

## THIRTIETH DAY

Wednesday, March 9, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:45 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Captain Lee M. Thompson, Chaplain, United States Air Force, after which the Roll was called showing all Senators present with the exception of Senators Ajifu and B. Kobayashi who were excused.

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

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

Senator Fernandes Salling introduced a group of senior citizens from Kauai stating:

"Mr. President, it is with great pleasure that I introduce to you some of my very good friends from the Island of Kauai this morning. They are a group of select senior citizens, each representing a town on the island and they've been here lobbying with many of you. You've seen them, I'm sure, in your offices during this past week."

Senator Holt then rose and stated:

"Mr. President, on behalf of the members of the Senate, I would like to present this certificate of appreciation to Mr. Clyde Yoshioka on the occasion of his retirement as Provost of Honolulu Community College, and in recognition of more than 28 years of outstanding and devoted public service to the people of Hawaii.

"Mr. Yoshioka is accompanied today by his wife Doris, and in the gallery, we have Mr. Peter Kessinger, Acting Provost for Honolulu Community College and his staff."

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 44 and

45), were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 44) transmitting House Concurrent Resolution No. 23, H.D. 1, which was adopted by the House of Representatives on March 8, 1983, was placed on file.

By unanimous consent, H.C.R. No. 23, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE STATE TO NEGOTIATE LONG-TERM LEASES, PURCHASES, AND LAND EXCHANGES OF PRIVATE LAND INCLUDING LAND TAKEN OUT OF PINEAPPLE AND SUGAR PRODUCTION," was referred to the Committee on Agriculture.

A communication from the House (Hse. Com. No. 45) transmitting House Bill No. 236, which passed Third Reading in the House of Representatives on March 8, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 236, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed First Reading by title and was referred to the Committee on Hawaiian Programs, then to the Committee on Ways and Means.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 31 and 32) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 31), entitled: "SENATE CONCURRENT RESOLUTION URGING FEDERAL LEGISLATION TO REQUIRE SPECIFIC WARNINGS ON CIGARETTE PACKAGING AND ADVERTISING," was offered by Senators A. Kobayashi, Kuroda, Solomon, Machida, Yamasaki, Kawasaki, Ajifu, George, Aki, Toguchi, Hagino and Fernandes Salling.

By unanimous consent, S.C.R. No. 31 was referred to the Committee on Health.

A concurrent resolution (S.C.R. No. 32), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION OF THE EFFECTS

ON THE HEALTH OF REFUSE WORKERS WHICH MAY BE CAUSED BY THEIR WORKING CONDITIONS," was offered by Senators Uwaine, Chang, Abercrombie, Aki, Machida, Fernandes Salling, Hagino, Kuroda, Mizuguchi, Yamasaki, Carpenter, Ajifu, Henderson, Soares and Toguchi.

By unanimous consent, S.C.R. No. 32 was referred to the Committee on Human Resources.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 48 to 50) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 48), entitled: "SENATE RESOLUTION URGING FEDERAL LEGISLATION TO REQUIRE SPECIFIC WARNINGS ON CIGARETTE PACKAGING AND ADVERTISING," was offered by Senators A. Kobayashi, Kuroda, Solomon, Henderson, Soares, Chang, Machida, Yamasaki, Kawasaki, Ajifu, George, Aki, Toguchi, Hagino and Fernandes Salling.

By unanimous consent, S.R. No. 48 was referred to the Committee on Health.

A resolution (S.R. No. 49), entitled: "SENATE RESOLUTION REQUESTING AN INVESTIGATION OF THE EFFECTS ON THE HEALTH OF REFUSE WORKERS WHICH MAY BE CAUSED BY THEIR WORKING CONDITIONS," was offered by Senators Uwaine, Chang, Abercrombie, Aki, Machida, Fernandes Salling, Hagino, Kuroda, Mizuguchi, Yamasaki, B. Kobayashi, Carpenter, Ajifu, Henderson, Soares and Toguchi.

By unanimous consent, S.R. No. 49 was referred to the Committee on Human Resources.

A resolution (S.R. No. 50), entitled: "SENATE RESOLUTION REQUESTING THE COUNTIES TO REVIEW CERTAIN REGULATIONS AND POLICIES," was offered by Senator Young.

By unanimous consent, S.R. No. 50 was referred to the Committee on Housing and Urban Development.

#### STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 221) informing the Senate that Senate

Concurrent Resolution Nos. 31 and 32, Senate Resolution Nos. 48 to 50, and Standing Committee Report Nos. 222 to 232 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.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 222) recommending that Senate Bill No. 1465, as amended in S.D. 1 pass First Reading and be recommitted to the Committee on Ways and Means for further consideration.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1465, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading and was recommitted to the Committee on Ways and Means for further consideration.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 223) recommending that Senate Bill No. 1464, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Ways and Means for further consideration.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1464, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading and was recommitted to the Committee on Ways and Means for further consideration.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 224) recommending that Senate Bill No. 4, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Ways and Means for further consideration.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 4, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AND MAKING APPROPRIATIONS THEREFOR," passed First Reading and was recommitted to the Committee on Ways and Means for further consideration.

Senator Machida, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 225) recommending that Senate Bill No. 236, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

Senator Machida then requested that Stand. Com. Rep. No. 225 and S.B. No. 236, S.D. 1, be recommitted to the Committee on Health and the President, noting that there was no objection, so ordered.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 226) recommending that Senate Bill No. 41 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 41, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 11, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 227) recommending that Senate Bill No. 438, 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 Soares and carried, the report of the Committee was adopted and S.B. No. 438, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALARM BUSINESSES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 11, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 228) recommending that Senate Bill No. 1444, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Judiciary for further consideration.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1444, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed First Reading and was recommitted to the Committee on Judiciary for further consideration.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 229) recommending that Senate Bill No. 1339, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Consumer Protection and Commerce for further consideration.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1339, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading and was recommitted to the Committee on Consumer Protection and Commerce for further consideration.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 230) recommending that Senate Bill No. 1423, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Human Resources for further consideration.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1423, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed First Reading and was recommitted to the Committee on Human Resources for further consideration.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 231) recommending that Senate Bill No. 139, 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 Soares and carried, the report of the Committee was adopted and S.B. No. 139, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF PARKS BETWEEN THE STATE AND THE COUNTIES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 11, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 232) recommending that Senate Bill No. 362, 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 Soares and carried, the report of the Committee was adopted and S.B. No. 362, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT PROGRAM OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 11, 1983.

#### ORDER OF THE DAY

#### RE-REFERRAL OF SENATE BILL

The President re-referred Senate Bill No. 640, which was introduced on Friday, February 11, 1983, to the Committee on Consumer Protection and Commerce.

#### MISCELLANEOUS COMMUNICATION

A communication (Misc. Com. No. 6) transmitting a report from Senator Steve Cobb regarding the issue of the Hawaii business climate was read by the Clerk and was placed on file.

At this time, Senator Cobb rose and stated:

"Mr. President, in reference to the miscellaneous communication that was just received and filed, I would like to point out a number of items in connection with that report.

"I agree with the comments that were made by several senators that a two or three days' stay in Hawaii did not constitute a sufficient background to do any investigatory article. Nevertheless, some of the problems that were touched upon by that article are deserving of a very serious and further consideration, and it was in this spirit that your Committee on Consumer Protection and Commerce conducted a public hearing on January 28th to cast the fact-gathering at as widely as possible to gather information and make recommendations on the problems that we did discover.

"I think the time for lengthy studies as to what is the problem has passed. There are a number of recommendations for specific action in this particular report, Mr. President. I hope they are acted upon this session.

"There are, of course, other recommendations that will take longer than merely this session to implement. And, it's in this spirit of cooperation that we're making copies of this

report available to the House, to the Governor and his cabinet and the special committee that he intends to appoint, as well as to all interested parties in both labor and business for resolution of some of the problems that have been pointed out.

"I think one of the more salient features of the report is the observation that some people don't seem to realize that if we have an unhealthy business climate, we also have an unhealthy labor climate, and the fortunes of the two groups are inextricably mixed, like it or not.

"Thank you."

Senator Abercrombie then rose and stated:

"Mr. President, with respect to the previous speaker's remarks, in glancing through this report, it seems to me that some of the burden, with respect to the correctives seem to fall on those who labor in this state, and what is in the public interest, as opposed to individual business interest, perhaps is not addressed in the detail which I'd like to see it.

"I note, for example, that the President of the University of Hawaii is now engaged in the time-sharing business. He's about to get into the time-sharing business along with United Airlines and the Westin Hotels. As you know, the President of the University is a member of the Board of Directors, so when we talk about the business climate, we talk about what's fair to the taxpayers of Hawaii, let's talk about how our taxes are collected.

"When we talk about tax burdens on business, let's talk about the kind of things that businesses do to avoid taxes as well. Let's talk about what we do to the ordinary working man and woman in this state. When we allow certain businesses to operate, including agribusiness and other businesses, in such a manner that we find housing and other aspects of our lives that we would like to lead here in very difficult straits.

"It's all well and good to talk about workmen's compensation; it's all very well to talk about unemployment compensation. But when we are talking about these things, let's remember that there are workers involved in these elements of our business and laboring life, and that the day the State of Hawaii begins to 'turn the screws' on the workers is the day when the State of Hawaii

begins going backward in time."

At this time, Senator Carpenter, chairman of the Committee on Judiciary, requested a waiver of the 48-hour notice of a Public Hearing on Senate Bill No. 1444, S.D. 1, entitled, "A BILL FOR AN ACT RELATING TO FAMILY COURTS," and the President granted the waiver.

Senator Kawasaki then rose and stated:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, in view of this Senate's involvement in bills dealing with statutes that we enacted providing special immunity legislation for the newspaper industry, I believe that it is very appropriate that we enter into the pages of the Senate Journal some very meaningful, relevant, and timely comments made in a speech at the University of Hawaii by Mr. David Shaw, who is a nationally known media critic and who has written widely on the ethical problems of journalism.

"As a reporter and media critic, Mr. Shaw has won thirteen first-place awards in competitions sponsored by the Los Angeles Times Press Club. And, the morning paper's coverage of an article entitled, 'The Press has ethics problems, critic says,'...Mr. Shaw's speech in the morning paper reads as follows, which I think is very relevant:

'According to media critic David Shaw, "the arrogance of the press may be one of the greatest ethical problems we, as an institution, face today."

'In a University of Hawaii speech yesterday, the Los Angeles Times writer applauded those newspapers that have ombudsmen writing about newspaper policy for their readers, but he said that's not nearly enough.'

"Public opinion polls consistently show that people trust us [newspapers] less and less, and our own personal experience should tell us that they like us less and less. There are complex reasons for this, but I think our refusal to be more forthcoming,...I believe that this word is a misprint, I think it should be forthright...'about our shortcomings is one of these reasons -- an important one."

"And if I may add a personal comment here, I believe we found

evidence of the people's distrust of the morning paper's judgment and motivation in the overwhelming election of Senator Abercrombie by an almost two-to-one margin over his opponent who was particularly favored by the morning newspaper in an unprecedented Advertiser editorial Senate race endorsement."

Senator Soares then interjected:

"Mr. President, I rise on a point of order. I don't think that last comment was necessary...about a two-to-one victory over a person who was favored by the Advertiser."

Senator Kawasaki then stated:

"If I may continue, Mr. President, the article states:

"There are many other, extremely important ethical problems that individual reporters and editors must deal with every day," he noted, such as, "the continuing over-reliance of the press on unnamed sources; the willingness of some reporters to lie, steal and misrepresent themselves in the pursuit of a story..."

"I must say to the credit of the local working press, reporters that I don't believe there has been a single case that I know of, where this has happened. There has been great abuse on the part of the editors, on the part of the newspaper owners, but not really on the part of the working press reporters.

"It goes on to state:

"...the use and abuse of political polls; the rush to get a story first rather than to get it right; conflict of interest;..."

"May I add a comment here to talk about a conflict of interest so far as the newspapers go on their suit with the City, I think that was a flagrant case in the way they covered the issue, so far as the issue of conflict of interest was concerned.

"...invasion of privacy; checkbook journalism; blatant oversimplification; and plagiarism."

"I don't believe any of our reporters are guilty of plagiarism here. He went on to say that:

'Another major ethical problem -- "the one that presupposes all else," Shaw said -- is "the unwillingness of so many publishers to sacrifice even a small measure of their large

profits..." [In the local case, I must say, tremendous profits,] "...to produce quality newspapers, with quality staffs and news-holes large enough to provide the reader with the information and insight he or she needs to function as an intelligent, informed adult in today's increasingly complex society."

"I believe all of these comments made to the University of Hawaii journalism majors are extremely timely. I hope that the newspapers take heed of perhaps the nation's outstanding media critic in the sermon that he has to offer them, and particularly the morning newspaper."

The President then stated:

"The Chair would like to remind the

Senators that very quickly coming upon us is our decking for Monday, and the Chair would like to suggest and ask for your cooperation on Friday, by making sure that you'll be available for signatures on committee reports, particularly on Friday.

"I would like to see everyone here Friday so we can get the printing done over the weekend and be on schedule on Monday."

#### ADJOURNMENT

At 12:15 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 10, 1983.