

THE
EIGHTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 1976
JOURNAL OF THE SENATE

FIRST DAY

Wednesday, January 21, 1976

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 1976, was called to order at 10:00 o'clock a.m., Wednesday, January 21, 1976, by the Honorable John T. Ushijima, President of the Senate.

At this time, the President appointed Senators Ching, Taira and Yee to escort Reverend C. Richard DuFresne of Liliuokalani Church, United Church of Christ to the dais for invocation.

The Committee of three escorted Reverend DuFresne to the dais and was discharged with thanks.

The Divine Blessing was then invoked by Reverend DuFresne.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 1), informing the Senate that he has appointed the Honorable W. Buddy Soares as Senator from the Seventh Senatorial District to fill the vacancy in the membership of the Senate created by the resignation of State Senator Frederick W. Rohlfling on October 31, 1975, was read by the Clerk and placed on file.

The appointing document reads as follows:

A P P O I N T M E N T

WHEREAS, the Honorable Frederick W. Rohlfling, a member of the Senate of the State of Hawaii from the Seventh Senatorial District and a member of the Republican Party, whose term ends on November 7, 1978, resigned from the Senate of the State of Hawaii on October 31, 1975; and

WHEREAS, Section 17-3, Hawaii Revised Statutes, enacted pursuant to Article III, Section 6, of the Constitution of the State of Hawaii, provides that whenever such a vacancy in the membership of the Senate occurs, the Governor shall make a temporary appointment to fill the vacancy to serve until the election of the person duly elected to fill such vacancy, and such appointee shall be of the same political party as the person he succeeds; and

WHEREAS, the Honorable W. Buddy Soares is a member of the same political party as the Honorable Frederick W. Rohlfling;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, pursuant to the authority vested in me by the Constitution and laws of the State of Hawaii, do hereby appoint the Honorable W. BUDDY SOARES to serve as Senator from the Seventh Senatorial District, effective November 1, 1975 until a person is duly elected to fill the vacancy created by the resignation of the Honorable Frederick W. Rohlfling.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 31st day of October, 1975.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
GOVERNOR, STATE OF HAWAII

APPROVED AS TO FORM:

/s/ Ronald Y. Amemiya

Ronald Y. Amemiya
Attorney General"

Senator Taira moved that a Committee of three Senators be appointed by the President as a Committee on Credentials,

seconded by Senator Anderson and carried.

The President then appointed Senators Nishimura, Chairman, O'Connor and Anderson as members of the Committee.

At 10:07 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:25 o'clock a.m.

SPECIAL COMMITTEE REPORT

Senator Nishimura, for the Committee on Credentials, presented a report (Spec. Com. Rep. No. 1) which was read by the Clerk as follows:

"The Honorable John T. Ushijima
President of the Senate
The Eighth State Legislature
Regular Session of 1976
State Capitol
Honolulu, Hawaii 96813

Sir:

Your Committee on Credentials begs to report that it has examined the Letter of Appointment of Honorable W. Buddy Soares and finds that he is qualified to fill the vacancy in the Senate created by the resignation of State Senator Frederick W. Rohlfing for the Eighth Legislature of the State of Hawaii, Regular Session of 1976.

Respectfully submitted,

Donald S. Nishimura, Chairman
Dennis O'Connor
D.G. Anderson"

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

The Committee was thereupon discharged with thanks.

Senator Taira moved that a Committee of three Senators be appointed to escort Chief Justice William Richardson to the dais to administer the oath, seconded by Senator Yee and carried.

The President then appointed Senators Ching, Taira and Yee to serve as members of the Committee.

The President also appointed Senators Saiki and Anderson to escort Senator Soares to the floor of the Chambers.

Chief Justice Richardson then

administered the oath of office to Senator Soares.

The Committees were then discharged with thanks.

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

Senator Taira then rose to congratulate Senator Soares on his appointment and welcomed him to the Senate.

Senator Anderson then spoke for the members of the minority in congratulating Senator Soares and welcoming him as a member of the Senate.

Senator Soares then addressed the members of the Senate expressing thanks to Governor Ariyoshi for the appointment and noting that he is looking forward to working diligently with the committee chairmen in carrying out the responsibilities of a State Senator. He added that as he had always done as a member of the House of Representatives, he will do his very best to cooperate when necessary, and to object when necessary.

At 10:32 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:10 o'clock a.m.

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

"Governor Ariyoshi, Mrs. Ariyoshi, Lieutenant Governor Doi, Chief Justice Richardson, United States Senator Fong, Mayor Matayoshi, Mayor Malapit, other distinguished elected public officials, my fellow Senators, distinguished guests, ladies and gentlemen:

A year ago, we assembled here to begin the first session of Hawaii's Eighth State Legislature. It was, for all of us, an auspicious moment. For me, it was doubly meaningful in becoming the presiding officer of this body for the first time.

It has been my privilege to serve in this Legislature continuously since we became a State sixteen years ago. Yet, the excitement and enthusiasm that pervades our annual opening day ceremonies have never ceased to impress me. To be sure, the colorful traditions that characterize our openings are indeed unique to Hawaii's Legislature. To dispense

with them would be a genuine loss to our special Island way of life.

Yet, there is a deeper meaning in the time-honored process we begin today; a significance that rises above the festivities and the ceremonial trappings that are customarily attendant to the convening of a new legislative session.

In some measure, each of us can draw fresh inspiration in the knowledge that our presence here and the purpose for which we are gathered represent the most enduring qualities of our democratic system. Whatever its imperfections, the marvel of our system of representative government is that it continues to work.

In this bicentennial year of our country's founding, I find it singularly appropriate that we pause to consider the source of our durability and why it is possible for us to continue to govern ourselves and to determine our own destinies through political institutions that have stood the test of time.

In reflecting on this thought, I am reminded that we meet at the foot of Punchbowl, the Hill of Sacrifice, where lies the most inspirational political leader Hawaii is likely to know for many, many years. The late Governor Burns remains a shining example of democratic leadership, and he continues to inspire us as we meet to discharge our sworn duties to the people of this State.

Thus, it is timely to remind ourselves that when we convened twelve months ago, we acknowledged the beginning of a new Administration. We recognized the need to establish a new relationship with a new Governor and his new cabinet.

It was indeed proper that, during our first session, a mood of patience and understanding characterized the general temperament of this body and its members. Generous allowances were made during a period of grace, so to speak, in a desire to understand each other better.

Such obligatory period can now be regarded as ended, and it is entirely proper for us to begin expecting clearer responses, a sharper sense of purpose and direction, as we review the Executive's recommendations in this second session.

The goals presented in the Executive's State-of-the-State message last year

were timely indeed and, for the most part, we concur with the expressed objectives. What we seek now are clearer ideas on the means by which the Administration expects to achieve such goals. We can rightfully expect, from the Administration, new, imaginative and innovative ideas formulated on the basis of a year's experience in administering the day-to-day affairs of our government. If none is forthcoming, we are obligated to move ahead on our own initiative.

If we are to fulfill our own responsibilities in shaping State policy, we must press on with constructive programs for improved education, consumer protection, public safety, transportation, a full-employment economy founded on clear goals in the direction of our economic development, environmental programs, both physical and social.

We of the Senate majority have a legislative program of our own, the outlines of which are documented in our majority program, drafted over the interim months since the last session. Specific legislation to implement this program will be offered in the days to come.

We welcome the constructive suggestions and counsel of all interested parties, as well as the public at large, in our forthcoming deliberations. It is only by assimilating data and information from all available sources that we can arrive at decisions that will best meet the current and future needs of all the people of this State.

Yet, one thing is clear. We must be decisive. Whatever the risk, it is time for action.

Among the many important considerations to which we will address ourselves in the coming days and weeks are:

A review of the Board of Education as it is presently constituted and apportioned. Legitimate questions of imbalanced representation have been raised by those geographical entities not directly represented on the board.

If an elected board of manageable proportions cannot be apportioned as a consequence of our insular geography, then it may be timely to reinstate an appointed school board. Perhaps an entirely new system should be devised instead. Consideration should even be given to gubernatorial appointment of the Superintendent of Education. Certainly, we can take the initiative

in adopting appropriate statutory provisions to establish a more effective system of citizen representation in school affairs. Concurrently, we can propose the necessary constitutional amendments subject to ratification by the electorate this fall.

We are concerned, too, over recent incidents of campus violence and the wanton and deliberate destruction of school property. A safe educational environment is essential both for our students and our teachers. Accordingly, the Department of Education's safety and security program will be given close scrutiny.

Special attention should also be focused on State and County programs of public service jobs. How effective have these programs been? How can they be expanded? It might be well to consider, for instance, the application of public service employment in education.

There is widespread public concern over the achievement levels of our students in basic educational goals--in reading, writing, and comprehension. It seems clear that there has been abundant attention and funding given to the development of optional systems to teach these skills, as well as other disciplines. Perhaps the large numbers of unemployed teachers awaiting full-time assignment can be deployed in special public service jobs to provide extra classroom attention to students. With imaginative planning and with the cooperation of the teachers' union, there is no reason why this cannot be done without imbalancing the regularly budgeted level of teacher employment.

In our criminal justice program, there has been considerable concern expressed over delays in establishing new maximum security facilities at Halawa. A crash program may be in order here, so that our correctional program personnel may have greater flexibility in accelerating changes and improvements in other areas, pursuant to the guidelines adopted in the State's Correctional Master Plan.

We intend also to continue close examination of our programs at the University of Hawaii. Many are still dissatisfied with imprecise answers received so far as to the productivity levels of university personnel. We recognize the value of research, however esoteric or pure it may be. But we are also mindful that accommodation must be made for immediate community needs as well,

if the university is to meet its total statewide responsibilities.

In consumer protection, we are especially concerned with the regulation of those industries whose products and services bear directly on the average citizen's cost of living. Reports submitted to us have pointed out some of the weaknesses and problems inherent in the Public Utilities Commission as presently structured.

This may be one activity that should be immediately strengthened on the basis of a 'clear and present need,' rather than to await the final recommendations of the Government Reorganization Commission, which only recently began its deliberations. If stronger staffing is required, perhaps now is the time to establish a full-time P.U.C. to insure more comprehensive examination of commission-regulated businesses, so that the consumer's interest can be adequately protected.

Mindful of the problems that have arisen in other jurisdictions and of our responsibilities to insure adequate medical care for the average citizen, we will focus close attention on proposals to stabilize medical malpractice coverage.

Refinements in our established no-fault auto insurance law are in order, too, particularly with respect to those provisions covering motorists dependent on public welfare assistance.

Foremost among our concerns is the economy of our State. If a full employment economy is our goal, we need clear guidelines on how best we can reach this goal.

Unemployment projections in our construction industry are distressing, to say the least. As a related matter, it may be timely to accelerate joint State-county plans to undertake the Kakaako Redevelopment Project. While this is primarily a local responsibility, the area involved and the job to be done is of a scope and magnitude that deserves special interest by the State.

And if agriculture is to be accepted as a basic industry and to be expanded, let us take the most effective steps now to do this.

We have authorized initiatives in the past to shore up the weakened foundations of our agricultural industries on our Neighbor Islands. We are dismayed that some ventures supported by the State have foundered so badly. We are pleased that others

have enjoyed a measure of success and show promise for the future. We are hopeful that firm Executive leadership will be exercised to salvage those projects at Kohala that are basically sound.

If mistakes were made, let us pinpoint the causes of those failures. Let us learn from these experiences, but let us not be timid in trying anew merely because of past errors.

In all these considerations; our approach will be, as always, cooperative in spirit, conciliatory in temperament and committed to excellence in all that we undertake.

We would prefer to act in concert with the Executive branch, recognizing the values of eclectic selection where different options are available. Nevertheless, it must be made clear that this body is prepared to take its own initiatives, for we firmly believe the time is at hand for decisive action.

There has been an abundance of planning, of deployment of various and sundry task forces, of studies and reports.

And it is inevitable that some will continue to remind us that the times remain uncertain and the future too clouded to chart a clear course.

But an uncertain tomorrow does not mean we should remain insecure in our judgments. No one on this earth has yet developed a fool-proof crystal ball.

Judgments and decisions must be made, and we must be bold enough to make them.

When this nation was founded two hundred years ago, men moved decisively and took action to bring about those changes they desired in the condition of their lives.

In this Bicentennial year, it is indeed timely that action be our own theme for the session we begin today.

Finally, I wish to again acknowledge the continued counsel and valued contributions of our minority members. Our overall output in the past has reflected accommodation of their thoughts, as well as their cooperation in placing the higher good of our State above petty partisan considerations. I am indeed grateful to the minority leadership and members for their demonstrated desire to work together in harmony

with the majority without sacrificing their integrity as the 'loyal opposition.'

I also take this occasion to extend a special welcome to our new member from the Seventh District, the Honorable Buddy Soares. In welcoming Senator Soares, I find it only fair to caution him about a commonly held expectation: While the Senate is constituted of less than half the membership of the House, it does not mean that we carry as much clout; on the contrary, it only means we have twice as much work to do.

But you won't be alone in bearing the burden. We all have much work ahead of us. It is my full expectation that upon adjournment, we will all share pride in a genuinely productive and meaningful session of good work.

Let us, then, get on with it.

Thank you."

Senator Yee then responded by stating that the Republican members of the Senate offer their cooperation and input into good legislation. He stated that they will be firm in their philosophies regarding financial matters, economic planning, and crime and justice. He added that should there be any surplus monies available, it should be used for cash appropriations in construction projects, reduction of our present debt and even used to assist in the unemployment area.

Senator Ching, in response to the President's remarks, stated that he had rarely heard a clearer statement of legislative intent ever made at the outset of a session. He added that the majority members have a solid program to present and consider during this session and noted that it is incumbent upon the members to put together their best efforts which will result in a most productive session.

The President then announced that Senator Soares will serve as a member of the Committees on Ecology, Environment and Recreation, Economic Development, Human Resources, Transportation and Ways and Means.

Senator Ching then expressed thanks and appreciation to Zulu, the Council on Hawaiian Heritage, Reycards, Hui O'Hana, Tokyo Joe, Dick Jensen and the Surfers for contributing their talent gratis.

Senator Kawasaki then introduced to the members of the Senate, several former Senators as follows: Governor George R. Ariyoshi, Lieutenant

Governor Nelson K. Doi, David C. McClung, Hebden Porteus, Frederick W. Rohlfig, Kenneth F. Brown and Judge John C. Lanham.

At 11:32 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 o'clock a.m.

At this time, Senator Yee introduced

to the members of the Senate, United States Senator Hiram L. Fong, who had announced his retirement in not seeking office in 1976.

ADJOURNMENT

At 11:47 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., Tuesday, January 22, 1976.