

JOURNAL
of the
SENATE OF THE ELEVENTH LEGISLATURE
of the
STATE OF HAWAII

Special Session of 1982

Convened Wednesday, May 5, 1982
Adjourned Thursday, May 6, 1982

TABLE OF CONTENTS

	PAGE
First Day, Wednesday, May 5, 1982	1
Second Day, Thursday, May 6, 1982	2
Appendix:	
Standing Committee Reports	6

THE
ELEVENTH LEGISLATURE
STATE OF HAWAII
SPECIAL SESSION OF 1982

JOURNAL OF THE SENATE

FIRST DAY

Wednesday, May 5, 1982

The Senate of the Eleventh Legislature of the State of Hawaii, Special Session of 1982, was called to order at 10:00 o'clock a.m., by Senator Richard S.H. Wong, President of the Senate, in accordance with the Proclamation issued by the President of the Senate on April 28, 1982, the Sixty-Third Day of the Regular Session of 1982.

The Divine Blessing was invoked by the Reverend Norito Nagao of the Honpa Hongwanji Hawaii Betsuin, after which the Roll was called showing all Senators present with the exception of Senators Anderson, Campbell, Carpenter, Henderson, Kawasaki, Machida, O'Connor and Saiki who were excused.

At 10:25 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:27 o'clock a.m.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. S1-82) informing the Senate that Standing Committee Report Nos. S2-82 to S4-82 have been printed and distributed to all members of the Senate.

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

Senator Cayetano, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. S2-82) recommending that the Senate consent to the nomination of Walter M. Heen, Judge, Intermediate Court of Appeals, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii

State Constitution, and in accordance with Governor's Message No. 319.

By unanimous consent, action on Stand. Com. Rep. No. S2-82 and Gov. Msg. No. 319 was deferred until Thursday, May 6, 1982.

Senator Cayetano, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. S3-82) recommending that the Senate consent to the nomination of Leland H. Spencer, Judge, Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Governor's Message No. 320.

By unanimous consent, action on Stand. Com. Rep. No. S3-82 and Gov. Msg. No. 320 was deferred until Thursday, May 6, 1982.

Senator Cayetano, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. S4-82) recommending that the Senate consent to the nomination of Harry T. Tanaka, Judge, Intermediate Court of Appeals, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Governor's Message No. 327.

By unanimous consent, action on Stand. Com. Rep. No. S4-82 and Gov. Msg. No. 327 was deferred until Thursday, May 6, 1982.

ADJOURNMENT

At 10:30 o'clock a.m., on motion by Senator Cobb, seconded by Senator Yee and carried, the Senate adjourned until 11:00 o'clock a.m., Thursday, May 6, 1982.

SECOND DAY

Thursday, May 6, 1982

The Senate of the Eleventh Legislature of the State of Hawaii, Special Session of 1982, convened at 11:00 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Kim On Chong, Retired Chaplain of Mid-Pacific Institute, after which the Roll was called showing all Senators present with the exception of Senators Henderson and Machida who were excused.

The President announced that he had read and approved the Journal of the First Day.

At this time, Senator Abercrombie introduced to the members of the Senate Mr. Sam Caldwell of the Hawaii Sugar Planters Association and Mr. Larry Zerkel, news director of Channel 13.

ORDER OF THE DAY

ADVISE AND CONSENT

Standing Committee Report No. S2-82 (Gov. Msg. No. 319):

Senator Carpenter moved that Stand. Com. Rep. No. S2-82 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Carpenter then moved that the Senate consent to the nomination of Walter M. Heen, Judge, Intermediate Court of Appeals, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Cayetano.

Senator Carpenter then rose to speak in favor of the nomination and stated:

"Mr. President, a very quick comment. There was an allegation yesterday by a citizen regarding this appointment and on checking further with station KITV we have transcripts to comments alluded to and we find the arguments rendered are without merit and we should go forward with this nomination today."

Senator Kawasaki also rose to speak in support of the nominee and stated:

"We know Judge Heen first of all as a former senator, former majority floor leader who served with distinction in the State Senate and we know that he has served with equal distinction as judge of the Circuit Court, as U.S. Attorney, and as a judge in the U.S. District Court.

We think that he will serve with equal distinction in his new position as judge of the Intermediate Court of Appeals. I believe he will do a good job and will be a credit to the confirmation body, the Senate of the State of Hawaii."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Henderson and Machida).

Standing Committee Report No. S3-82 (Gov. Msg. No. 320):

Senator Carpenter moved that Stand. Com. Rep. No. S3-82 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Carpenter then moved that the Senate consent to the nomination of Leland H. Spencer, Judge, Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Henderson and Machida).

Standing Committee Report No. S4-82 (Gov. Msg. No. 327):

Senator Carpenter moved that Stand. Com. Rep. No. S4-82 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Carpenter then moved that the Senate consent to the nomination of Harry T. Tanaka, Judge, Intermediate Court of Appeals, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Henderson and Machida).

At this time, Senator Abercrombie rose on a point of personal privilege and stated:

"Mr. President, inasmuch as this will, in all likelihood, be the last time that most of us will be together for this session, I hope we may be together at some point in the future on this floor; and inasmuch as this is the last time at least for the next session for certain that Senator Saiki and Senator Anderson will be with us, I would like to present the team of Senator Anderson and Senator Saiki a gift, a commemoration from me, that is proof that political rivalry does not have to mean political animosity. I give this gift to them as a good luck charm as they go forward. It is symbolic, of course, of wisdom--the elephant--and strength and I think that Senator Anderson and Senator Saiki will need all the wisdom and strength that they can muster in the months to come. Thank you, Mr. President."

Senator Abercrombie presented his gift to Senators Anderson and Saiki.

Senator Anderson then rose to thank Senator Abercrombie and stated:

"Mr. President, this gift also represents long memory and we don't forget our friends and we remember the past.

"Very briefly, I'd like to say a few words which I didn't say on the closing night of the session because of the strain. This will perhaps be the last time we're together this year. This concludes the twenty years that I've been in the Legislature. I guess I feel that I own this building. I was here when it was opened; I was across the street in the old palace; and I've kind of gotten used to it.

"Memories are kind of interesting, and politics, they say, make strange bedfellows. I guess from year to year and session to session, election to election, you're with one gang or another. But, I would like to say in all honesty that the coalition that has been so controversial the past two years, having been in the minority for eighteen years, was really appreciated. I happen to hold an honest opinion that the coalition was good for the people. It was good for the state. It was good for this body. Whether or not it goes on again with the same number or different combinations only the future will tell.

"I would like to say that for those in the coalition and those who were out, I have shared many years with all of you. I hope my friendship goes beyond politics. I've enjoyed working with you and whether I'm successful or not I hope we can remain friends for many, many years.

"Thank you all very, very much for

twenty years."

Senator Kawasaki, also on a point of personal privilege, stated:

"Mr. President, I'd like, in behalf of some of us oldtimers here, wish the team well and I particularly want to say how enjoyable it was for me to serve with Senator Anderson.

"First of all, I'd like to remind Senator Anderson and Senator Saiki that, unfortunately, the elephant population in the world is rapidly diminishing and is one of the endangered species, so to speak. You should keep that in mind.

"Getting back to my enjoyment of having Senator Anderson sitting in this body with us, I just want to remind you of the so-called coalition that used to take place long ago. There was many a time where we had seven Democrat votes and we had to go across the aisle, talk to Senator Anderson to get some Republican votes to get a majority vote on many bills, which in the judgment of us seven Democrats were bad, so far as the public interest was concerned, and, so, coalition efforts of sorts had taken place years before two years ago. And we used to kill bills, ironically enough, introduced by Democrats on occasion... Democrats from other islands and so forth... but coalition efforts to represent the public interest took precedent long ago, not two years ago.

"But, coming back to Senator Anderson, I do want to say it's been a pleasure working with this gentleman who always had the public interest at heart. Sometimes he was wrong in his interpretation of what the public interest was, but be that as it may, I never doubted his concern of the public interest.

"It's too bad that Senator Anderson is not going to remain here to see a wish that he once had, that is to repeal the Newspaper Preservation Act because I recall his making a speech warning us against the detrimental effects of our having passed back in about 1970 the erroneously entitled Newspaper Preservation Act. It should have been the newspaper monopoly act. But, he warned us what was going to be the end result and sure enough that is what happened. Too bad he won't remain as a senator to vote with us in subsequent years, and we'll come back, don't worry about that, to repeal that act, true to the words that he had spoken years ago."

Senator Saiki then rose on a point of personal privilege and remarked as follows:

"Mr. President, I'd just like to say a few words involving my leaving these chambers.

"It has been a privilege serving the people of this state in both the House and the Senate. I am concluding fourteen years of legislative service and through all those years it has been, shall I say, a most stimulating and challenging experience, and to have gotten acquainted with people like you, Mr. President, working very closely with all my colleagues here, both in the Senate and in the House. I will look back, I'm sure, with very fond memories on all of the years that I have spent here in these halls.

"I thank you personally, Mr. President, for your patience and the understanding of all of my colleagues. God bless you all!"

Senator Kuroda also rose on a point of personal privilege and stated:

"Mr. President, I'd like to also share some thoughts here with my fellow senators. Senator Anderson mentioned in his farewell speech just now about coalition and friendship and association. I have something to say about Senator Cayetano's favorite subject, golf.

"Senator Anderson and I have been on a golf team the past two years. This is the Japanese Chamber benefit and the Kuakini Hospital benefit. The Japanese Chamber benefit takes place in May which is next week and the Kuakani Hospital benefit takes place in August. We have been a winning team.

"He talked about coalition; he talked about friendships; well, we'll be there again on the golf course doing our thing for the benefit of the Japanese Chamber and the Kuakini Hospital. I think it's important to discuss this inasmuch as this was arranged before he announced for governorship. So, here is a Democrat senator and Republican gubernatorial candidate on the same golf team and I said to Andy, 'Andy, you know that we have been a good golf team. We won the past years and we hope to win this year. Win, lose or draw, I want you on the same golf team next year so that we can refute any criticism of Kuroda supporting a Republican candidate.' He shook my hand and said, 'Yes, sir, we will be together next year, win, lose or draw for the same benefits.' I thank you very much, Andy."

Senator Cobb also rose on a point of personal privilege and stated:

"Mr. President, I'd like to, first of all, express my appreciation for the

opportunity to serve particularly with Senators Saiiki, O'Connor and Soares from our district, and to all of you in general.

"Last year the question was put on the floor in rhetorical fashion, what kind of Democrat would I run as. I think the time has come, Mr. President, to provide an answer to that question because I think it's a fair question... that I will continue to run as the same kind of independent Democrat that I always have; that I will consider and move legislation based not on party label but on merit and without regard to the introducer; to consider any idea in a bill or in a resolution on the face of its merits, rather than the party label or its introducer. That's always been my philosophy. I think it's worked quite well in the years that I've served both here and in the House.

"The coalition is a more formal arrangement of that. But, I'd like to point out that all bills, regardless of their introducer, have an equal chance to pass, and if we look at the track record over the two years of the Senate and the coalition, we will find that bills introduced by every segment, every faction, every individual senator had an equal chance of passage, and I think in many cases did pass. So, whether or not the coalition continues and I honestly hope that the organization next year does take place within the confines of a single party, I hope the spirit of that coalition... a willingness to pass bills regardless of party, regardless of introducer... continues because I think it's been a breath of fresh air in the Senate.

"I'd like to turn very briefly, if I may, to the subject of reapportionment, knowing that I am personally affected by it. I do not consider the decision that was rendered a victory for the people because it's going to reduce, not increase, the choice that the people will have to make. Instead of being able to vote for two or four individuals in a given race, their choice will be limited to one in a single member district. In the Senate, instead of being able to make that choice every two years on a staggered basis, they will be allowed to have such a choice only once every four years. I speak with particular reference to the area from Manoa Valley all the way through Makapuu Point where no voter in that entire area will have a voice in this year's Senate election. True, they will have representation, but the matter of a choice is denied.

"I think, Mr. President, when we consider that we should recognize as I do very clearly that no politician,

incumbent or otherwise, has any right to an office, but the people do have a right to make a choice and anyone who wants to run for office has a right to offer that choice, and at least in the area of East Honolulu those rights are being denied.

"But, I'm not going to carry on with a legacy of sour grapes about it because I think there is an opportunity in Kapa-hulu, Kaimuki and Waikiki to offer such a choice and I hope to be able to do so. At the same time, I would agree quite strongly with what the Governor said about the interference of the court and the masters in the reapportionment process, that it should have been allowed to have been accomplished by the commission, even if it meant an extra week.

"And, I agree with the Governor when he said that he is bothered that nonelected people, nondesignated people through the representative process of our government have in fact made the decisions relative to boundaries, relative to, in effect, who can run and who cannot and who would stand the best chance of election. That is the choice, Mr. President, that I hope will return to the people.

"In conclusion, I'd like to say, Mr. President, that it's been an honor to have served in the Senate, to have served the people of the Seventh Senatorial District, and God willing, with the voters, I hope to be able to continue that service. Thank you very much."

The Chair, in observation, then stated as follows:

"Members of the Senate, before adjourning sine die, the Chair would like to wish those individuals who are seeking higher office good luck and, hopefully, that they will be successful in their quest for higher office. For those individuals who have to run again, I wish you well. I wish you Godspeed.

"For those individuals that will be returning to the Senate, you will have two more years of hard work ahead of you to look forward to. To all of you, it has been my pleasure to serve you as president the past two years. I hope that next year when the election cloud clears we'll be able to organize the Senate with Democrats. My wish to all of you is good luck, again. Have a good election and I hope to see you all back next year."

ADJOURNMENT

Senator Cobb moved that the Senate of the Eleventh Legislature of the State of Hawaii, Special Session of 1982, adjourn Sine Die, seconded by Senator Yee and carried.

At 11:28 o'clock a.m., the President rapped his gavel and declared the Senate of the Eleventh Legislature of the State of Hawaii, Special Session of 1982, adjourned Sine Die.

STANDING COMMITTEE REPORTS

SCRep. S1-82 Legislative Management

Informing the Senate that the following have been printed and were distributed to the members of the Senate:

Stand. Com. Rep. Nos. S2-82 to S4-82 on April 5, 1982 at the 10:00 o'clock a.m. Session.

Signed by all members of the Committee.

SCRep. S2-82 Judiciary on Gov. Msg. No. 319

Recommending that the Senate consent to the nomination of WALTER M. HEEN to the Intermediate Court of Appeals as Judge, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Constitution of the State of Hawaii.

Signed by all members of the Committee except Senators Cayetano, Anderson, and O'Connor.

SCRep. S3-82 Judiciary on Gov. Msg. No. 320

Recommending that the Senate consent to the nomination of LELAND H. SPENCER to the Circuit Court of the First Circuit as Judge, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Constitution of the State of Hawaii.

Signed by all members of the Committee except Senators Cayetano, Anderson, and O'Connor.

SCRep. S4-82 Judiciary on Gov. Msg. No. 327

Recommending that the Senate consent to the nomination of HARRY T. TANAKA to the Intermediate Court of Appeals as Judge, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Constitution of the State of Hawaii.

Signed by all members of the Committee except Senators Cayetano, Anderson, and O'Connor.