

FORTY-THIRD DAY

Tuesday, March 29, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:45 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Donald Asman, Pastor of Manoa Valley Church, Honolulu, after which the Roll was called showing all Senators present with the exception of Senators Kawasaki, Yamasaki and Young who were excused.

The Chair announced that he had read and approved the Journal of the Forty-Second Day.

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

Senator Kuroda introduced Karen and Charles Maier, visitors from Sacramento, California, who were sitting in the gallery. Senator Kuroda informed the Senators that Karen Maier is secretary to the Governor of California and that her mother and father were both members of the California State Senate. He added that Charles Maier was formerly the assistant chief sergeant-at-arms of the California State Assembly.

Senator Machida introduced a visitor from Maui, the Honorable Elizabeth Lee Liu, and said that "she is one of the outstanding council members on the Maui County Council."

Senator Ajifu introduced a former colleague from the House, United States Marshall Faith Evans.

Senator Chang then introduced the 1983 Nisei Week Queen and her court who are here from Los Angeles, California, to participate in the Honolulu Cherry Blossom Festival. The young ladies are as follows: Queen Janet Barnes; First Princess Deena Hard; Gayle Kirio, Jeanne Mitoma, Lana Frick, Yuri Shimamoto, and Miss Tomodachi (congeniality), Dianne Osora.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 53), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO STUDY AND EVALUATE THE PROCEDURES USED BY THE STATE OF

HAWAII TO AWARD NON-BID CONTRACTS," was offered by Senator Abercrombie, and was read by the Clerk.

By unanimous consent, S.R. No. 53 was referred jointly to the Committee on Government Operations and County Relations and the Committee on Ways and Means.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 68 and 69) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 68), entitled: "SENATE RESOLUTION EXPRESSING OPPOSITION TO AMERICAN MILITARY ASSISTANCE, INVOLVEMENT AND COVERT ACTIONS IN EL SALVADOR AND THE REST OF CENTRAL AMERICA," was offered by Senators Abercrombie, Cayetano, Hagino and Kawasaki.

By unanimous consent, S.R. No. 68 was referred to the Committee on Federal Programs.

A resolution (S.R. No. 69), entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO STUDY AND EVALUATE THE PROCEDURES USED BY THE STATE OF HAWAII TO AWARD NON-BID CONTRACTS," was offered by Senator Abercrombie.

By unanimous consent, S.R. No. 69 was referred jointly to the Committee on Government Operations and County Relations and the Committee on Ways and Means, then to the Committee on Legislative Management.

STANDING COMMITTEE REPORT

Senator Cobb, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 683) informing the Senate that Senate Concurrent Resolution No. 53 and Senate Resolution Nos. 68 and 69 have been printed and have been distributed to the members of the Senate.

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

ORDER OF THE DAY

MATTERS DEFERRED
FROM MARCH 28, 1983

THIRD READING

House Bill No. 276, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 276, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Kawasaki, Yamasaki and Young).

House Bill No. 275:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 275, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Kawasaki, Yamasaki and Young).

House Bill No. 278, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 278, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Kawasaki, Yamasaki and Young).

House Bill No. 757, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 757, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, (Kawasaki, Yamasaki and Young).

ADVISE AND CONSENT

Standing Committee Report No. 679 (Gov. Msg. Nos. 204, 205, 206 and 207):

Senator Cobb moved that Stand. Com. Rep. No. 679 be received and placed on file, seconded by Senator

Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations of the following:

Frank K. Hamada to the Board of Taxation Review, First Taxation District, term to expire December 31, 1986;

Herbert A.B. Chang to the Board of Taxation Review, First Taxation District, term to expire December 31, 1986;

Victor I. Endo to the Board of Taxation Review, Second Taxation District, term to expire December 31, 1986; and

Brian J. Ikawa to the Board of Taxation Review, Third Taxation District, term to expire December 31, 1986,

seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Kawasaki, Yamasaki and Young).

Standing Committee Report No. 680 (Gov. Msg. No. 157):

Senator Cobb moved that Stand. Com. Rep. No. 680 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Eduardo E. Malapit to the Labor and Industrial Relations Appeals Board, term to expire December 31, 1986, seconded by Senator Soares.

At this time, Senator Mizuguchi rose to speak in support of the nomination as follows:

"Mr. President, I rise to speak in favor of the nomination of Eduardo Malapit as a member to the State Labor and Industrial Relations Appeals Board.

"Mr. President, Mr. Malapit was born in Hanapepe, Kauai; son of Filipino immigrants, Mr. and Mrs. Eusebio Malapit. After graduation from Waimea High School on Kauai, the University of Hawaii at Manoa, and the University of Notre Dame Law School, he returned to the Island of Kauai and has had a long and distinguished career as a public

servant.

"Mr. Malapit worked as a deputy county prosecutor; he has been a member of the Kauai County Council; and for the last eight years he has been the Honorable Mayor of the County of Kauai.

"In my years of knowing Eduardo Malapit, I've known him to be honest, and trustworthy, and a man of his convictions.

"Eduardo Malapit has a real and genuine concern for all of the people of the State of Hawaii, and I'm positive he will continue to serve with honor and distinction as a member of the State Labor and Industrial Relations Appeals Board.

"Mr. President, I thank you for the opportunity to speak on his behalf. I urge all members to vote for his confirmation."

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

Ayes, 22. Noes, one. Excused, 3 (Kawasaki, Yamasaki and Young).

Standing Committee Report No. 682 (Gov. Msg. Nos. 113 and 114):

Senator Cobb moved that Stand. Com. Rep. No. 682 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations of the following:

Ramona H. Hao to the Hawaii Education Council, term to expire December 31, 1986; and

Grace Kekaulike Basque and Katherine S. Hanley to the Library Advisory Commission, County of Hawaii, terms to expire December 31, 1986,

seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Kawasaki, Yamasaki and Young).

RE-REFERRAL OF HOUSE BILL

The President re-referred House Bill No. 1126, H.D. 1, S.D. 1, which passed Second Reading on March 24, 1983, to the Committee on Judiciary.

At this time, Senator Cobb, chairman of the Committee on Consumer Protection and Commerce, requested a waiver of the 48-hour notice of a Public Hearing on the following resolutions:

S.C.R. No. 51, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INTERIM STUDY ON DEFAULTS ON AGREEMENTS OF SALE;" and

S.R. No. 66, entitled: "SENATE RESOLUTION REQUESTING AN INTERIM STUDY ON DEFAULTS ON AGREEMENTS OF SALE,"

and the President granted the waiver.

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

Senator Aki, at this time, introduced "a very close friend and strong campaign supporter," Mr. Adrian Silva, and his mother, Mrs. Frances Brolin, who is visiting from Eureka, Kansas.

ADJOURNMENT

At 12:14 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 30, 1983.