

TWENTY-FIRST DAY

Wednesday, February 15, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Colonel John L. Mann, Chaplain, United States Air Force, after which the Roll was called showing all Senators present with the exception of Senators Chang and Uwaine.

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

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

Senator Young introduced Wendy Pestana and Regina Llanto, students of Ilima Intermediate School, Social Studies class, participating in the "Legislative Awareness Program."

Senator Cobb then introduced two executive officers of Central Pacific Bank, Mr. Harold K. Yamanaka, Senior Vice President, and Mr. Paul Yamashige, Vice President of Marketing, and read a portion of the Senate Certificate to Central Pacific Bank on its 30th Anniversary, a copy of which was presented to the honorees.

Senator Solomon introduced Ms. Ilima Williams, a staff member, and her mother Mrs. Margaret Kauka, who were sitting in the Senate gallery. Senator Solomon added: "Mrs. Kauka has been a very outstanding senior citizen and, of course, a strong lobbyist, especially for Hawaiian affairs."

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 192 and 193) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 192), transmitting a report entitled, "State Plan Policy Council Progress Report on Activities Conducted in Furtherance of the

Hawaii State Plan," dated January 1984, from the Planning Division of the Department of Planning and Economic Development, pursuant to Chapter 226, HRS, as amended, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 193), transmitting a report entitled, "The Hawaii Coastal Zone Management Law, an Assessment," dated January 1984, prepared by the Hawaii Coastal Zone Management Program, Department of Planning and Economic Development, in response to Act 126, SLH 1982, was referred to the Committee on Economic Development.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 27 and 28) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 27), entitled: "SENATE CONCURRENT RESOLUTION CONCERNING COMMERCIAL FISHING ACTIVITIES IN HAWAII," was offered by Senators Soares, Henderson, A. Kobayashi, Ajifu and George..

By unanimous consent, S.C.R. No. 27 was referred to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 28), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A DETERMINATION OF THE SOURCE OF THE EDB CONTAMINATION OF THE WAIPAHAU WELLS," was offered by Senator Cayetano.

By unanimous consent, S.C.R. No. 28 was referred to the Committee on Health.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 26 to 28) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 26), entitled: "SENATE RESOLUTION CONCERNING COMMERCIAL FISHING ACTIVITIES IN HAWAII," was offered by Senators Soares, Henderson, A. Kobayashi, Ajifu and George.

By unanimous consent, S.R. No. 26

was referred to the Committee on Economic Development.

A resolution (S.R. No. 27), entitled: "SENATE RESOLUTION REQUESTING THAT THE GOVERNOR OF THE STATE OF HAWAII IMMEDIATELY ESTABLISH AND FUND A STATE COMMISSION FOR THE PRESERVATION OF FORT DERUSSY," was offered by Senators Kawasaki, Kuroda, Carpenter, Ajifu and Cobb.

By unanimous consent, S.R. No. 27 was referred to the Committee on Tourism.

A resolution (S.R. No. 28), entitled: "SENATE RESOLUTION REQUESTING A DETERMINATION OF THE SOURCE OF THE EDB CONTAMINATION OF THE WAIPAHAU WELLS," was offered by Senator Cayetano.

By unanimous consent, S.R. No. 28 was referred to the Committee on Health.

STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 16-84) informing the Senate that Senate Bill Nos. 1954-84 to 2251-84 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.

ORDER OF THE DAY

ADVISE AND CONSENT

Standing Committee Report No. 14-84 (Gov. Msg. No. 114):

Senator Cayetano moved that Stand. Com. Rep. No. 14-84 be received and placed on file, seconded by Senator Carpenter and carried.

Senator Cayetano then moved that the Senate advise and consent to the nomination of Marie N. Milks as Judge of the First Circuit Court, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Carpenter.

Senator Cayetano then rose to speak in support of the nomination and stated:

"Mr. President, on behalf of the chairman of the Judiciary Committee,

I would like to have inserted into the record his remarks supporting the confirmation of Judge Milks and would like to incorporate the chairman's remarks as my own."

Senator Chang's remarks are as follows:

"Your Committee on Judiciary respectfully recommends the Senate members to approve the appointment of Judge Marie Nakanishi Milks to the Circuit Court of the First Circuit.

"Judge Milks began her legal career over 10 years ago as a deputy public defender in Honolulu. During that seven years of service with the public defender's office, she litigated over 50 jury trials and supervised the preparation of briefs and appeals to the Hawaii Supreme Court.

"In 1980, Marie Milks was appointed District Court Judge and has served impressively in that capacity, exercising the utmost fairness and integrity. She is currently an acting Circuit Court Judge for the First Circuit.

"Colleagues testifying in support of Judge Milks all expressed their deep respect for her professional ability and judicial demeanor. One supporter captured the sentiment of many when he stated, 'Judge Milks' integrity is impeccable, and her limitless capacity for compassion and understanding, balanced with her commitment to excellence in the administration of law and justice, have made Judge Milks one of the most respected judges in the state.'

"Your Committee welcomes this appointment and is confident that Judge Milks possesses both the experience and characteristics which will make her an excellent Circuit Court judge.

"Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chang, Machida and Uwaine).

Standing Committee Report No. 15-84 (Gov. Msg. No. 105):

Senator Yamasaki moved that Stand. Com. Rep. No. 15-84 be received and placed on file, seconded by Senator B. Kobayashi and carried.

Senator Yamasaki then moved that the Senate advise and consent to the

nomination of Herbert M. Dias as Director of Taxation, term to expire December 1, 1986, seconded by Senator B. Kobayashi.

Senator Yamasaki spoke in support of the nomination as follows:

"Mr. President, Herbert M. Dias is a lifelong resident of Hawaii, a graduate of St. Louis High School in 1942. He began working for the Department of Taxation on October 20, 1942 and has been with the department since that date, except for two years, from 1944 to 1946, which he spent in the U.S. Army.

"Mr. Dias began as a bookkeeping machine operator and served as inheritance tax assessor, Oahu district tax administrator, and compliance division administrator.

"He intends to carry out the provisions of the tax laws in a fair and impartial manner, to be reasonable but firm.

"I urge this body to cast a unanimous vote on the confirmation of Mr. Dias as Director of Taxation."

Senator Soares also rose to speak in support of the nomination and stated:

"Mr. President, I've known Mr. Dias now for over 30 years, as a very, very close friend and as a family friend, and as a neighbor of mine in Niu Valley. He and his family are outstanding neighborhood residents and well-respected in the community.

"I have known Herbert Dias to be a topnotch career employee of the Department of Taxation, and I am so very proud that the opportunity has come to him, after so many years of working in various capacities in the department with an outstanding record of achievements. I'm very proud this morning to speak on his behalf and urge you all to confirm his appointment."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chang, Machida and Uwayne).

At this time, the Chair asked Mr. Herbert Dias, who was sitting in the Senate gallery, to stand and be recognized.

Senator Yamasaki then introduced Mr. George Freitas, the former Director of Taxation.

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Tuesday, February 15, 1984:

Senate Bills	Referred to:
No. 1954-84	Committee on Consumer Protection and Commerce
No. 1955-84	Committee on Human Resources
No. 1956-84	Committee on Consumer Protection and Commerce
No. 1957-84	Committee on Consumer Protection and Commerce
No. 1958-84	Committee on Ways and Means
No. 1959-84	Committee on Judiciary
No. 1960-84	Committee on Judiciary
No. 1961-84	Committee on Judiciary
No. 1962-84	Committee on Judiciary
No. 1963-84	Committee on Judiciary
No. 1964-84	Committee on Judiciary, then to the Committee on Ways and Means
No. 1965-84	Committee on Judiciary, then to the Committee on Ways and Means
No. 1966-84	Committee on Judiciary
No. 1967-84	Committee on Judiciary
No. 1968-84	Committee on Judiciary
No. 1969-84	Committee on Judiciary
No. 1970-84	Committee on Judiciary
No. 1971-84	Committee on Judiciary
No. 1972-84	Committee on Judiciary
No. 1973-84	Committee on Judiciary

No. 1974-84 ciary	Committee on Judi-	No. 1996-84 ciary, then to the Committee on Ways and Means	Committee on Judi-
No. 1975-84 ciary	Committee on Judi-	No. 1997-84 ciary	Committee on Judi-
No. 1976-84 ciary	Committee on Judi-	No. 1998-84 ciary	Committee on Judi-
No. 1977-84 ciary	Committee on Judi-	No. 1999-84 ciary	Committee on Judi-
No. 1978-84 portation	Committee on Trans-	No. 2000-84 ciary	Committee on Judi-
No. 1979-84 ciary	Committee on Judi-	No. 2001-84 ciary	Committee on Judi-
No. 1980-84 portation, then to the Committee on Judiciary	Committee on Trans-	No. 2002-84 ciary	Committee on Judi-
No. 1981-84 portation	Committee on Trans-	No. 2003-84 ciary	Committee on Judi-
No. 1982-84 portation	Committee on Trans-	No. 2004-84 ciary	Committee on Judi-
No. 1983-84 portation, then to the Committee on Judiciary	Committee on Trans-	No. 2005-84 ciary	Committee on Judi-
No. 1984-84 portation, then to the Committee on Judiciary	Committee on Trans-	No. 2006-84 ciary	Committee on Judi-
No. 1985-84 ciary	Committee on Judi-	No. 2007-84 ciary	Committee on Judi-
No. 1986-84 ciary	Committee on Judi-	No. 2008-84 ciary	Committee on Judi-
No. 1987-84 ciary, then to the Committee on Ways and Means	Committee on Judi-	No. 2009-84 ciary, then to the Committee on Ways and Means	Committee on Judi-
No. 1988-84 ciary	Committee on Judi-	No. 2010-84 portation, then to the Committee on Judiciary	Committee on Trans-
No. 1989-84 ciary	Committee on Judi-	No. 2011-84 ciary	Committee on Judi-
No. 1990-84 ciary	Committee on Judi-	No. 2012-84 ciary	Committee on Judi-
No. 1991-84 Resources	Committee on Human	No. 2013-84 ciary	Committee on Judi-
No. 1992-84 Resources	Committee on Human	No. 2014-84 ciary	Committee on Judi-
No. 1993-84 Resources, then to the Committee on Ways and Means	Committee on Human	No. 2015-84 ciary, then to the Committee on Ways and Means	Committee on Judi-
No. 1994-84 Resources	Committee on Human	No. 2016-84 portation, then to the Committee on Judiciary	Committee on Trans-
No. 1995-84 Consumer Protection and Commerce	Committee on Con-	No. 2017-84 Resources, then to the Committee	Committee on Human

on Ways and Means		No. 2038-84	Committee on Judiciary
No. 2018-84	Committee on Judiciary	No. 2039-84	Committee on Economic Development
No. 2019-84	Committee on Judiciary	No. 2040-84	Committee on Consumer Protection and Commerce
No. 2020-84	Committee on Judiciary	No. 2041-84	Committee on Agriculture
No. 2021-84	Committee on Judiciary	No. 2042-84	Committee on Agriculture
No. 2022-84	Committee on Judiciary	No. 2043-84	Committee on Housing and Urban Development
No. 2023-84	Committee on Consumer Protection and Commerce	No. 2044-84	Committee on Economic Development
No. 2024-84	Committee on Judiciary, then to the Committee on Ways and Means	No. 2045-84	Committee on Ways and Means
No. 2025-84	Committee on Tourism	No. 2046-84	Committee on Agriculture, then to the Committee on Ways and Means
No. 2026-84	Committee on Judiciary	No. 2047-84	Committee on Transportation
No. 2027-84	Committee on Judiciary	No. 2048-84	Jointly to the Committee on Agriculture and the Committee on Transportation, then to the Committee on Ways and Means
No. 2028-84	Committee on Judiciary	No. 2049-84	Committee on Transportation
No. 2029-84	Committee on Government Operations and County Relations, then to the Committee on Judiciary	No. 2050-84	Committee on Higher Education
No. 2030-84	Committee on Economic Development	No. 2051-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2031-84	Committee on Judiciary, then to the Committee on Ways and Means	No. 2052-84	Committee on Health, then to the Committee on Ways and Means
No. 2032-84	Committee on Health, then to the Committee on Ways and Means	No. 2053-84	Committee on Education, then to the Committee on Ways and Means
No. 2033-84	Committee on Education, then to the Committee on Ways and Means	No. 2054-84	Committee on Economic Development
No. 2034-84	Committee on Agriculture, then to the Committee on Ways and Means	No. 2055-84	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 2035-84	Committee on Ways and Means	No. 2056-84	Committee on Consumer Protection and Commerce
No. 2036-84	Committee on Agriculture, then to the Committee on Ways and Means	No. 2057-84	Committee on Housing and Urban Development
No. 2037-84	Committee on Agriculture.	No. 2058-84	Committee on Housing and Urban Development, then to

	the Committee on Judiciary	No. 2081-84	Committee on Consumer Protection and Commerce
No. 2059-84	Committee on Judiciary	No. 2082-84	Committee on Consumer Protection and Commerce
No. 2060-84	Committee on Tourism, then to the Committee on Ways and Means	No. 2083-84	Committee on Judiciary
No. 2061-84	Committee on Housing and Urban Development	No. 2084-84	Committee on Education, then to the Committee on Ways and Means
No. 2062-84	Committee on Judiciary	No. 2085-84	Committee on Consumer Protection and Commerce
No. 2063-84	Committee on Consumer Protection and Commerce	No. 2086-84	Committee on Economic Development
No. 2064-84	Committee on Transportation	No. 2087-84	Committee on Consumer Protection and Commerce
No. 2065-84	Committee on Government Operations and County Relations	No. 2088-84	Committee on Consumer Protection and Commerce
No. 2066-84	Committee on Tourism, then to the Committee on Ways and Means	No. 2089-84	Committee on Ways and Means
No. 2067-84	Committee on Housing and Urban Development, then to the Committee on Ways and Means	No. 2090-84	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 2068-84	Committee on Transportation, then to the Committee on Judiciary	No. 2091-84	Committee on Health, then to the Committee on Ways and Means
No. 2069-84	Committee on Consumer Protection and Commerce	No. 2092-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2070-84	Committee on Consumer Protection and Commerce	No. 2093-84	Committee on Ways and Means
No. 2071-84	Committee on Judiciary	No. 2094-84	Committee on Transportation
No. 2072-84	Committee on Judiciary	No. 2095-84	Committee on Transportation, then to the Committee on Ways and Means
No. 2073-84	Committee on Judiciary	No. 2096-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2074-84	Committee on Judiciary	No. 2097-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2075-84	Committee on Judiciary	No. 2098-84	Committee on Housing and Urban Development, then to the Committee on Judiciary
No. 2076-84	Committee on Judiciary	No. 2099-84	Committee on Ways and Means
No. 2077-84	Committee on Judiciary	No. 2100-84	Committee on Consumer Protection and Commerce
No. 2078-84	Committee on Judiciary	No. 2101-84	Committee on Judiciary
No. 2079-84	Committee on Judiciary	No. 2102-84	Committee on
No. 2080-84	Committee on Human Resources		

Transportation, then to the Committee on Judiciary	Resources
No. 2103-84 Committee on Judiciary	No. 2124-84 Committee on Government Operations and County Relations
No. 2104-84 Committee on Judiciary, then to the Committee on Ways and Means	No. 2125-84 Committee on Human Resources, then to the Committee on Ways and Means
No. 2105-84 Committee on Judiciary	No. 2126-84 Committee on Human Resources, then to the Committee on Ways and Means
No. 2106-84 Committee on Judiciary	No. 2127-84 Committee on Education, then to the Committee on Ways and Means
No. 2107-84 Committee on Judiciary	No. 2128-84 Committee on Government Operations and County Relations
No. 2108-84 Committee on Judiciary	No. 2129-84 Committee on Human Resources, then to the Committee on Ways and Means
No. 2109-84 Committee on Human Resources	No. 2130-84 Committee on Human Resources
No. 2110-84 Committee on Human Resources	No. 2131-84 Committee on Consumer Protection and Commerce
No. 2111-84 Committee on Consumer Protection and Commerce	No. 2132-84 Committee on Agriculture, then to the Committee on Ways and Means
No. 2112-84 Committee on Housing and Urban Development	No. 2133-84 Committee on Education, then to the Committee on Ways and Means
No. 2113-84 Committee on Government Operations and County Relations, then to the Committee on Ways and Means	No. 2134-84 Committee on Judiciary, then to the Committee on Ways and Means
No. 2114-84 Committee on Judiciary, then to the Committee on Ways and Means	No. 2135-84 Committee on Judiciary
No. 2115-84 Committee on Ways and Means	No. 2136-84 Committee on Health
No. 2116-84 Committee on Judiciary	No. 2137-84 Committee on Judiciary, then to the Committee on Ways and Means
No. 2117-84 Committee on Housing and Urban Development	No. 2138-84 Committee on Judiciary, then to the Committee on Ways and Means
No. 2118-84 Committee on Tourism, then to the Committee on Ways and Means	No. 2139-84 Committee on Economic Development, then to the Committee on Ways and Means
No. 2119-84 Committee on Human Resources, then to the Committee on Ways and Means	No. 2140-84 Committee on Judiciary, then to the Committee on Ways and Means
No. 2120-84 Committee on Ways and Means	No. 2141-84 Committee on Judiciary, then to the Committee on Ways and Means
No. 2121-84 Committee on Education, then to the Committee on Ways and Means	No. 2142-84 Committee on Judiciary, then to the Committee on Ways and Means
No. 2122-84 Committee on Human Resources, then to the Committee on Ways and Means	
No. 2123-84 Committee on Human	

No. 2143-84	Committee on Consumer Protection and Commerce	No. 2164-84	Committee on Judiciary
No. 2144-84	Committee on Transportation, then to the Committee on Judiciary	No. 2165-84	Committee on Tourism, then to the Committee on Ways and Means
No. 2145-84	Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means	No. 2166-84	Committee on Ways and Means
No. 2146-84	Committee on Health	No. 2167-84	Committee on Agriculture
No. 2147-84	Committee on Judiciary	No. 2168-84	Committee on Transportation, then to the Committee on Judiciary
No. 2148-84	Committee on Transportation, then to the Committee on Ways and Means	No. 2169-84	Committee on Economic Development, then to the Committee on Ways and Means
No. 2149-84	Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means	No. 2170-84	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 2150-84	Committee on Housing and Urban Development	No. 2171-84	Committee on Health
No. 2151-84	Committee on Education, then to the Committee on Ways and Means	No. 2172-84	Committee on Agriculture, then to the Committee on Ways and Means
No. 2152-84	Committee on Judiciary	No. 2173-84	Committee on Agriculture, then to the Committee on Judiciary
No. 2153-84	Committee on Health, then to the Committee on Ways and Means	No. 2174-84	Committee on Ways and Means
No. 2154-84	Committee on Consumer Protection and Commerce	No. 2175-84	Committee on Human Resources
No. 2155-84	Committee on Judiciary	No. 2176-84	Committee on Tourism, then to the Committee on Ways and Means
No. 2156-84	Committee on Consumer Protection and Commerce	No. 2177-84	Committee on Economic Development
No. 2157-84	Committee on Consumer Protection and Commerce	No. 2178-84	Committee on Judiciary
No. 2158-84	Committee on Consumer Protection and Commerce	No. 2179-84	Committee on Economic Development
No. 2159-84	Committee on Consumer Protection and Commerce	No. 2180-84	Committee on Economic Development
No. 2160-84	Committee on Consumer Protection and Commerce	No. 2181-84	Committee on Economic Development, then to the Committee on Ways and Means
No. 2161-84	Committee on Tourism	No. 2182-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 2162-84	Committee on Ways and Means	No. 2183-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 2163-84	Committee on Health, then to the Committee on Ways and Means	No. 2184-84	Committee on Economic Development

No. 2185-84	Committee on Economic Development	No. 2206-84	Committee on Judiciary
No. 2186-84	Jointly to the Committee on Agriculture and the Committee on Economic Development	No. 2207-84	Committee on Judiciary
No. 2187-84	Committee on Agriculture, then to the Committee on Ways and Means	No. 2208-84	Committee on Judiciary
No. 2188-84	Committee on Tourism	No. 2209-84	Committee on Government Operations and County Relations, then to the Committee on Ways and Means
No. 2189-84	Committee on Health, then to the Committee on Ways and Means	No. 2210-84	Committee on Judiciary, then to the Committee on Ways and Means
No. 2190-84	Committee on Housing and Urban Development	No. 2211-84	Committee on Education, then to the Committee on Ways and Means
No. 2191-84	Committee on Consumer Protection and Commerce	No. 2212-84	Committee on Health
No. 2192-84	Committee on Consumer Protection and Commerce	No. 2213-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 2193-84	Committee on Judiciary	No. 2214-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2194-84	Committee on Consumer Protection and Commerce	No. 2215-84	Committee on Education, then to the Committee on Ways and Means
No. 2195-84	Committee on Government Operations and County Relations, then to the Committee on Ways and Means	No. 2216-84	Committee on Consumer Protection and Commerce
No. 2196-84	Committee on Consumer Protection and Commerce	No. 2217-84	Committee on Consumer Protection and Commerce
No. 2197-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 2218-84	Committee on Ways and Means
No. 2198-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 2219-84	Committee on Human Resources
No. 2199-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 2220-84	Committee on Judiciary
No. 2200-84	Committee on Judiciary	No. 2221-84	Committee on Economic Development
No. 2201-84	Committee on Judiciary	No. 2222-84	Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means
No. 2202-84	Committee on Judiciary	No. 2223-84	Committee on Economic Development, then to the Committee on Ways and Means
No. 2203-84	Committee on Judiciary	No. 2224-84	Committee on Health, then to the Committee on Ways and Means
No. 2204-84	Committee on Judiciary	No. 2225-84	Committee on Agriculture
No. 2205-84	Committee on Education, then to the Committee on Judiciary	No. 2226-84	Committee on

Agriculture, then to the Committee on Ways and Means	No. 2246-84	Committee on Economic Development	
No. 2227-84	Committee on Judiciary	No. 2247-84	Committee on Housing and Urban Development
No. 2228-84	Committee on Health, then to the Committee on Ways and Means	No. 2248-84	Committee on Housing and Urban Development
No. 2229-84	Committee on Health, then to the Committee on Ways and Means	No. 2249-84	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 2230-84	Committee on Health, then to the Committee on Ways and Means	No. 2250-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2231-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 2251-84	Committee on Housing and Urban Development
No. 2232-84	Committee on Tourism, then to the Committee on Ways and Means	At this time, the Chair noted a typographical error on the re-referral of Senate Bill No. 1693-84, and corrected it to read as a joint referral to the Committee on Transportation and the Committee on Consumer Protection and Commerce.	
No. 2233-84	Committee on Health, then to the Committee on Judiciary	RE-REFERRAL OF SENATE BILLS	
No. 2234-84	Committee on Tourism, then to the Committee on Ways and Means	The President made the following re-referral of bills that were introduced in the Regular Session of 1984:	
No. 2235-84	Committee on Human Resources	Senate Bills	Referred to:
No. 2236-84	Committee on Health, then to the Committee on Ways and Means	No. 1693-84	Jointly to the Committee on Transportation and the Committee on Consumer Protection and Commerce
No. 2237-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 1776-84	Committee on Transportation, then to the Committee on Ways and Means
No. 2238-84	Committee on Human Resources, then to the Committee on Judiciary	No. 1796-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2239-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 1848-84	Committee on Ways and Means
No. 2240-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 1861-84	Committee on Ways and Means
No. 2241-84	Committee on Health, then to the Committee on Ways and Means	No. 1863-84	Committee on Ways and Means
No. 2242-84	Committee on Tourism	No. 1864-84	Committee on Ways and Means
No. 2243-84	Committee on Transportation	At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.	
No. 2244-84	Committee on Health, then to the Committee on Ways and Means	The Senate reconvened at 11:54 o'clock a.m.	
No. 2245-84	Committee on Health	Senator Solomon, Chairman of the	

Committee on Education, then requested a waiver of the 48-hour Notice of a Public Hearing for the subjects listed on the agenda of the Senate Education Committee's hearing notice for Thursday, February 16, 1984, and the President granted the waiver.

Senator Holt, Chairman of the Committee on Higher Education, also requested a waiver of the 48-hour Notice of a Public Hearing for the subjects listed on the agenda of the Senate Higher Education Committee's hearing notice for Thursday, February 16, 1984, and the President granted the waiver.

Then, Senator Abercrombie rose on a point of personal privilege and stated:

"Mr. President, this morning's Honolulu Advertiser has on its page A-3 a very disturbing story.

"You may recall that there have been comments on this floor at previous times about the management of news with particular reference to other areas of the media. This story, Mr. President, indicates 'Fredo out in flap over KGMB promo.' The headline, I'm sorry to say, is a bit cavalier in its essence. The story, however, has much more profound implications.

"It may not be familiar to everyone on this floor but the Channel 9 news has been taken over by a group of people under the spell, if you will, by a man named Frank Magid. Frank Magid's story is well documented in a book I recommend to the members as well as to the print media and other interested media, the book called 'The News-Casters, the News Business as Show Business' by Ron Powers. It is a book which first analyzed in some detail the effect of people like Frank Magid on the First Amendment rights associated with the gathering and dissemination of news in this country.

"Bart Fredo is known, I think, to most of us on this floor, perhaps to some a good deal more than others. He has been an acquaintance of mine, a friend of mine for almost his entire career. So, from that point of view, I suppose, and that covers more than 14 years, if I'm not mistaken, I suppose it can be said that I hold a bias. I do hold a bias but not one in terms of personal friendship. I hold a bias in terms of I think the regard with which he is held in terms of his professional qualifications as a journalist.

"In summary, Mr. President, Mr. Fredo has been fired because he refused to take part in a promotional commercial clearly staging fake by Channel 9 for purposes of indicating that the people at Channel 9 were nice people. This is in line with the kind of approach that Mr. Magid takes as a consultant and it is in line with the kind of activities that apparently Mr. Peterson, who has now taken over Channel 9 news direction, came here recently from the Mainland for the Channel 9 company, apparently, is in line with what they now intend to do.

"Mr. President, I will not read in great detail to you about the Magid organization in what they do to news, but for a community such as ours it is very, very important that we understand what is happening here.

"Frankly, from my point of view, Channel 2 or Channel 4 would be well served if they grabbed Bart Fredo and put him to work because they would have an honest and straightforward journalist working for them.

"He would not participate in this because it is just a start of what will happen to Channel 9 news. It will become what is known as a 'happy talk' station.

"Among other things, what they do, and let me explain a bit about it ... this is Mr. Magid's point of view as indicated in Mr. Powers' book. 'Behavioral psychologists, former news directors, even rock 'n' roll record testors armed with electrodes to measure "galvanic skin responses" have plunged into the lucrative waters. (That is the profit-making waters with news.) Just as the media consultant has played an ever-expanding role in the strategy of political campaigns, so has the news consultant gained increasing influence on the newscasts that cover those candidates. There is perhaps an irony there worth contemplating.'

"Let me go on to indicate that 'The consultant's self-described role is that of a combination elocution coach and cosmetician: he advises on the production values of a newscast, the attractiveness of the set, the "atmosphere" among the "personalities," and the lucidity of the writing....comment on the appearance of this anchorman or that sports-caster.'

"One of the things that is suggested by Mr. Magid is that the writers of newscast avoid starting any

newscast with a stark fact, instead, begin with an invocative line which will catch the ear of the listener. He indicates that, let me give an example: "For example, at one point in the newscheck we (Mr. Magid) monitored there was a lengthy actuality of an attorney explaining all the detail of rape trial procedures. Instead of this institutional bureaucratic approach to issues, imagine getting an actuality from someone who had been through the vigors of an actual rape trial."...Yes, imagine! One can almost see the Magid analyst, fact flushed, rubbing his hands with excitement as he surrenders himself to his rape-trial-rigor reverie....How does such an approach serve journalism?"

"Mr. President, the situation is such that, if the Magid attitude takes over at Channel 9 or any of the other channels, this community will be deprived of the possibility of any actual news. What we will get is simulation and excitement. There will be a minimization of analysis.

"One of the things that Mr. Magid advocates, for example, is the elimination of documentary work. He has a very low opinion of viewers and believes they should be stimulated and excited rather than informed. He believes that giving information is not only boring but it is disfunctional in terms of profit-making. In other words, the news shall become show business.

"It's one thing to have competition among the various television channels and I welcome that competition. I think that it's the kind of thing that, unfortunately, is not taking place as much as it should take place in the newspapers. But if this attitude takes hold in our community, I think we're going to be very, very ill-served.

"And, so, when you see these phony commercials on Channel 9, I

hope the public will recognize them for what they are...the phony baseball commercial, which is what this is going to be, as if Channel 9 has a baseball team.

"If Bart Fredo wants to play baseball, he can join me and Joe Moore in the Columbia Inn All Stars and we will go out and make fools of ourselves playing everybody we can for charity. They can play those games, if they want.

"People in the media are human beings; they are members of the community and they can join in and do their good work, such as they will. But when the television stations deliberately try to delude the public that somehow journalism is show business and that show business means better journalism, then we are in real trouble in terms of what the First Amendment is all about, in terms of dissemination of the news and what we can learn from it, and what values we should be upholding.

"It is not 'happy talk' and nice people that we are interested in in terms of our news coverage and dissemination. It is people that will go after the facts, present them in a fair and objective manner, and try to inform us as best they can within the bounds of professional journalism so that we are all the beneficiaries.

"Mr. President, it is my view that the Frank Magid's of this country should go back to the holes from whence they came and that they should allow the professional journalists, such as Mr. Fredo, to carry on their activities, such as we have come to expect."

ADJOURNMENT

At 12:13 o'clock p.m., on motion by Senator Cobb, seconded by Senator Henderson and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 16, 1984.