

THIRTY-SIXTH DAY

Thursday, March 15, 1979

SENATE RESOLUTIONS

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 President in the Chair.

The Divine Blessing was invoked by Reverend Warren G. Studer, Christ Church United Disciples and Presbyterians, after which the Roll was called showing all Senators present, with the exception of Senator Yee, who was excused.

The President announced that he had read and approved the Journal of the Thirty-Fifth Day.

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

Senator Toyofuku introduced a group of members of the NRTA/AARP Hawaii Joint State Legislative Committee as follows: Miss Lucille Berg of Maui, Acting Chairman; Mr. Ed Webster of Oahu, Secretary; Miss Josephine Day, President of the Hawaii State Retired Teachers Association; Masao Uyematsu and Arthur Flynn of Kauai; Mrs. Lillian Givens, Mr. Edward Henry and Mrs. Louis Machado of Oahu; Mr. Howard Cate of Hilo; Mr. John Kown of Maui; Mrs. Grace Terranella of Oahu, State Director, AARP; Mr. Gabriel I of Kauai, State Director, NRTA; and Mrs. Marian LeeLoy, President of the Oahu Retired Teachers Association. Mr. Nick Willard of Washington, D.C., National Legislative Representative of NRTA, who accompanied the group was also introduced.

Senator Chong, on behalf of the Senators from the Sixth Senatorial District, introduced 82 fifth grade students from Jefferson School, accompanied by their teachers Mrs. Fran T. Heatherman, Mrs. Kay Sakuma, Mrs. Betty Shimogawa and Mrs. Mary Chote.

Senator Kuroda introduced Mr. William Wong, former principal of Roosevelt High School, also a member of the NRTA/AARP Hawaii Joint State Legislative Committee, and followed with an introduction of Mr. William Pound, Director of State Services, National Conference of State Legislatures, and stated as follows:

"The National Conference of State Legislatures, with headquarters in Denver, has recognized the Hawaii State Legislative Reference Bureau for the work done last year on the work-sharing law and also recognized Senator T. C. Yim's energy program and, of course, Senator Richard Wong's budget work of the past year when he was Chairman of the Ways and Means Committee. Thank you."

The following resolutions (S.R. Nos. 240 to 242) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 240), entitled: "SENATE RESOLUTION REQUESTING REVIEW OF THE STATUTES, PROGRAMS, AND RESOURCE REQUIREMENTS OF THE OFFICE OF CHILDREN AND YOUTH", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Young, Carpenter, Kuroda, Ushijima, Soares, Hara, O'Connor, Yamasaki, Kawasaki, Yee, Saiki, George and Campbell.

By unanimous consent, S.R. No. 240 was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

A resolution (S.R. No. 241), entitled: "SENATE RESOLUTION REQUESTING A STUDY RELATING TO THE WORKERS' COMPENSATION PROGRAM", was jointly offered by Senators Toyofuku, Hara, Takitani, Ushijima, Chong, Abercrombie, Kuroda, Cayetano, Young, Carpenter, Soares, O'Connor, Yamasaki, Ajifu and Yee.

By unanimous consent, S.R. No. 241 was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

A resolution (S.R. No. 242), entitled: "SENATE RESOLUTION CONGRATULATE MOANALUA HIGH SCHOOL BASKETBALL TEAM", was jointly offered by Senators Campbell, Wong, Yim, Kawasaki, Chong, Yamasaki, Ushijima, Takitani, Toyofuku, Young, Mizuguchi, and Ajifu.

On motion by Senator Campbell, seconded by Senator Yim and carried, S.R. No. 242 was adopted.

Senator Campbell then introduced the members of the Moanalua Basketball Team; their co-captains Brian Lee and Ross Shimabukuro; assistant coach Cal Hashimoto; head coach Eric Hew; and stated as follows:

"Mr. President and members of the Senate, the Moanalua High School Menehunes, the basketball team which has shown that it can challenge the best basketball teams in the state have only been in competition for six years and yet, this fabulous team, although entering the Hawaii High Schools Athletic State Basketball Tournament for the first time, went to the finals. This they accomplished in spite of the fact that they were seeded

seventh when the tournament began."

Senator Kawasaki then presented copies of the resolution to the co-captains and coaches.

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock a.m.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 635), informing the Senate that Senate Resolution Nos. 234 to 239 have been printed and are ready for distribution.

On motion by Senator Yamasaki, seconded by Senator George and carried, Stand. Com. Rep. No. 635 was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 636), recommending that Senate Resolution No. 16, as amended in S.D. 1, be referred to the Committee on Legislative Management.

Senator Cobb then moved that the report of the Committee be adopted and that S.R. No. 16 be referred to the Committee on Legislative Management, seconded by Senator Chong.

Senator Anderson then rose to state as follows:

"Mr. President, I find the resolution sort of, let's use the word, amusing.

"We had an opportunity here Monday night to totally deregulate the motor carrier act but the bill was recommitted to committee. Now a resolution is being passed asking the departments to initiate deregulation.

"Mr. President, if you're going to wait for the departments to initiate deregulation of businesses in this state, all hell's going to freeze over first.

"The amount of jobs that are created in this state regulating businesses are thousands. If we don't set an example and practice what we preach, then how are the departments going to initiate? The 'BE IT RESOLVED by the Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, that this Body urges all government agencies which regulates businesses to initiate deregulation...' -- I might say that the departments don't regulate, we do. We instruct the departments to regulate; we set up the criteria for regulation; so, if there's going to be any initiation for deregulation, it ought to

start here, and it could have started on Monday."

Senator Cobb then replied as follows:

"Mr. President, in rebuttal to the remarks, the opportunity, as I understand it for total deregulation of the motor carriers, I don't believe was presented to the Senate in the form of an amendment and I don't recall having an opportunity to examine the proposal in detail, either as an amendment or in discussion Monday night.

"Furthermore, Mr. President, this resolution was adopted by the committee weeks before the subject matter of Monday night was ever discussed. This was merely held back until after the rush of all the bills and the third reading deadline yesterday. It was brought out today as a convenience for the members of the Senate, so as to not clutter-up our calendar with resolutions when we're reconsidering so many bills.

"In addition, I think it's only fair to point out that in many cases, businesses and departments have recommendations to make to the legislature as to how possible areas of deregulation can be accomplished. While we set the policy and pass the statutes on this, I do think we should also rely on them as one of the many resource people who're involved in the area of regulation, as to what recommendations to make. And I would further point out that our committee has listed the recommendations of the Chamber of Commerce, the Hawaii Business League, and many other businesses, as well as consumer groups, in the area of regulation. This is addressing itself to the other side of the coin; namely, the departments that are already involved in it.

"Thank you."

Senator Chong added as follows:

"Mr. President, I also would like to make a few comments with regard to the comments of the minority floor leader on deregulating the motor carrier industry.

"I'm delighted to hear that he is on record and in long standing, always has been on record, to deregulate. He's a member of the Public Utilities Committee, had the opportunity to urge with alacrity the movements of my bill to deregulate the motor carrier industry. After the hearing, he himself said not to do so and waited until, as you know, Monday night when he then so graciously withdrew his original amendment to the bill in favor of the partial deregulation bill which, unfortunately, did not gain

sufficient support last night. That's why I'm very curious to hear his comments today on this excellent beginning--the senate resolution part of the majority package to get the various departments of the State of Hawaii out of the lives of the people of our state so that we may well start getting closer to a free enterprise system."

Senator Soares then remarked as follows:

"Mr. President, I would like to speak on the point that's illustrated by my colleague from the Sixth Senatorial District.

"I'd like to know why the resolution leaves out the Committee on Public Utilities which is responsible for most of the regulation in this state? I do know that the Committee on Consumer Protection and Commerce is very capable of handling this resolution, but I'd like to know why the Committee on Public Utilities which is dealing entirely with the commission that regulates businesses throughout the State of Hawaii, why, they were not included; and being a member of that committee with Senator Chong, I'd like to be able to participate, if possible."

Senator Chong replied as follows:

"Mr. President, I'd like to assure Senator Soares that we will have a separate resolution doing just that. In fact, there already are several in the committee that we will be moving out and I'm glad that he has committed his vote to them."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.R. No. 16, S.D. 1, entitled: "SENATE RESOLUTION URGING ALL GOVERNMENT AGENCIES WHICH REGULATE BUSINESSES TO INITIATE DEREGULATION PROGRAMS", was referred to the Committee on Legislative Management.

At this time, the President made the following observation and stated as follows:

"The Chair would like to thank all the members of the Senate for actions taken last night on the Senate bills on deck, for their patience and endurance. People were very much aware of the time constraints; within those time constraints Senate bills that emanated from the committees were passed in total to the House. The Chair wishes to take this opportunity to thank all the members of the Senate for their patience."

Senator Cobb then rose on a point of personal privilege and stated as follows:

"Last night, because of a rush of business, I think a lot of our remarks were abbreviated, to say the least, but I would like to comment on the recommittal of the bill relating to nursing.

"It was done at the request of one of the primary movers of the bill in order to give various nursing groups in the state time to get their act together and to present comprehensive recommendations to the Legislature next year. In effect, the bill was deferred for nine months. I can assure you that those recommendations are not forthcoming. The bill will have a rabid test and will be ready to move in January.

"Thank you."

ADJOURNMENT

At 11:56 o'clock a.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 16, 1979.