans.

"Mr. President, I think we have, with our leader's speech on opening day, indicated that we here are of a different vintage. We work very well together, and your Republican minority in the Senate certainly intends to not be caught in any kind of partisan battle, but to be a productive group and I want to make sure that we remind my colleagues that we would like to be considered as partners where we work well together the whole session."

ADJOURNMENT

At 11:51 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 10:00 o'clock a.m., Monday, January 24, 1983.