

THIRTY-FIRST DAY

Thursday, March 7, 1985

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985, convened at 11:45 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Senator Richard M. Matsuura after which the Roll was called showing all Senators present.

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

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

Senator Matsuura, on behalf of Senators Solomon, Henderson and himself, introduced 18 students from Hilo, Kohala, Konawaena and Laupahoehoe High Schools of the Big Island, who are participating in the Hawaii District Legislative Experience Program. The students were accompanied by student coordinators - Ms. Julie Sakasegawa and Ms. Beth Choi; faculty advisors - Mr. Jim White and Ms. Netlie Yokoyama; and Department of Education District Personnel Specialist Mr. Wallace Aki.

Senator McMurdo introduced Mrs. Joan Kane from Carlyle Barracks, Pennsylvania, and her son Joe.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 200 to 208) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 200, submitting for consideration and confirmation to the Credit Union Review Board, the nomination of Toshio Fujimoto, term to expire December 31, 1988, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 201, submitting for consideration and confirmation to the Board of Medical Examiners, the nomination of Marion L. Hanlon, M.D., term to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 202, submitting for consideration and confirmation to the Board of Pharmacy, the nomination of Richard J. Roth, term to expire December 31, 1988, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 203, submitting for consideration and confirmation to the Library Advisory Commission, County of

Hawaii, the nomination of Chieko K. Tanimoto, term to expire December 31, 1988, was referred to the Committee on Education.

Gov. Msg. No. 204, submitting for consideration and confirmation to the Maui County Subarea Health Planning Council, the nominations of the following:

Gail Ehrhardt, term to expire December 31, 1988;

Ora Latham, term to expire December 31, 1988; and

Herbert Y. Nakasone, term to expire December 31, 1985,

was referred to the Committee on Health.

Gov. Msg. No. 205, submitting for consideration and confirmation to the Board of Directors, Aloha Tower Development Corporation, the nomination of Ryokichi Higashionna, Ph.D., term to expire December 31, 1988, was referred to the Committee on Housing and Community Development.

Gov. Msg. No. 206, submitting for consideration and confirmation to the Hawaii Community Development Authority, the nomination of Vance C. Cannon, term to expire December 31, 1988, was referred to the Committee on Housing and Community Development.

Gov. Msg. No. 207, submitting for consideration and confirmation to the Policy Advisory Board for Elderly Affairs, the nominations of the following:

Mary L. Ventura, term to expire December 31, 1988;

Tony Tomoso, term to expire December 31, 1988;

Shintaro R. Higa, term to expire December 31, 1988;

Pedro E. Racelis, Jr., term to expire December 31, 1988; and

Jiro Wakumoto, term to expire December 31, 1986,

was referred to the Committee on Human Services.

Gov. Msg. No. 208, submitting for consideration and confirmation to the Juvenile Justice Interagency Board, the nomination of Betty M. Vitousek, term to expire December 31, 1988, was referred to the Committee on Judiciary.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 38 to 50)

were read by the Clerk and were disposed of as follows:

Hse. Com. No. 38, transmitting House Bill No. 96, which passed Third Reading in the House of Representatives on March 6, 1985, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 96, entitled: "A BILL FOR AN ACT ESTABLISHING AN ADVISORY COMMITTEE TO STUDY OVERLAPPING STATE AND COUNTY FUNCTIONS," passed First Reading by title and was referred to the Committee on Government Operations, then to the Committee on Legislative Management.

Hse. Com. No. 39, transmitting House Bill No. 129, which passed Third Reading in the House of Representatives on March 6, 1985, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 129, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Judiciary.

Hse. Com. No. 40, transmitting House Bill No. 157, which passed Third Reading in the House of Representatives on March 6, 1985, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 157, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed First Reading by title and was referred to the Committee on Health.

Hse. Com. No. 41, transmitting House Bill No. 168, which passed Third Reading in the House of Representatives on March 6, 1985, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 168, entitled: "A BILL FOR AN ACT RELATING TO NAMES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 42, transmitting House Bill No. 176, which passed Third Reading in the House of Representatives on March 6, 1985, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 176, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON MANPOWER AND FULL EMPLOYMENT," passed First Reading by title and was referred to the Committee on Labor and Employment.

Hse. Com. No. 43, transmitting House Bill

No. 191, which passed Third Reading in the House of Representatives on March 6, 1985, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 191, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES AND WILDLIFE," passed First Reading by title and was referred to the Committee on Economic Development.

Hse. Com. No. 44, transmitting House Bill No. 195, which passed Third Reading in the House of Representatives on March 6, 1985, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 195, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT PROGRAM OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed First Reading by title and was referred to the Committee on Economic Development.

Hse. Com. No. 45, transmitting House Bill No. 264, which passed Third Reading in the House of Representatives on March 6, 1985, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 264, entitled: "A BILL FOR AN ACT RELATING TO RECIPROCAL ENFORCEMENT OF SUPPORT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 46, transmitting House Bill No. 274, which passed Third Reading in the House of Representatives on March 6, 1985, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 274, entitled: "A BILL FOR AN ACT RELATING TO FAIR HEARINGS," passed First Reading by title and was referred to the Committee on Human Services, then to the Committee on Judiciary.

Hse. Com. No. 47, transmitting House Bill No. 502, which passed Third Reading in the House of Representatives on March 6, 1985, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 502, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

Hse. Com. No. 48, transmitting House Bill No. 1000, which passed Third Reading in the House of Representatives on March 6, 1985, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1000, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed First Reading by title and was referred to the Committee on Human Services.

Hse. Com. No. 49, transmitting House Bill No. 1060, which passed Third Reading in the House of Representatives on March 6, 1985, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1060, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

Hse. Com. No. 50, transmitting House Bill No. 1243, which passed Third Reading in the House of Representatives on March 6, 1985, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1243, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE COOPERATIVE ASSOCIATION," passed First Reading by title and was referred to the Committee on Agriculture.

SENATE CONCURRENT RESOLUTION

S.C.R. No. 26, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING LIFELINE TELEPHONE RATES FOR THE ELDERLY AND THE DISABLED," was offered by Senators Cobb, A. Kobayashi, McMurdo, Cayetano and Young, and was read by the Clerk.

By unanimous consent, S.C.R. No. 26 was referred to the Committee on Economic Development.

SENATE RESOLUTION

S.R. No. 30, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING LIFELINE TELEPHONE RATES FOR THE ELDERLY AND THE DISABLED," was offered by Senators Cobb, A. Kobayashi, Cayetano and Young.

By unanimous consent, S.R. No. 30 was referred to the Committee on Economic Development.

STANDING COMMITTEE REPORTS

Senator Chang, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 346) recommending that Senate Bill No. 1108, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Chang, seconded by Senator Cayetano and carried, the report of the majority of the Committee was adopted and S.B. No. 1108, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was recommitted to the Committee on Judiciary.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 347) recommending that Senate Bill No. 108, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 347 and S.B. No. 108, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," was deferred until Monday, March 11, 1985.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 348) recommending that Senate Bill No. 260, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 260, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 11, 1985.

Senator Chang, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 349) recommending that Senate Bill No. 498, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Cayetano and carried, the report of the majority of the Committee was adopted and S.B. No. 498, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO REQUIRE THE CONSENT OF THE SENATE FOR RETENTION OF JUSTICES AND JUDGES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 11, 1985.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 350) recommending that Senate Bill No. 610, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 610, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," passed Second Reading and was placed on the

calendar for Third Reading on Monday, March 11, 1985.

Senator Solomon, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 351) recommending that Senate Resolution No. 27 be adopted.

Senator Solomon then moved that Stand. Com. Rep. No. 351 be adopted and S.R. No. 27 be adopted, seconded by Senator Hagino.

Senator Solomon rose to speak in support of the resolution as follows:

"Mr. President, I stand before you today seeking your unanimous action on a legislative resolution expressing this body's unqualified support of an appeal to the Congress of the United States to adopt an effective national farm policy ... one that recognizes the uniqueness of America's domestic sugar industry; sugar competes in a market unlike any other farm commodity with the U.S. and the world.

"As you are aware, the U.S. Department of Agriculture on February 22 submitted to the Congress proposals for national farm legislation which would change national agriculture policy to one of 'market orientation.'

"In promoting its policy of market prices governed by supply and demand, the USDA says this would ultimately create a stronger American agricultural industry and enable America's farmers to become more competitive in export markets.

"Further, the Department of Agriculture said it recognized that the shift to a market system — one which infers, but cannot guarantee, free trade and competition — would initially work a hardship on many areas of agriculture and, therefore, a transition period of several years would be required to allow American farmers to adjust to the new policy.

"All major food crops are included in this proposal to Congress without apparent differentiation.

"As a consequence, these proposals discriminate heavily against domestic sugar producers. If this legislation is passed without major revisions to recognize the unique situation of sugar within domestic agriculture, it will simply and quickly destroy domestic sugar, a major segment of the nation's sweetener industry.

"There is no free trade or fair trade in a world where 100 percent of the sugar is government controlled, pre-sold or subsidized.

"In essence, the administration's proposals would slash the loan support rate on sugar produced in 1986 to 12 cents — from the

1985 rate of 18 cents.

"Worse, they would repeal quotas on foreign sugar, opening American floodgates now holding back nearly 20 million tons of under-priced foreign sugar dumped into the world market.

"This would force America's sugar farmers to compete against a stacked deck held by foreign subsidized sugar farmers.

"Against the national interest.

"These two actions would destroy domestic sugar.

"In America today, sugar is produced in 17 states. While its loss will be a severe economic blow to many communities within those states, it would be a worse blow for Hawaii's economy.

"Nationally:

- It will mean the abandonment of hundreds of millions of dollars of standing plants and equipment.

- It will mean the loss of employment for an estimated 250,000 fellow Americans dependent in whole or part upon the growing, processing and distribution of sugar.

- It will further worsen the nation's already severe imbalance of trade by at least \$2 billion a year.

- It will destroy this nation's ability to produce nearly 75 percent of its own sugar needs, forcing the country to become completely dependent on foreign sources and subject our economy and consumers to foreign market fluctuations.

- It will ultimately lead to a more volatile sugar market, forcing consumers to pay more for sugar and subject them to wild swings of price such as those that occurred in 1974 and 1980. Current farm programs have provided stable sugar prices; once domestic sugar production ends, prices paid by Americans will skyrocket.

- Finally, American consumers and taxpayers — including Hawaii's — will find themselves in the ironic position of subsidizing foreign sugar farmers while their fellow Americans have been driven out of the business by their own government.

"Direct economic loss to Hawaii.

"What would be an inventory of Hawaii's direct losses?

- An annual loss to the state's economy of more than \$400 million in revenues from sugar and molasses.

- An annual payroll loss, including valuable employee benefits, or nearly \$200 million.

- The loss of 24,000 direct and indirect jobs.

- The loss of 10 percent of state general tax fund revenues.

- The annual loss of \$140 million in sales by vendors of materials and supplies to sugar companies.

- An annual loss of \$12 million to owners of lands rented for sugarcane cultivation.

- An annual loss of more than \$28 million spent with local companies providing services to sugar companies.

"Other costs to community.

"There are a number of many less visible losses and costs to our community that are threatened by this proposed farm legislation.

- Thousands of local citizens who have invested in shares of sugar companies would see much, if not all of that investment lost.

- Statewide employment would drop by 6 percent.

- On Kauai, where 99 percent of the total cropland is in sugar, unemployment would reach 29 percent.

- On Hawaii, with 79 percent of its cropland in sugar, unemployment would be about 21 percent.

- On Maui, with 58 percent of its farm land in sugar, unemployment would reach 18 percent.

"Consumer and taxpayer costs.

"There will be other costs to Hawaii's consumers and taxpayers as well.

- Hawaii would have to spend nearly \$10 million more a year to import the additional oil it would need to create the electricity the sugar industry now provides communities throughout the state from bio-mass and hydroelectric power.

- There would be a major blow to Hawaii's beauty and environment that could have a direct, and negative effect on our tourist industry. Dr. Thomas Hitch, a retired senior vice president of First Hawaiian Bank and Hawaii's senior economist, put it well when he said:

'... if we lost our ... cane land and

our 36,000 acres of pine land and replaced those fields with weeds, scrub growth and haole koa, we would lose a lot of visitors. The visitor industry has grown in recent decades to the point that it accounts for 30 percent of the entire Hawaiian economy—with nearly 4.5 million visitors spending some \$4 billion a year here. If the blight to our present attractive landscape caused by the collapse of sugar were to have the negative effect on tourism that I think it would have, the negative impact on the economy from that could easily exceed the negative impact of losing sugar jobs and sugar income.'

"Sugar's uniqueness in American agriculture.

"American agriculture is in crisis. Falling prices, falling land values and continued high interest rates are the norm. Farmers and state legislators are converging on Washington protesting current government actions and proposed policies. Minnesota's legislature has passed and the governor of the state has this week signed a \$25 million farm aid bill for hard pressed farmers in that state.

"Domestic sugar appears the most seriously threatened by the proposed farm bill.

"Sugar is unlike any other major farm crop produced in the United States; it is the only major crop in which America is not self-sufficient. This country must import 25 to 30 percent of its sugar needs. All other major crops are produced in abundance and constitute export products important to America's balance of trade. The Administration's farm bill proposals are build around these other major crops.

"The sugar provisions of the current farm bill and its related quotas on foreign sugar have not been a panacea. Our sugar industry has received no federal subsidies, no handouts. But it, along with other domestic producers, has received crucial protection from unfair, subsidized foreign competition. Our industry's survival also has been through hard work and drastic changes to improve productivity and lower costs.

"Our sugar industry is not inefficient. It has reduced costs nearly 2 cents a pound over the past three years, despite inflationary cost increases. It continues to produce more sugar per acre with fewer man-hours than any other sugar growing area in the world. It continues to have the highest paid agriculture workers in the world.

"Our sugar industry — at every level — is committed to survival. The truth of this is borne out by the just ratified

bargaining unit contracts between the companies and the ILWU. This one-year agreement freezes wages. It is the second freeze within the past three years. When management and labor close ranks solidly to fight a common threat, we must recognize the threat and join with them.

"Mr. President, I urge the passage of this resolution. Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.R. No. 27, entitled: "SENATE RESOLUTION REQUESTING CONGRESS TO INCLUDE A SUGAR PRICE SUPPORT PROGRAM IN THE 1985 FARM BILL," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 352) recommending that Senate Bill No. 189, 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 B. Kobayashi and carried, the report of the Committee was adopted and S.B. No. 189, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 11, 1985.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 353) recommending that Senate Bill No. 224 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, the report of the Committee was adopted and S.B. No. 224, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 11, 1985.

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 354) recommending that Senate Bill No. 203 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, the report of the majority of the Committee was adopted and S.B. No. 203, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 11, 1985.

Senator Cobb, for the Committee on Consumer Protection and Commerce,

presented a report (Stand. Com. Rep. No. 355) recommending that Senate Bill No. 205, 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 B. Kobayashi and carried, the report of the Committee was adopted and S.B. No. 205, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 11, 1985.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 356) recommending that Senate Bill No. 462, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 462, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TERMS OF BOARDS AND COMMISSIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 11, 1985.

Senator Chang, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 357) recommending that Senate Bill No. 735, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Cayetano and carried, the report of the majority of the Committee was adopted and S.B. No. 735, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHECKS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 11, 1985.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 358) recommending that Senate Bill No. 1158 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.B. No. 1158, entitled: "A BILL FOR AN ACT RELATING TO TRANSFERS TO MINORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 11, 1985.

Senator Cayetano, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 359) recommending that Senate Bill No. 1050, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Transportation.

On motion by Senator Cayetano, seconded

by Senator Toguchi and carried, the report of the Committee was adopted and S.B. No. 1050, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR TRANSPORTATION," passed First Reading and was recommitted to the Committee on Transportation.

Senator Cayetano, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 360) recommending that Senate Bill No. 1056, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Transportation.

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, the report of the Committee was adopted and S.B. No. 1056, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM AERONAUTICS ACT (MODIFIED)," passed First Reading and was recommitted to the Committee on Transportation.

Senator Matsuura, for the Committee on Energy, presented a report (Stand. Com. Rep. No. 361) recommending that Senate Bill No. 980, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Energy.

On motion by Senator Matsuura, seconded by Senator Aki and carried, the report of the Committee was adopted and S.B. No. 980, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed First Reading and was recommitted to the Committee on Energy.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 362) recommending that Senate Bill No. 1066, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Ways and Means.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the report of the Committee was adopted and S.B. No. 1066, S.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed First Reading and was recommitted to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

MATTER DEFERRED FROM
WEDNESDAY, MARCH 6, 1985

Senate Bill No. 1209, S.D. 1:

By unanimous consent, action on S.B. No. 1209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Friday, March 8, 1985.

At this time, Senator Cayetano, Chairman

of the Committee on Transportation, requested a waiver of the 48-hour notice of a Public Hearing on the following measures:

S.B. No. 751, entitled: "A BILL FOR AN ACT RELATING TO DRIVING WHILE LICENSE IS SUSPENDED OR REVOKED";

S.B. No. 1050, entitled: "A BILL FOR AN ACT RELATING TO AIR TRANSPORTATION"; and

S.B. No. 1056, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM AERONAUTICS ACT (MODIFIED),"

and the President granted the waiver.

Senator Matsuura, Chairman of the Committee on Energy, also requested a waiver of the 48-hour notice of a Public Hearing on the following measure:

S.B. No. 980, entitled: "A BILL FOR AN ACT RELATING TO ENERGY,"

and the President granted the waiver.

At this time, Senator Abercrombie rose on a point of personal privilege and remarked as follows:

"Mr. President, the Judiciary Committee has been meeting recently and conducting extensive hearings with respect to what is commonly known as 'sunshine' laws ... freedom of information act or acts ... as they apply to the State of Hawaii.

"The newspapers, in particular, have been extensive participants in those discussions and deliberations. I believe that the chairman of the Judiciary Committee is now attempting to come to terms with and grips with the intricacies of making sure that these laws are expanded or amplified in such a manner as to see that both the spirit and letter of the 'sunshine' laws are well taken care of in this session of the Legislature.

"At the same time that we are extolling freedom of speech and the opportunity for information to be presented to the public, most particularly by the press, with regard to what goes on in government, we find the Honolulu Advertiser in its editorial columns ... all these editorial columns parenthetically anonymous, by the way, as opposed to what we do here ... castigating the Senate and the Judiciary Committee, in particular, with respect to the notorious drinking age bill, raising the drinking age from 18 to 21.

"Mr. President, the title of the editorial is '... Senate Stalling.' That is not true. The editorial writers and the editorial line of the Honolulu Advertiser has no relationship to the facts.

"At one time, Mr. President, I was told by

a member of the editorial staff of the Honolulu Star-Bulletin, with respect to a subject matter that he had written about, that he did not need to know the facts to write an editorial. Mr. President, I have read many editorials in both newspapers and I believe him explicitly as well as implicitly.

"The facts, as stated in the Honolulu Advertiser stories, are incorrect. They are misleading. This editorial is misleading. It is based, at best, on faulty statistics; at worst, on a deliberate attempt to mislead people with respect to the editorial line that the Honolulu Advertiser wants to establish.

"I resent, as a member of the Judiciary Committee, the implications in this editorial. I think that it is an attempt to malign the integrity of the chairman of the committee completely unfairly, and I want to reiterate, as I have in private, as I have in public meetings, as I have to members of the Honolulu Advertiser staff, as I have to the editorial board members of the Honolulu Advertiser, I will reiterate it at this time.

"I challenge this anonymous editorial writer to come into my office, to go into my files which are open to anyone and everyone who wants the true information in this area, and to print the truth about this. The Honolulu Advertiser has decided this is what everybody must believe and despite the fact that the realities are to the contrary, they continue to push this line, and I challenge the person who wrote this editorial to reveal himself or herself as to who they are and to debate me in public, preferably before young people who can decide who's telling the truth and who isn't telling the truth on this matter of raising the drinking age from 18 to 21, so that we can finally get it into the open.

"And I repeat again, and there are Advertiser reporters here ... go back to your editorial offices and see your reporters who are forbidden, apparently, to come into my

office to get the facts and continue to print untruths and misleading statements in this area ... I ask the Honolulu Advertiser to take advantage of the First Amendment and come in and get the truth.

"And I ask the Honolulu Advertiser, for once, to get out of the editorial offices over there, so ably protected by the Hawaii Newspaper Act, and for once to come out into the open and to get at the truth.

"Mr. President, I make that challenge in the full knowledge that the editorial writer will probably stay anonymous, will not come out in the open, will not debate the issue, and that the Advertiser will not send its reporters into my office to take advantage of the opportunity to look at the facts as they really are, as opposed to what the Advertiser wants to believe.

"This is one of the most pernicious bills that has come before this Legislature, and it is a sad day when the same people who come into the Judiciary Committee demanding that there be freedom of information and that government open up its files and make access to the public, greater than presumably it is at the present time, will not itself live up to the same standards that it expects of government, when it has the protection of the First Amendment in the Constitution.

"The Honolulu Advertiser is the epitome of the admonition 'do not do as I do, but do as I say.'

"Let these editorial writers come out from under the rocks under which they are hiding and debate the truth in the open."

ADJOURNMENT

At 12:10 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:00 o'clock a.m., Friday, March 8, 1985.