

TWENTY-THIRD DAY

Friday, February 16, 1979

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, convened at 11:30 o'clock a.m., with the Vice-President in the Chair.

The Divine Blessing was invoked by the Reverend Ted R. Ogle, Pastor of the Church of Christ at Honolulu, after which the Roll was called showing all Senators present with the exception of Senators Abercrombie, Ajifu and Wong, who were excused.

The Vice-President announced that the President had read and approved the Journal of the Twenty-Second Day.

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

Senator Yee introduced a group of fifty-six students from the third, fourth, fifth and sixth grades at University Lab School, with their teachers, Mrs. Nishimura, Mrs. Towata and Ms. Terry Brady, and parents, Mrs. Jacqueline Lee, Mrs. Carol Ahmned, Mrs. Gwen Shigekani, Mrs. Aki Naito and Mrs. Petra Stant.

Senator Yee then introduced a group of 110 students from the fourth grade at Lunalilo School, with their teachers, Mrs. Hiu, Mrs. Yanagida, Mrs. Abraham, Mrs. Kimura and Mrs. Tanaka.

Senator Anderson introduced forty-five students from the special education classes from the seventh through the twelfth grades at Kahuku Elementary and High School, with their teachers, Mr. Jessie Augustin, Mrs. Yolanda Miyahana, Mrs. Alice Anae, Mr. Bren Balmer and Mr. Alan Nakamura.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 82 and 83) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 82), transmitting a report prepared by the Real Estate Commission in response to Senate Concurrent Resolution No. 78, S.D. 1, H.D. 2 (1978), which related to horizontal property regimes, was referred jointly to the Committee on Housing and Hawaiian Homes and the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 83), transmitting the 1978 Annual Report prepared by the Commission on Population and the Hawaiian Future, pursuant to Chapter 224, Hawaii Revised Statutes, was referred to the Committee on Economic Development.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 15 and 16) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 15), transmitting House Bill No. 93 which passed Third Reading in the House of Representatives on February 15, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 93, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL CLAIMS COURT", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 16), transmitting House Bill No. 100 which passed Third Reading in the House of Representatives on February 15, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 100, entitled: "A BILL FOR AN ACT RELATING TO THE STATE MOTTO", passed First Reading by title and was referred to the Committee on Judiciary.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 30), entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO RECOMMEND THAT THE FEDERAL EQUAL RIGHTS AMENDMENT BE RESCINDED PRIOR TO RATIFICATION BY THE REQUIRED 38 STATES", was offered by Senator Kawasaki, by request, and was read by the Clerk.

By unanimous consent, S.C.R. No. 30 was referred to the Committee on Judiciary.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 158 and 159) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 158), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTAB-

LISHING HAWAIIAN HOMESTEADS ON LANDS PRESENTLY NOT WITHIN THE JURISDICTION OF THE DEPARTMENT OF HAWAIIAN HOME LANDS", was jointly offered by Senators Carpenter, Hara, Chong, Abercrombie, Takitani, Ajifu, Toyofuku, Kuroda, Cayetano and Ushijima.

By unanimous consent, S.R. No. 158 was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Economic Development.

A resolution (S.R. No. 159), entitled: "SENATE RESOLUTION RECOGNIZING THE ENGINEERING EXPO '79 TO BE HELD AT THE UNIVERSITY OF HAWAII, MANOA CAMPUS, AND COMMENDING THOSE RESPONSIBLE FOR THE SUCCESS OF THE ENGINEERING EXPO PROJECT", was jointly offered by Senators Kuroda, Mizuguchi, Campbell, Carpenter, Chong, Kawasaki, Young, Ajifu, Toyofuku, Saiki, Takitani, Cobb, Cayetano, Soares, Yee, Yamasaki, Ushijima and Anderson.

On motion by Senator Kuroda, seconded by Senator Yee and carried, S.R. No. 159 was adopted.

Senator Kuroda then stated that the Engineering Expo '79 is sponsored by students of the University of Hawaii and then proceeded to introduce three individuals who spearheaded the activities with regards to recognizing engineering, as follows: Mr. Melvin Hirayama from Waialua, Oahu; Ms. Ellen Kitamura from Hilo, Hawaii and Mr. Clifton Takenaka from Aiea, Oahu.

At 11:40 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 Anderson rose to make an introduction as follows:

"Mr. President, several days ago, this Body adopted Senate Concurrent Resolution No. 21, which extended sincere appreciation to Fred W. Bennion for his twenty years of service as the Executive Director of the Tax Foundation of Hawaii. This morning, Fred Bennion is with us and I would like to introduce him and say 'thank you' to him.

"Fred, as he's more commonly known to some of us who have been around for a lot of years, has been a friend when he's agreed with us, and he's been the enemy when we've disagreed.

I think we have used and misused him to whichever point of view we so decided at times.

"Fred has been a tax consultant for twenty years and an advisor to the Administration on tax estimates over the years. He's a foremost tax advisor, of course, to the Chamber of Commerce and, some years ago, when the Republicans put together the GOPlan which introduced the mandating spending limits, Fred was a consultant of ours.

"I think both sides of the aisle and all legislators in both parties over the years have had a lot to do with Fred. He has kind of kept everybody in check in a good balancing factor.

"Mr. President, I would like to at this time introduce Fred Bennion."

Senator Saiki presented Mr. Bennion with a carnation lei and Senator Anderson presented him with a certified copy of the concurrent resolution.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 18), informing the Senate that Senate Concurrent Resolution No. 29 and Senate Resolution Nos. 141 to 157 have been printed and are ready for distribution.

On motion by Senator Yamasaki, seconded by Senator George and carried, the report of the Committee was adopted.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 19), recommending that Senate Bill No. 13, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary.

Senator O'Connor moved that the report of the Committee be adopted, seconded by Senator Cobb.

Senator O'Connor then spoke for the motion as follows:

"Mr. President, this bill before us, Senate Bill No. 13, S.D. 1, is probably one of the important pieces of legislation which we will consider this year. To comply with the tenor of the week recess which is before us, the Judiciary

Committee has spent long hours preparing this bill and submits it in this fashion so that people can read it in this form and then comment on it during the period of this recess.

"The Judiciary Committee will be holding hearings and decision-making on this bill during the recess next week.

"I urge all to vote 'aye' on this. Thank you, Mr. President."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 13, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUFFRAGE AND ELECTIONS (CONSTITUTIONAL AMENDMENTS OF ARTICLE II)", passed Second Reading and was recommended to the Committee on Judiciary.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The President made the following re-referral of a bill that had been introduced on Monday, January 29, 1979:

Senate Bill	Referred to:
No. 265	Committee on Ways and Means

The President made the following re-referral of a bill that had been introduced on Tuesday, January 30, 1979:

Senate Bill	Referred to:
No. 315	Committee on Ways and Means

At this time, Senator George announced that the Windward legislators--the six members of the House of Representatives and the three members of the Senate--would be conducting evening meetings in Waimanalo, Kailua, Kaneohe and Kahaluu on four nights of the recess to discuss the variety of

measures introduced during this legislative session.

The Vice-President expressed the hope that this schedule would not be in conflict with the regular Senate subcommittee meetings for those same nights.

Senator George responded that there might be a conflict but that the group had hoped that most of the committee meetings would take place during the day. She added that the group will cover both areas as best as they can.

Senator Cayetano then made the following announcement:

"Mr. President, Governor Ariyoshi has requested a meeting with members of the Ways and Means Committee primarily to discuss his concerns regarding the budget and has extended the invitation to all other Senators, especially committee chairmen.

"I would ask, however, that in the interest of saving time, that all of the Senators who have questions for the Governor, prepare their questions in advance, because although the Governor has agreed to stay as long as he is needed, we'd like to get things moving along easily.

"My office will be preparing a memorandum to all of you on the ground rules for this meeting to be held on Wednesday, February 21st, at 8:30 a.m., in the Ways and Means Conference Room."

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

The Senate reconvened at 11:59 o'clock a.m.

ADJOURNMENT

At 12:01 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate adjourned and will remain in recess until 11:30 o'clock a.m., on Tuesday, February 27, 1979.