

## FOURTEENTH DAY

Monday, February 7, 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 President in the Chair.

The Divine Blessing was invoked by Mr. Frank Newhall of the First Church of Christ Scientist, Honolulu, after which the Roll was called showing all Senators present with the exception of Senator Ajifu who was excused.

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

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

Senator Henderson introduced the ranking Republican in the California State Senate, Senator H.L. Bill Richardson and Mr. Dick Penhallow, a friend from Waimea.

Senator Solomon then introduced the former president of the Kohala Senior Citizens Club, Mr. Fred Cachola.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 69 and 70) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 69) transmitting a report prepared by the Department of Health, in response to House Resolution No. 14 (1982), requesting the amendment of present regulations or the adoption of new regulations to include the monitoring of discharges generated by geothermal activities, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 70) transmitting a report prepared by the Department of Social Services and Housing and the State Law Enforcement Planning Agency, in response to House Resolution No. 209 (1982), requesting DSSH to establish a vocational training center at the Hawaii Youth Correctional Facility, was referred to the Committee on Judiciary.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept.

Com. Nos. 20 and 21) were read by the Clerk and were disposed of as follows:

A communication from the Department of Education (Dept. Com. No. 20) transmitting copies of a report entitled: "Financial Report, Department of Education, July 1, 1981 - June 30, 1982," prepared by the Office of Business Services, Department of Education, RS 82-3833 (January 1983), was referred to the Committee on Education.

A communication from the Office of the Auditor (Dept. Com. No. 21) transmitting copies of the following reports:

"Budget Review and Analysis of the Lower Education Program (Department of Education)," submitted by the Legislative Auditor, February 1983 (Report No. 83-10); and

"Catalog of Legislative Requests Made to the Department of Education during the 1981 and 1982 Legislative Sessions and Responses Thereto," submitted by the Legislative Auditor, February 1983 (Report No. 83-11);

was referred to the Committee on Education.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 9 to 15) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 9), entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A STATE-WIDE CRIMINAL JUSTICE INFORMATION AND DATA PROCESSING SYSTEM," was offered by Senators Soares, George, Henderson, Ajifu, A. Kobayashi, Solomon, Carpenter, Machida and Mizuguchi.

By unanimous consent, S.R. No. 9 was referred to the Committee on Judiciary.

A resolution (S.R. No. 10), entitled: "SENATE RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE SUPREME COURT OF THE STATE OF HAWAII TO TAKE ALL STEPS NECESSARY TO ELIMINATE BARRIERS TO SPEEDY TRIAL," was offered by Senators Soares, George, Henderson, Ajifu, A. Kobayashi, Solomon, Carpenter, Machida and

Mizuguchi.

By unanimous consent, S.R. No. 10 was referred to the Committee on Judiciary.

A resolution (S.R. No. 11), entitled: "SENATE RESOLUTION URGING IMMEDIATE ACTION TO ESTABLISH JUVENILE INTAKE AGENCIES IN THE FAMILY COURTS," was offered by Senators Soares, Henderson, Ajifu, A. Kobayashi, Solomon and Carpenter.

By unanimous consent, S.R. No. 11 was referred to the Committee on Judiciary.

A resolution (S.R. No. 12), entitled: "SENATE RESOLUTION EXPRESSING A LEGISLATIVE POLICY ON PRISON CAPACITY AND REQUESTING AN ACTION PLAN TO IMPLEMENT THE POLICY," was offered by Senators Soares, Henderson, Ajifu and Solomon.

By unanimous consent, S.R. No. 12 was referred to the Committee on Judiciary.

A resolution (S.R. No. 13), entitled: "SENATE RESOLUTION SUPPORTING STRONG ENFORCEMENT OF OBSCENITY LAWS," was offered by Senators Soares, Carpenter, George, Ajifu, Solomon, Machida, Henderson and A. Kobayashi.

By unanimous consent, S.R. No. 13 was referred to the Committee on Judiciary.

A resolution (S.R. No. 14), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO EXPEDITE ITS RULE-MAKING PROCEDURES," was offered by Senators Henderson, A. Kobayashi, George, Soares and Ajifu.

By unanimous consent, S.R. No. 14 was referred to the Committee on Ways and Means.

A resolution (S.R. No. 15), entitled: "SENATE RESOLUTION URGING LOCAL, STATE, AND FEDERAL AGENCIES INVOLVED IN THE LAND USE AND DEVELOPMENT REVIEW PROCESS TO RENEW THEIR EFFORTS TO STREAMLINE THE LAND USE AND DEVELOPMENT REVIEW PROCESS," was offered by Senators Henderson, A. Kobayashi, George, Soares and Ajifu.

By unanimous consent, S.R. No. 15 was referred to the Committee on Housing and Urban Development.

## INTRODUCTION OF SENATE BILLS

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Tuesday, February 8, 1983:

### Senate Bills

No. 419 "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURE ACT."

Introduced by Senators Henderson, Soares, George, A. Kobayashi and Ajifu.

No. 420 "A BILL FOR AN ACT RELATING TO LAND READJUSTMENT."

Introduced by: Senators Kawasaki, Fernandes Salling, Aki, Kuroda, B. Kobayashi, Toguchi, Ajifu, Henderson, Holt, Cobb and Young.

No. 421 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES LABOR ORGANIZATIONS."

Introduced by: Senators Kawasaki, Kuroda, Fernandes Salling, Abercrombie, Carpenter, Cayetano, Aki, Ajifu, A. Kobayashi, Solomon, Holt, Hagino and Cobb.

No. 422 "A BILL FOR AN ACT RELATING TO CAPITAL PUNISHMENT."

Introduced by: Senators A. Kobayashi, Kuroda, Soares, Ajifu, Cobb, Kawasaki and Carpenter.

No. 423 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND SUBSTANCE ABUSE."

Introduced by: Senator Machida, by request.

No. 424 "A BILL FOR AN ACT RELATING TO STATE PARKS."

Introduced by: Senators Kuroda, Uwaine, Holt, Henderson, George, Fernandes Salling, Aki, Soares, Solomon, Cobb, Chang, Abercrombie and Toguchi.

No. 425 "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATE OPERATED LOTTERY SYSTEM."

Introduced by: Senators Kuroda, Aki, Fernandes Salling, Uwaine, Soares, Solomon, Abercrombie and

Chang.

No. 426 "A BILL FOR AN ACT RELATING TO AN INCOME TAX CREDIT."

Introduced by: Senators Kuroda, Chang, Hagino, Holt, Henderson, George, Fernandes Salling, Aki, Uwaine, Soares, Solomon, Cobb, Abercrombie and Toguchi.

No. 427 "A BILL FOR AN ACT RELATING TO THE HAWAII CONVENTION CENTER AUTHORITY."

Introduced by: Senators Kuroda, Kawasaki, Cobb, Machida, Henderson, Soares, Holt, Abercrombie, Chang, Hagino, Carpenter, Aki, A. Kobayashi, Ajifu, Uwaine, Solomon, Toguchi, Young, Fernandes Salling and Wong.

No. 428 "A BILL FOR AN ACT RELATING TO SPEECH PATHOLOGISTS AND AUDIOLOGISTS."

Introduced by: Senators Toguchi, Abercrombie, Fernandes Salling, Kuroda, A. Kobayashi, Cayetano, Ajifu, Hagino, B. Kobayashi, Chang, Aki and Kawasaki.

No. 429 "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL FUND RAISING."

Introduced by: Senators Toguchi, Abercrombie, Ajifu, Fernandes Salling, Kuroda, Hagino, Kawasaki, Cayetano, Aki, Carpenter, Cobb, B. Kobayashi, A. Kobayashi and Chang.

No. 430 "A BILL FOR AN ACT RELATING TO THE ETHNIC STUDIES ORAL HISTORY PROJECT."

Introduced by: Senators Aki, Fernandes Salling, Yamasaki, Hagino, Uwaine, Ajifu and A. Kobayashi.

No. 431 "A BILL FOR AN ACT RELATING TO ABORTION."

Introduced by: Senator Ajifu.

No. 432 "A BILL FOR AN ACT RELATING TO THE EMPLOYEE PURCHASE LOAN PROGRAM."

Introduced by: Senator Ajifu.

No. 433 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senator Ajifu.

No. 434 "A BILL FOR AN ACT RELATING TO SMALL CLAIMS."

Introduced by: Senator Ajifu.

No. 435 "A BILL FOR AN ACT RELATING TO CREDIT INSURANCE."

Introduced by: Senator Ajifu.

No. 436 "A BILL FOR AN ACT RELATING TO THEFT IN THE FIRST DEGREE."

Introduced by: Senators Carpenter, Cayetano, Holt, Toguchi, Abercrombie, A. Kobayashi, Cobb, Kuroda, Machida and Kawasaki.

No. 437 "A BILL FOR AN ACT RELATING TO THE INTERSTATE TRANSMISSION OF CRIMINAL JUSTICE DATA AND INFORMATION."

Introduced by: Senators Carpenter, Cayetano, Holt, Cobb, Kawasaki, Kuroda, Toguchi, Abercrombie, Machida and A. Kobayashi.

No. 438 "A BILL FOR AN ACT RELATING TO ALARM BUSINESSES."

Introduced by: Senators Carpenter, Holt, Cayetano, Abercrombie, Toguchi, A. Kobayashi, Kuroda, Machida and Kawasaki.

No. 439 "A BILL FOR AN ACT RELATING TO PROHIBITED MOTOR AND OTHER VEHICLE EQUIPMENT."

Introduced by: Senators Carpenter, Holt, Cayetano, Abercrombie, Toguchi, A. Kobayashi, Cobb, Kuroda, Machida and Kawasaki.

No. 440 "A BILL FOR AN ACT RELATING TO PROSTITUTION."

Introduced by: Senators Carpenter, Cayetano, Holt, Toguchi, Abercrombie, A. Kobayashi, Kuroda, Machida and Kawasaki.

No. 441 "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR."

Introduced by: Senators Carpenter, Cayetano, Holt, Toguchi, Abercrombie, A. Kobayashi, Cobb, Kuroda, Machida and Kawasaki.

No. 442 "A BILL FOR AN ACT RELATING TO FUNERAL ESCORTS."

Introduced by: Senators Carpenter,

Cayetano, Abercrombie, Holt,  
Kuroda, Machida, Toguchi, A.  
Kobayashi and Kawasaki.

No. 443 "A BILL FOR AN ACT TO  
AMEND CHAPTER 712, HAWAII  
REVISED STATUTES, PRIMA FACIE  
EVIDENCE, AS IT RELATES TO  
MARIJUANA."

Introduced by: Senators Carpenter,  
Cayetano, Abercrombie, Toguchi,  
A. Kobayashi, Cobb, Kuroda and  
Machida.

No. 444 "A BILL FOR AN ACT  
RELATING TO PRIVILEGE."

Introduced by: Senators Carpenter,  
George, Toguchi, Fernandes  
Salling, Hagino, Cobb, Holt,  
Cayetano, Abercrombie, A. Koba-  
yashi and Kawasaki.

No. 445 "A BILL FOR AN ACT  
RELATING TO GAMBLING."

Introduced by: Senators Carpenter,  
Holt, Abercrombie, Toguchi, A.  
Kobayashi, Cobb, Kuroda, Machida  
and Kawasaki.

No. 446 "A BILL FOR AN ACT TO  
AMEND SECTION 707-741, HAWAII  
REVISED STATUTES, CREATING  
TWO CLASSES OF INCEST."

Introduced by: Senators Carpenter,  
Cayetano, Holt, Toguchi, Aber-  
crombie, A. Kobayashi, Cobb,  
Kuroda, Machida and Kawasaki.

No. 447 "A BILL FOR AN ACT  
RELATING TO UNAUTHORIZED USE  
OF LAW ENFORCEMENT SYMBOLS."

Introduced by: Senators Carpenter,  
Cayetano, Holt, Abercrombie,  
Toguchi, Cobb, A. Kobayashi,  
Kuroda, Machida and Kawasaki.

No. 448 "A BILL FOR AN ACT  
RELATING TO FIREARMS."

Introduced by: Senators Carpenter,  
Abercrombie, Toguchi, A. Koba-  
yashi, Cobb, Kuroda, Machida and  
Kawasaki.

No. 449 "A BILL FOR AN ACT  
RELATING TO SUPPLEMENTAL  
SECURITY INCOME BENEFITS."

Introduced by: Senators Solomon,  
Fernandes Salling, B. Kobayashi,  
Hagino, Holt, Aki, Yamasaki,  
Abercrombie, Ajifu, Carpenter,  
Uwaine, Kuroda, Toguchi and  
Chang.

#### STANDING COMMITTEE REPORT

Senator Young, for the Committee  
on Legislative Management, presented  
a report (Stand. Com. Rep. No. 12)  
informing the Senate that Senate  
Resolution Nos. 9 to 15 and Senate  
Bill Nos. 397 to 418 have been print-  
ed 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.

#### ORDER OF THE DAY

##### REFERRAL OF SENATE BILLS

The President made the following  
committee assignments of bills that  
were introduced on Friday, February  
4, 1983:

Senate Bills Referred to:

- No. 397 Committee on Judiciary.
- No. 398 Committee on Judiciary.
- No. 399 Committee on Judiciary.
- No. 400 Committee on Judiciary.
- No. 401 Committee on Consumer  
Protection and Commerce, then to  
the Committee on Ways and Means.
- No. 402 Committee on Education,  
then to the Committee on Ways and  
Means.
- No. 403 Committee on Legislative  
Management.
- No. 404 Committee on Consumer  
Protection and Commerce.
- No. 405 Committee on Legislative  
Management.
- No. 406 Committee on Judiciary.
- No. 407 Committee on Human  
Resources.
- No. 408 Committee on Govern-  
ment Operations and County Rela-  
tions, then to the Committee on  
Ways and Means.
- No. 409 Committee on Govern-  
ment Operations and County Rela-  
tions, then to the Committee on  
Ways and Means.
- No. 410 Committee on Human  
Resources, then to the Committee  
on Ways and Means.
- No. 411 Committee on Human  
Resources.

- No. 412 Committee on Human Resources.
- No. 413 Committee on Consumer Protection and Commerce.
- No. 414 Committee on Consumer Protection and Commerce.
- No. 415 Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means.
- No. 416 Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means.
- No. 417 Committee on Ways and Means.
- No. 418 Committee on Transportation.

## MISCELLANEOUS COMMUNICATION

A communication from the Legal Aid Society of Hawaii (Misc. Com. No. 3), transmitting copies of a report entitled: "Report to the 12th Legislature on the Activities of the Legal Aid Society of Hawaii," December 9, 1982, was read by the Clerk and was referred to the Committee on Judiciary.

At this time, Senator Abercrombie rose and stated:

"Mr. President, this evening in the auditorium there will be a meeting of interested parties for those who wish to help Senator Spark Matsunaga pursue legislation for the establishment of a Peace Academy in the United States.

"When Senator Matsunaga first put forward this idea, it was greeted with a great deal of skepticism.

"It was greeted in some quarters as an idea which had idealistic qualities.

"In recent days, Mr. President, it has become obvious by a mere glance at the machinations that are now taking place in the United States Congress with respect to the bloated Pentagon budget, to the incredible misdirection of the President of the United States with respect to funding what is ostensibly in our national interest in terms of defense that such an academy not only is in order, but is probably vital perhaps, to the very existence of our domestic economy.

"When one reads of the amount of money that is now going to have to be spent by the taxpayers just to carry the enormous pension

requirements of a standing military, which is reaching millions and millions of people just over the last quarter of a century, when we understand what it is going to cost to maintain these services, when we realize the kind of costs that are now going to places like El Salvador...the entire budget cut in this state is to be spent on military aid alone to El Salvador in a single year, a place where the Archbishop of the nation indicated that random murder by the government is now the rule, a situation where I read by the flacks in the Honolulu Advertiser, the uncritical propagandists in the real estate industry, that we are now going to have thousands upon thousands of military personnel compete unfairly on the housing market with the people who are residents here, especially on Oahu who now apparently have thousands and thousands of tax free dollars to drive the cost of living up in the island.

"When we see the ramifications in recent studies that indicate that thousands and thousands of civilian jobs are being lost as we bloat the Pentagon budget by billions and billions of dollars as the economy is distorted and distended...as we enter and in fact, are well upon probably the first defense depression in the history of this country, it becomes clearer and clearer that the idea of a Peace Academy, that is to say, an institution organized at the governmental level to study the implications of peace, as well as the implications of war, what is in our interest from the point of view of national security, what is in our interest from the point of view of domestic tranquility in terms of the economy in our social relations with one another, becomes more and more apparent as I said that a Peace Academy at the level contemplated by Senator Matsunaga is entirely in order.

"This Senate passed a resolution urging the adoption of this legislation last year and we have the opportunity this evening to see what the status of the legislation is and what we can do in the State of Hawaii to advance its cause. So we, this evening at 7:00 p.m. in the Capitol auditorium...Senator Matsunaga will do his best to be there, he has been ill...in any event, we will carry on and see what we can do to serve the cause of peace not only in the State of Hawaii, but nation-wide as well.

"Thank you."

## ADJOURNMENT

At 11:50 o'clock a.m., on motion by  
Senator Cobb, seconded by Senator

Soares and carried, the Senate ad-  
journed until 11:30 o'clock a.m.,  
Tuesday, February 8, 1983.