

THE
EIGHTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 1975
JOURNAL OF THE SENATE

FIRST DAY

Wednesday, January 15, 1975

In accordance with the provisions of Section 11 of Article III of the Constitution of the State of Hawaii, the Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, was called to order at 10:00 o'clock a.m., Wednesday, January 15, 1975, by the Honorable John T. Ushijima, President Pro Tempore of the Senate.

The Divine Blessing was invoked by Reverend William Kaina of the United Church of Christ.

Nominations now being in order for a Temporary Clerk, Senator Ching moved that Seichi Hirai be appointed as Temporary Clerk of the Senate.

On motion by Senator Taira, seconded by Senator F. Wong and carried, nominations were closed and Seichi Hirai was appointed as Temporary Clerk of the Senate.

Senator R. Wong moved that a Committee of three Senators be appointed by the President Pro Tempore as a Committee on Credentials to examine the certificates of election of the members of the Senate and submit a report of its findings to the Senate, seconded by Senator Yim and carried.

The President Pro Tempore thereupon appointed Senators Kawasaki, King and Yee to serve on such Committee.

At 10:08 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:17 o'clock a.m.

SPECIAL COMMITTEE REPORT

Senator Kawasaki, for the Committee on Credentials, presented a report (Spec. Com. Rep. No. 1) which was read by the Temporary Clerk

as follows:

"The Honorable John T. Ushijima
President of the Senate
The Eighth State Legislature
State Capitol
Honolulu, Hawaii 96813

Sir:

Your Committee on Credentials begs leave to report that it has examined the Certificates of Election of the Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, and finds that the following persons have been legally elected and are fully qualified to sit as members of the Senate.

The Elected Senators whose respective terms of office will expire in 1978 are:

First Senatorial District

Stanley I. Hara
Richard Henderson
John T. Ushijima

Second Senatorial District

Henry T. Takitani
Mamoru Yamasaki

Third Senatorial District

D. G. Anderson
Mary George
John J. Hulten

Fourth Senatorial District

Donald D. H. Ching
Joseph T. Kuroda
Francis A. Wong
Patsy K. Young

Fifth Senatorial District

Duke T. Kawasaki
Robert S. Taira
Richard S. H. Wong
T. C. Yim

Sixth Senatorial District

Anson Chong
Jean S. King
John Leopold
Wadsworth Yee

Seventh Senatorial District

Donald S. Nishimura
Dennis O'Connor
Frederick W. Rohlfing
Patricia Saiki

Eighth Senatorial District

George H. Toyofuku

Respectfully submitted,

Duke T. Kawasaki
Jean S. King
Wadsworth Yee"

Senator Kawasaki moved that Special Committee Report No. 1 be adopted, seconded by Senator King and carried.

The Committee was thereupon discharged with thanks.

Senator Chong then moved that a Committee of three Senators be appointed to escort the Chief Justice of the Supreme Court of the State of Hawaii, to administer the oath of office to the members of the Senate, seconded by Senator King and carried.

The President Pro Tempore appointed Senators Ching, Taira and Anderson as members of such Committee.

The Committee escorted Chief Justice William S. Richardson to the dais and was thereupon discharged with thanks.

Chief Justice Richardson then administered the oath of office to the members of the Senate standing at their respective desks.

At this time, the Roll was called showing all Senators present.

Senator Nishimura moved that the Rules of the Seventh Legislature be the Temporary Rules of the Eighth Legislature, seconded by Senator O'Connor and carried.

At 10:22 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:30 o'clock a.m., with Senator Ching at the Chair.

Nominations for the officers of the Senate being next in order, Senator Hara placed in nomination the name of Senator John T. Ushijima as President of the Senate with the following remarks:

"Mr. Chairman, I rise to claim the honor of placing in nomination for the President of the Senate, the name of my distinguished colleague from the First Senatorial District, the Orchid Island of Hawaii.

John Ushijima has served in this body since the Aloha State became a State. He is the only one of us here I believe who can claim such seniority and he has during this period served remarkably.

Since 1967, the Fourth Legislature, John Ushijima has led this body's Committee on Judiciary. Those were great, exciting and progressive years. Those were the years that that Committee refined, perfected such legislation as the No-Fault Auto Insurance, our Hawaii Penal Code, the Landlord Tenant Code, campaign spending and ethics legislation.

During the time he has served Hawaii in the Senate, he has demonstrated wisdom, charity for his fellow man and unmistakably capabilities as a leader among his peers.

Exactly four years ago, we elected him to be Vice-President of the Senate, a key leadership position. Now I submit to my fellow Senators that we turn to the experience and ability of John Ushijima once again, this time as President of this body.

It gives me great pleasure, Mr. Chairman, to nominate John T. Ushijima to be President of this Body for the Eighth and Ninth Legislatures of Hawaii.

Thank you."

Senator Young, in seconding the motion, made the following statement:

"Mr. Chairman, I rise to second the nomination of John Ushijima as President of the State Legislature.

As the previous speaker stated, from the beginning of statehood, Senator Ushijima has given himself to the service of our State. His record is clear. He has been the architect of some of the most progressive legislation enacted in the 50th State of our Union.

My fellow colleagues, Hawaii faces a difficult period of great uncertainty, but I am confident that if we unite behind great leadership our Senate will be bold, imaginative, responsive and responsible in doing justly for the people of our State. Leadership in these difficult times is not just hollow words. It is a need which can be filled by persons with vision and inspiration. We have such a person in the leadership of Senator John Ushijima."

Senator Anderson also rose to second the motion with the following remarks:

"I rise to second the nomination of Senator John Ushijima as President of this Senate.

John, as we know him in this Chamber, has been a man in the role of Chairman of the Committee on Judiciary. He has been a friend and a colleague of many of us. I am pleased to second the nomination this morning, because I, as a Minority Member, have found that John is not a partisan person. I really can't recall in the last eight years of any bill, motion, suggestion or idea being accepted or rejected because it was a partisan argument.

His door has always been open. He has been a person you could sit with and discuss a complicated and complex issue and rap with and understand it fully. He is always open for suggestions and constructive criticism.

It gives me great pleasure to second the nomination."

Senator Yamasaki moved that the nominations be closed, seconded by Senator Kuroda. The motion to close the nominations was put by the Chair and carried unanimously, and the Temporary Clerk was directed to cast a unanimous ballot for Senator Ushijima as President of the Senate.

The ballot having been so cast, Senator Ushijima was declared unanimously elected as President of the Senate of the Eighth and Ninth Legislatures of the State of Hawaii, Regular Session of 1975.

The Chair thereupon appointed Senators Young, Hara, R. Wong, Henderson, Anderson and Saiki as a Committee to escort the President to the dais.

At 10:35 o'clock a.m., the Senate stood in recess subject to the call

of the Chair.

The Senate reconvened at 11:03 o'clock a.m.

The Committee escorted the President to the Chair and thereupon was discharged with thanks.

The President then addressed the members of the Senate and guests as follows:

"Governor and Mrs. Ariyoshi, Lt. Governor Doi, Chief Justice Richardson, members of the Senate, honored guests, ladies and gentlemen.

Hawaii has undergone many changes and has progressed in many ways since the early fifties. Those were the formative years which saw the beginning of a new Hawaii. For many of us gathered here this morning, Hawaii today is the culmination of hopes and dreams we shared during those formative years. For those of us who returned from war, the Hawaii of today is our legacy to our children, who are now assuming leadership roles in government and business.

This morning, I speak not only to my fellow senators, but also to the many friends and honored guests who join us here and in their homes. To all of you who have contributed to the growth of our state, take pride in your accomplishments. Be assured that what we enjoy today did not come easily but is the result of all of your efforts.

To those of you who are about to assume your roles of responsibility, we look to your contributions. Your value lies in your understanding of today's problems. Your solutions will be based on this understanding and the realization that you are the Hawaii of today.

There is one gentleman who is not present today, but who is I believe, singly responsible for the coming of age of our State. I speak of our former Governor, John A. Burns, who persevered in times when he alone had the courage of his convictions to press forward for the establishing of the new Hawaii. He envisioned the Hawaii which we all enjoy today, and accomplished this in his own way, quietly and with no personal recognition, letting his accomplishments speak for themselves.

I know that if he were present today, he would be uncomfortable with these words, because he did

not seek the limelight or recognition. I will say very simply, Mahalo Governor, from all of us, and our best wishes to you and Mrs. Burns.

Forty-four days ago, we were privileged to be a part of an historic event when the electorate placed in the highest office in the State a man who comes closest to bridging the span between the early fifties and today. George Ariyoshi is representative of the Hawaii that had its beginnings in the early fifties. His struggles and successes are, for the most part, similar to those which confronted our State. As our State succeeded, George Ariyoshi also achieved his goal as Governor of our State.

As we move ahead in our respective roles in government, we share with him, his goals and our objectives to make this state an even better place to work and live. The fulfillment that we will achieve will be passed on to the citizens of this state with the assurance that the Hawaii they have come to know, will be preserved.

Our state has come of age and we have helped in the molding of the Hawaii that is here and now. We have seen the response to the challenges placed before us in the mid-fifties in what many have called the most significant twenty years in the history of Hawaii. We have seen Statehood come to these islands and the benefits that accrue from full participation on a national level. We have seen growth that has been characterized as dynamic; we have also seen the problems and ills that accrue from a rate of growth that perhaps was too fast and too soon. This then is what we face today as we enter a period that demands both pause and retrospect.

I look to the melding of effort between branches of government, levels of government, and finally, the public at large to accomplish what I feel will be necessary to meet the challenges of the next twenty years. We take our places today as players on a stage that has seen tremendous change, both good and bad. We are now the establishment. We are now entrusted with the basic responsibility of insuring that all people throughout the State will have and continue to have the same opportunities to grow as we did during our period of challenge.

The climate in which we are about to launch our efforts is less than

desirable from the standpoint of economic stability. New phrases such as Stagflation are being coined to describe the condition of depressed fiscal and economic conditions. Unemployment in staggering numbers are on the rise. Density for this city of Honolulu threatens to approach levels that are characteristic of major metropolitan cities on the mainland.

This is the inheritance that we have today and which we will revitalize with the help of all of you gathered here. All of you are familiar with the problems that we face; some of you are familiar with the solutions that will be required to solve these problems. All of us must work together to shape the future destiny of our island state.

I would like to share with you some of the basic tenets that we feel will accomplish our goals for a better Hawaii. The philosophy behind the effort required and the approach we will employ to achieve our objectives are based on the unifying theme of an effective, efficient, responsive and responsible government. In addition, a new emphasis will be established to flow concurrently with that theme. This will be the goal of reasserting our role as legislator first and foremost.

An assessment of past legislative sessions has seen the erosion of legislative control in the total concept of government. The separation of powers and the establishment of the proper role that each branch of government will play is paramount. Our position as architect of legislation and the overseer of the implementation process via the Executive branch, will be reestablished. We have abdicated to the executive branch many of the inherent powers that were rightfully within the province of the legislature. We will restore the proper areas of authority to the legislature, the executive branch and the judicial branch.

A second area of review and control will be in the area of what functions will be performed by the State and what functions are to be performed by the counties. In retrospect, we have found that there is the potential for duplication and fiscal mismanagement if clearly defined lines of authority are not established to the complete understanding of all concerned. We will be working closely with the county administrations to insure that maximum value is realized for the programs that have been entrusted

to county control. We appreciate and value their role as the implementing level of government and will provide them with those powers of responsibility that are rightfully theirs.

A concerted effort will be made to restore public confidence in government. Criticism due to the abuses noted throughout the country, and on an international basis as well, have created an atmosphere of cynicism that is best described as unhealthy.

Finally, we look to those involved in the governmental process to seek out innovative methods of resolving problems. We are provided with many new faces, both in the Legislature and in the Administration. These new faces come to us with a background that is more current and with the times. Their ability to respond and resolve our State's problems will include solutions based on postures developed within this time frame. The time honored methods that have not been resounding in their success will fade away as today's solutions are brought forward by today's people.

To those new and young people in the Legislature and the Administration, the leadership looks with anticipation to their infusion of vitality and vigor. Your contributions will be your energy and drive, tempered with our maturity. This combination will give this Legislature and Administration a new and dynamic impetus that is long overdue.

Our theme of effectiveness, efficiency, responsibility, and responsiveness, will provide the means by which this legislature will fulfill its obligations to the public. We believe in these terms since they impart a meaning to the kind of government we must strive for. We will establish once again the separation of powers, but will interact cohesively with the executive and judicial branches to insure compliance. A closer exercise of our overview responsibility will provide us with the check and balance we seek to be responsive to the public at large. The needs and wants of the electorate will be met within the framework of practicality.

We face an era that is less than appealing in terms of progress and growth; the public has expressed their concerns. Rest assured that we will respond.

I have outlined briefly some of the positions that we as legislators

will be adopting this session. For many of you who feel that the uncertainty of the times should call for a more conservative posture, I can only say that we will accomplish what is necessary. We will and must provide for the people. I am not convinced that we as legislators have exhausted every means of providing complete service to the people. Government by the nature of its makeup, is an imperfect animal.

It is made up of people attempting their best to provide services to the public. The weaknesses and strengths are often squandered to the disadvantage of both government and the public.

We must continue to strive for perfection, refining our tools, and honing sharply the skills and resources we have. I look to you present today to meet the challenge of an uncertain future. I am convinced that government, in the total sense of the word, can help our people and the industries that provide for all of us, the means to enjoy the life we have all worked for.

I would be remiss in my newly appointed role as your President if I did not acknowledge our Minority members. Your role as the 'loyal opposition' carries forward the time-honored tradition of the two party system. Your contributions as our internal check and balance is recognized as the best example of the American way. I want to assure each of you that your contributions will not go unrecognized.

In closing, I would like to leave you with these thoughts: The Hawaii of today is still one of the rare happenings of our time. We have come from an agrarian economy to one that promotes our inherent beauty of land and people. It is worth working for to preserve and enhance. Join me as we move ahead. Thank you."

Senator Yee then responded as follows:

"Mr. President, I would like to take this opportunity respond to your speech. I would like to offer you on behalf of the seven Republican Senators, our hand of cooperation during the next four years. We have always worked well with you when you were Senate Judiciary Chairman and you were more than fair to the Republican and minority problems.

I see you as a leader today and

hope that this theme of cooperation will spread to your other counterparts who are chairmen of various standing committees. We offer to them our cooperation for a greater and a better session coming up.

I also agree with you on your theme of cooperation and responsibility. You can be assured that this side of the aisle will continue our theme of cooperation. We will stick to issues. We will not dwell on personalities. This has been the history of our past and it will never change.

We have great problems facing us nationally, statewide, combining recession, inflation, high unemployment and economic instability of the Hawaii economy today. This side of the aisle pledge to you and the other members of the Senate, our help in resolving the problems during the next four years.

Thank you, Mr. President."

The President announced that nominations were in order for the office of Vice-President of the Senate.

Senator R. Wong then placed in nomination the name of Senator Duke T. Kawasaki as Vice-President of the Senate with the following remarks:

"Mr. President, it is with pride and pleasure that I nominate for the office of Vice-President of the Senate, in support of the great leadership which I know you will provide, a Senator who has brought credit to this Honorable Body in his eight years of distinguished service to the Senate and to the people of our State; a man with the courage of his convictions, who says what he means and means what he says; a person who has said 'performance is what counts in the Legislature' and then has exemplified this by his own exceptional performance; a legislator of independence, vision and conscience, who will continue to lead us in just causes.

Mr. President, I nominate my esteemed colleague from the Fifth Senatorial District, the Honorable Duke T. Kawasaki."

Senator Yim rose to second the motion with the following remarks:

"Mr. President, it is a distinct honor to second the nomination of my good friend and colleague, Senator Duke Kawasaki for the office of Vice-President of the Hawaii State

Senate. I call on the members of this Honorable Body to elect this honorable man to its second highest office.

Senator Duke Kawasaki exemplifies the Senate's ideals of independence, service in the public interest and responsiveness to the policy issues confronting Hawaii. For this is where Senator Kawasaki stands, and in electing him as its Vice-President will be a clear indication of where our entire Honorable Body stands.

Thank you, Mr. President."

Senator Hulten moved that the nominations be closed, seconded by Senator Takitani. The motion to close the nominations was put by the Chair and carried unanimously, and the Clerk was directed to cast a unanimous ballot for Senator Kawasaki as Vice-President of the Senate.

The ballot having been so cast, Senator Kawasaki was declared unanimously elected as Vice-President of the Senate of the Eighth and Ninth Legislatures of the State of Hawaii, Regular Session of 1975.

The President then appointed Senators Yim, F. Wong, King, Yee and George to escort the Vice-President to the dais.

At 11:22 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:27 o'clock a.m.

The Committee escorted the Vice-President to the dais and thereupon was discharged with thanks.

Senator Kawasaki, in accepting the Vice-Presidency, stated as follows:

"Governor and Mrs. Ariyoshi, Chief Justice Richardson, Mr. President, Members of the Senate, Distinguished Guests. It is with a feeling of appreciation and humility that I accept the signal honor of serving as Vice-President of this Body, the Senate of the State of Hawaii. Thank you, my Senate colleagues for your vote of confidence and your invitation to serve in this capacity.

To our Senate President and my fellow Senators, I pledge every resource of mind and energy that I may possess, in this Senate Body's effort to maintain dignity, harmonious teamwork and a productive effort to bring a better, more meaningful

life to all of the people of this great State.

In ordinary times, the usual after-election session openings, it would suffice, I think, for the incoming Vice-President to deliver a very short and simple acceptance speech. Unfortunately, these are not ordinary times and this will not be an ordinary post election session dealing with simple, very prosaic legislative matters.

Indeed, this will be a crucial session, dealing with big problems confronting the State of Hawaii in this and subsequent years.

In this era of national economic, ethical and spiritual bewilderment at home and abroad and urgent problems here in this State of Hawaii, I would appear less than diligent, rather cavalier and derelict, if I were not to join the Senate President, in articulating to all of you the urgent necessity for this Senate to take on the tasks before us, with vigor, with intelligence and above all with courage.

All of this beauty, this pageantry, the atmosphere with garlands of flowers and fine music, this very delightful festive opening day ceremonies, will have gone for naught, and could be likened to the 'bread and circuses' analogy in the declining years of ancient Rome. This is when the citizens were kept entertained and deliberately uninformed while the urgent problems festered and eventually brought the Romans to dissipation and total ruin. This is what's going to happen to Hawaii if we in this body, and our counterparts across the Rotunda, will not deal intelligently and courageously with Hawaii's problems, and dealing intelligently and courageously with the problems facing Hawaii in the Legislature, may not be very fashionable with a vocal minority segment of our population.

Allow me to focus attention on what I consider to be the most urgent problem facing the people of Hawaii. This is for our State government to maintain a semblance of fiscal solvency, not by adding to the burden of our citizens by raising taxes indiscriminately, but by the exercise of prudence such as honestly trying to promote efficiency and economy in government. Most importantly, by repudiating and rejecting the convenient political expediency of appeasing unreasoning lobby group leaders in their very

unreasonable demands of the Legislature here.

Most of us know in our hearts when the money demands of us are unreasonable, unrealistic and absurd, we have got to have the courage to reject such absurd demands made of us whether this be an election year or a year after the elections. There are great nations falling apart today in fiscal matters simply because their legislative bodies did not have the resolve to deal with their fiscal problems responsibly. This is what is happening to great nations of Italy and Great Britain today. This may well happen to Hawaii if we do not act with courage.

Never has there been a greater need for Hawaii legislators to act courageously, in protecting the greater interest of the hundreds of thousands of silent voices never represented in these halls by lobbyists.

Failing this, I believe this great State, because of the narrow-visioned efforts of a few irresponsible lobby leaders, in concert with fearful, intimidated officeholders, will be plagued for years by the ill-effects of financial insolvency and great hardships imposed on our citizens who do not benefit at all by the efforts of self-seeking pressure groups.

I pray that this Body, the Senate of the State of Hawaii, will act wisely and responsibly by the exercise of intellectual integrity, intellectual honesty and political courage unprecedented in the annals of Hawaiian legislative history. Only then, can we say honestly to the people who have elected us, who put us here, 'we have served you all well and courageously in Hawaii's time of need.'

Again, thank you for your vote of confidence. Aloha!"

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 1 to 3) were read by the Temporary Clerk and were disposed of as follows:

A resolution (S.R. No. 1) providing for the election of officers of the Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1975 was jointly offered by Senators Ching and Yee.

On motion by Senator Ching, seconded by Senator Toyofuku and carried, S.R. No. 1 was adopted.

The President thereupon administered the oath of office to Seichi Hirai as Clerk, George M. Amimoto as Assistant Clerk and Harvey Kimura as Sergeant at Arms.

A resolution (S.R. No. 2) advising the Honorable George R. Ariyoshi, Governor of the State of Hawaii, and the House of Representatives that the Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, is organized and ready to transact business was jointly offered by Senators Taira and Anderson.

On motion by Senator Taira, seconded by Senator Toyofuku and carried, S.R. No. 2 was adopted.

The President thereupon appointed Senators Ching, Taira, Kawasaki, Yee and Anderson as a Committee to wait upon the Governor and the House of Representatives and inform them that the Senate was organized and ready to transact business.

At 11:36 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., and the Committee reported orally that the Governor and the House of Representatives have been informed that the Senate has organized and is ready to transact business. The Committee was thereupon discharged with thanks.

A resolution (S.R. No. 3) requesting the Lieutenant Governor to furnish the Senate with seventy-five copies

of the Session Laws of Hawaii was jointly offered by Senators Taira and Anderson.

On motion by Senator Taira, seconded by Senator Ching and carried, S.R. No. 3 was adopted.

HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 1) transmitting House Concurrent Resolution No. 1 which was adopted by the House on January 15, 1975, was read by the Clerk and placed on file.

On motion by Senator Taira, seconded by Senator Ching and carried, H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION", was adopted.

At this time, the President said that the opening day ceremony has been most impressive and memorable because the Senate had the pleasure of having Hawaii's top entertainers perform for them. He then thanked Don Ho, the Surfers, Melveen Leed, Sterling Mossman, Zulu, Hui O Hana and others for their wonderful and most enjoyable performance.

ADJOURNMENT

At 11:50 o'clock a.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, January 16, 1975.