

SEVENTH DAY

Thursday, January 28, 1982

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, convened at 11:30 o'clock a.m., with the Vice-President in the Chair.

The Divine Blessing was invoked by the Reverend Walter Copeland of the First Baptist Church of Nanakuli, after which the Roll was called showing all Senators present with the exception of Senators Yamasaki, Yee and Wong who were excused.

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

Senator Anderson then introduced to the members of the Senate 40 senior citizens from the National Association of Retired Federal Employees.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 51 to 54) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 51) submitting for consideration and consent to the Circuit Court of the Third Circuit, the nomination of Paul M. deSilva as Judge, for a term of 10 years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 52), transmitting copies of a report prepared by the Governor's Agriculture Coordinating Committee, in response to Senate Resolution No. 186 (1981), was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 53), transmitting copies of a report prepared by the Hawaii State Department of Agriculture through the Governor's Agriculture Coordinating Committee, in response to Senate Resolution No. 42 (1981) and House Resolution No. 16 (1981), requesting an examination of current air and surface shipping schedules in Hawaii; and transmitting copies of a report prepared by the Hawaii Institute of Tropical Agriculture and Human Resources, University of Hawaii, entitled: "Transportation Costs of Agricultural Products in Hawaii: 1980," was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 54), transmitting copies

of the 1981 Youth Conservation Corps (YCC) Annual Report, prepared by the Department of Land and Natural Resources, was referred to the Committee on Ecology, Environment and Recreation.

ORDER OF THE DAY

MATTER DEFERRED FROM JANUARY 27, 1982

Senate Resolution No. 3:

Senator Young moved that S.R. No. 3, amending the Rules of the Senate of the Eleventh Legislature, be adopted, seconded by Senator Carpenter.

Senator Young then offered the following amendment:

"Senate Resolution No. 3 is amended by amending item 1 to read as follows:

'1. Rule 41 is amended to read as follows:

'Rule 41. Bills: Introduction

'Any bill may be introduced on the report of a committee or by any member, except bills subject to the next paragraph and except short form bills which may only be introduced by the President of the Senate or the minority party leader after appropriate consultation with committee chairmen and other members of the Senate.

'Bills appropriating money for the executive, legislative, and judicial branches of government, for claims against the state, for criminal injuries compensation, for the Office of Hawaiian Affairs, for the counties, or to authorize and appropriate money for special purpose revenue bonds and such other necessary appropriation bills after consultation with committee chairmen and other members of the Senate may be introduced by the President of the Senate or the minority party leader. Each member may introduce one bill appropriating money for capital improvement projects, operating programs, and other suitable purposes.

'All bills shall be introduced under the order of resolutions.

'Bills which shall carry-over from a regular session in an odd-numbered year to the next regular session shall retain the numbers assigned to them. The Clerk shall keep a record of the status of all bills in possession

of the Senate at the end of the odd-numbered year session and shall publish the record of the status of all such bills prior to the convening of the next regular session.

'Every bill introduced or reported out of any committee, which amends an existing section or subsection of the Hawaii Revised Statutes or Session Laws of Hawaii, shall set forth the section or subsection in full, and the matter to be deleted shall be enclosed in brackets and any new matter added to the section or subsection shall be underscored. However, a Supplemental Appropriations Bill need not conform to this rule or an amending bill where the intent and effect of an amending bill can be clearly identified and understood without repeating the entire section or subsection, in which case only the paragraphs, subparagraphs, clauses, or items to be amended need be set forth as the President may allow. The President may allow additional exceptions to this rule.

'No floor amendment to a bill shall be voted upon unless a copy of such amendment shall have been presented to the Clerk who shall prepare and distribute copies of the amendment to each member of the Senate present.'

Senator Young moved that the amendment be adopted, seconded by Senator Carpenter.

Senator Young then rose to state as follows:

"Mr. President, the floor amendment does three things: (1) provides that the minority party leader as well as the President may introduce an appropriation bill package; (2) provides that in developing this package the President should consult with the committee chairmen and other senators. This assures that all senators will have input; and (3) provides that each senator may introduce one appropriation bill for capital improvement projects, the operating program and other suitable purposes. This assures each senator that his or her appropriation proposal will get formally introduced in the Senate."

At this time, Senator Ushijima requested that the previous speaker yield to a question and Senator Young replied in the affirmative.

Senator Ushijima asked: "Mr. President, in looking at this amendment, I notice the wording 'President of the Senate,' on certain bills, 'or the minority party leader after appropriate consultation

with committee chairmen and other members of the Senate'... what do we mean by 'appropriate consultation'?"

Senator Young replied: "'Appropriate consultation' means that whatever the subject matter was, an input from that particular senator or from that district, that the President may consult with that..."

Senator Ushijima interjected: "In other words, you just tell them this particular bill is going to be introduced. Is that all? Or he might say 'no,' or object to it... would that be 'appropriate consultation'?"

Senator Young responded: "I'm quite sure the difference will be between you and the Senate President and I'm quite sure you can iron that out between the President and yourself."

Senator Ushijima asked: "So, basically, I don't have any input if I object to it, if the President says that my objection is not valid?"

Senator Young answered: "I would think that the President, being the kind of leader that he is, will give you input in the measure that is being proposed."

Senator Ushijima further inquired: "Mr. President, could I also have the definition of 'the minority party leader'?"

Senator Young answered: "At this point, 'the minority' means the party that has the least number of members within the particular party."

Senator Ushijima asked: "Would the seven of us be considered 'minority party' members?"

Senator Young answered: "We could clarify that; and if you come up with a leader, I'm quite sure, in consulting with the President, he might come up with a solution to that dilemma."

At this time, Senator Cobb rose on a point of order and stated as follows:

"Mr. President, the definition of party is either Democrat or Republican, or if we should end up with Libertarians in the Senate. I believe that question was resolved last year, and was resolved contrary to perhaps what the answer was given on the floor that we have a Democratic and Republican party in the Senate."

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

The Senate reconvened at 12:26 o'clock

p.m.

Senator Young then withdrew her motion to adopt the amendment, and Senator Carpenter withdrew his second.

Senator Young then moved that action on S.R. No. 3 be deferred until Friday, January 29, 1982, seconded by Senator Carpenter and carried.

STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 3-82) informing the Senate that Senate Resolution No. 4 has been printed and is ready for distribution.

On motion by Senator Young, seconded

by Senator George and carried, the report of the Committee was adopted.

At this time, the Chair announced that all bills that had been returned to the Clerk's office by the standing committees at the close of the 1981 session will be returned to those respective committees, in accordance with the referrals previously made during the 1981 Regular Session.

ADJOURNMENT

At 12:30 o'clock p.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, January 29, 1982.