

THE
TWELFTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 1983
JOURNAL OF THE SENATE

FIRST DAY

Wednesday, January 19, 1983

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, was called to order at 10:00 o'clock a.m., Wednesday, January 19, 1983, by the Honorable Richard S.H. Wong, Temporary Chairman of the Senate.

At this time, the members of the Senate and the audience rose to sing the National Anthem and Hawaii Ponoï, led by Zoulu.

The Divine Blessing was invoked by Father Joseph L. Priestley, Associate Pastor of Holy Family Church. Father Priestley was escorted to the dais by Senators Chang, Aki and A. Kobayashi.

Nominations now being in order for a Temporary Clerk, Senator Kuroda nominated T. David Woo, Jr., seconded by Senator Henderson.

Senator Uwayne then moved that the nominations be closed, seconded by Senator Toguchi and carried, and T. David Woo, Jr. was appointed as Temporary Clerk of the Senate.

At 10:11 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:12 o'clock a.m.

Senator Solomon then moved that a committee of three Senators be appointed by the Chair as a Committee on Credentials to examine the certificates of election of the members of the Senate and to submit a report of its findings to the Senate, seconded by Senator Holt.

The motion was put by the Chair and carried, and Senators Young, Yamasaki and George were thereupon appointed by the Chair to serve on the Committee on Credentials.

At 10:14 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:16 o'clock a.m.

SPECIAL COMMITTEE REPORT

Senator Young, for the Committee on Credentials, presented a report (Spec. Com. Rep. No. 1) which was read by the Temporary Clerk as follows:

"The Honorable Richard S.H. Wong
Temporary Chairman of the Senate
The Twelfth State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Chairman Wong:

Your Committee on Credentials begs leave to report that it has examined the Certificates of Election of the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, and finds that the following persons have been legally elected and are fully qualified to sit as members of the Senate.

The elected Senators whose respective terms of office will expire in 1984 are:

FIRST SENATORIAL DISTRICT

Dante K. Carpenter

SECOND SENATORIAL DISTRICT

Richard Henderson

FOURTH SENATORIAL DISTRICT

Mamoru Yamasaki

SIXTH SENATORIAL DISTRICT

W. Buddy Soares

EIGHTH SENATORIAL DISTRICT

Ann Kobayashi

TENTH SENATORIAL DISTRICT

Clifford T. Uwayne

THIRTEENTH SENATORIAL DISTRICT

Milton Holt

FIFTEENTH SENATORIAL DISTRICT

Richard S.H. Wong

SIXTEENTH SENATORIAL DISTRICT

Norman Mizuguchi

EIGHTEENTH SENATORIAL DISTRICT

Patsy K. Young

TWENTY-THIRD SENATORIAL DISTRICT

Ralph K. Ajifu

TWENTY-FOURTH SENATORIAL DISTRICT

Mary George; and

The newly elected Senator whose term of office will expire in 1984 is:

SEVENTH SENATORIAL DISTRICT

Steve Cobb

The newly elected Senators whose respective terms of office will expire on November 2, 1986 are:

THIRD SENATORIAL DISTRICT

Malama Solomon

FIFTH SENATORIAL DISTRICT

Gerald K. Machida

NINTH SENATORIAL DISTRICT

Bertrand Kobayashi

ELEVENTH SENATORIAL DISTRICT

Neil Abercrombie

TWELFTH SENATORIAL DISTRICT

Anthony K.U. Chang

FOURTEENTH SENATORIAL DISTRICT

Duke T. Kawasaki

SEVENTEENTH SENATORIAL DISTRICT

Joseph T. Kuroda

NINETEENTH SENATORIAL DISTRICT

James Aki

TWENTIETH SENATORIAL DISTRICT

Benjamin J. Cayetano

TWENTY-FIRST SENATORIAL DISTRICT

Gerald T. Hagino

TWENTY-SECOND SENATORIAL DISTRICT

Charles T. Toguchi

TWENTY-FIFTH SENATORIAL DISTRICT

Lehua Fernandes Salling

Respectfully submitted,

Patsy K. Young, Chairman
Mamoru Yamasaki
Mary George"

Senator Young moved that Special Committee Report No. 1 be adopted, seconded by Senator George and carried.

The Committee was thereupon discharged with thanks.

The Temporary Chairman then appointed Senators B. Kobayashi, Fernandes Salling and Ajifu as a Committee of Three to escort Justice Herman Lum, Acting Chief Justice, Hawaii State Supreme Court, to the rostrum to administer the oath of office to the members of the Senate.

The Committee escorted Justice Lum and was thereupon discharged with thanks.

Justice Lum then administered the oath of office to the newly elected members of the Senate standing at their respective desks.

At this time, the Roll was called showing all Senators present.

The Temporary Chairman then made the following introductions, stating as

follows:

"Today is always a happy occasion for the families of the people who get elected to office. In the Senate today, we have a very unique kind of legacy.

"I would like to introduce to you Mrs. Jessie Fernandes who is 84 years old and the widow of former State Senator John B. Fernandes. Here, representing the second generation of the Fernandes family and no stranger to this chamber, is former State Senator William 'Billy' Fernandes. And, of course in keeping with the family tradition, in this honorable body today is Senator Lehua Fernandes Salling, representing the third generation."

The Temporary Chairman then requested the mothers, fathers, and spouses of the Senators to rise and be recognized.

Then, the Temporary Chairman introduced his mother, Mrs. Jane Wong, and his uncle, Mr. C.U. Wong, who has been like a father to him.

At 10:26 o'clock a.m. the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:48 o'clock a.m.

SENATE RESOLUTION

A resolution (S.R. No. 1), entitled: "SENATE RESOLUTION RELATING TO THE ADOPTION OF THE RULES OF THE SENATE," was offered by Senators Carpenter and Henderson, and was read by the Clerk.

On motion by Senator Carpenter, seconded by Senator Henderson and carried, S.R. No. 1 was adopted.

Nominations for the officers of the Senate being next in order, Senator Kawasaki placed in nomination the name of Senator Richard S.H. Wong as President of the Senate, seconded by Senator Henderson.

Senator Fernandes Salling moved that the nominations be closed, seconded by Senator Machida. The motion to close the nominations was put by the Chair and carried unanimously, and the Temporary Clerk was directed to cast a unanimous ballot for Senator Wong as President of the Senate.

The ballot having been so cast, Senator Wong was declared

unanimously elected as President of the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983.

The President then addressed the members of the Senate and guests as follows:

"Governor Ariyoshi, Lieutenant Governor Waihee, Acting Chief Justice Lum, distinguished guests, fellow Senators, ladies and gentlemen - my personal Aloha to you all.

"To my fellow Senators, I would like to express my gratitude for the honor and trust which you have placed in me by electing me your president. I pledge to serve you to the best of my ability.

"I must confess that I am somewhat unfamiliar with making an acceptance speech on the opening day of the Legislature. The Senate is known as a great deliberative body and the last two times we organized, we deliberated several days into the session before we were able to organize. Now, I am all in favor of full deliberations but that was probably carrying things a little too far.

"Hopefully, we are now establishing a new precedent of organizing early. If the good Lord and the people of the Fifteenth Senatorial District see fit to give me another term of office, I hope you will give me another chance to make an opening day acceptance speech when the Thirteenth State Legislature convenes.

"The opening day of the Legislature is always a day of hope and optimism, of festivities and high expectations. I know all of us are eager to start working on the issues that are before the Legislature. It is my sincere wish that we will be able to do our work over the next three months creatively, responsibly, and compassionately.

"One of the duties of being president of the Senate is that I get this opportunity to outline some of the major issues coming before the Legislature this session.

"Well, here goes.

"Surely, our greatest challenge this year is in the budgetary and fiscal area. State revenue trends have gone down drastically, necessitating major cuts and restrictions in state spending. The outlook for the

coming fiscal biennium is by no means an optimistic one.

"The implications of all this are clear. In our budget deliberations this year, we may well be called upon to make some extremely difficult decisions. Right now, I think we may have to come up with a whole series of budget cuts. This means saying no to funding requests from many worthwhile programs and agencies, even those that some of us personally favor.

"I, for one, don't relish this prospect. Probably none of us do. But, we must face up to our responsibilities.

"I know that in their efforts to seek a solution to the state's fiscal problems, there have been some suggestions made that the Legislature raise taxes. I, for one, do not see this happening. I do not foresee any major general or across-the-board tax bill this year. We may, however, consider some individual and specific tax and revenue bills but these will be taken up on their individual merits, not as a means toward balancing the state budget.

"No, I think it is clear that we in the Legislature will have to face the hard realities and address the problem of how to keep the state operating within increasingly limited means. During my tenure as Senate president, I have consistently taken the position that it is a fundamental duty of the Legislature to maintain the fiscal integrity of the state. And to give credit where it is due, I must acknowledge the strong role played by the executive in exercising fiscal responsibility, often in the face of very heavy pressures.

"Continuing on, what are some of the issues we will have to deal with during the ensuing weeks?

- We must continue our efforts against crime, to make Hawaii safe again for our people. We must review and strengthen our entire criminal justice system.
- We must work to strengthen our economy and create jobs for those seeking work. The continued decline of sugar and pineapple make it even more imperative that we develop economic alternatives.
- We must seek to wisely use our physical and natural resources - to utilize what we can and to protect what we should. It is

essential that we learn to balance Hawaii's economic, environmental and social needs.

- We must do what we can to meet Hawaii's human needs - in education, in social programs, in the cultural area, in human services, in health. This will be difficult, given the tight fiscal constraints but we must act with compassion and aloha.

"Speaking personally now and just in passing, I see where there is growing public open-mindedness toward two bills that I've supported over the years - the hotel room tax which I believe can be a powerful tool to give our visitor industry the solid financial resources it needs and the state-operated lottery which I feel can help fund programs for our senior citizens. I am hopeful that these two bills will receive full and fair consideration during the legislative session.

"I have not attempted to present to you a comprehensive legislative program at this time. The Senate Majority Program - which is being developed - will tackle in specific detail the issues we intend to address and the goals we intend to pursue.

"Continuing on a positive note, I am pleased to report that I sense a stronger mood of cooperation and amity around the capitol this year. Among the Democrats in the Senate, I believe the factionalism which has divided us in the past has been replaced by a spirit of trying to work together. I look forward to nurturing this spirit in the days and weeks ahead.

"With respect to my Republican friends in the minority, I have enjoyed working together with you in the past and, as you now reassume the traditional role of the loyal opposition, I am confident you will do so in a constructive and positive manner.

"I must also say that I sense a greater spirit of cooperation in our relations with our colleagues in the House. The fact that the Senate and the House were able to work out operational details such as the legislative timetable prior to opening day and the efforts by the leadership on both sides to maintain closer liaison and communication are very encouraging signs for a smooth session.

"Let me also say that I look forward

to more cooperative relations with the other two branches of State Government - the executive and the judiciary. We need to work together if we are to effectively address the problems and issues confronting the state. I also say this for our dealings with the respective county governments, with business and labor groups, with all segments of our community.

"I want to emphasize the importance of all of us working together. That, perhaps, is the theme of what I'm trying to say. If we are to effectively address the issues and problems facing Hawaii, we must do so together.

"I fully recognize the fact that during the session there will be differences of opinion on various issues. I expect that. It's an integral part of the legislative process - the converging and contending of different groups and interests. In recent years, I've taken some pride in the fact of the Senate being an independent-minded body. I am committed to keeping the Senate independent. But being independent does not mean that we can't work together with one another as well as with others.

"Our work is cut out for us.

"I call on all members of the Senate to give their best effort. I look forward to the challenge of the days ahead.

"Let us now begin the work and business for the people of Hawaii.

"Thank you very much."

Senator Henderson then responded as follows:

"Distinguished guests, Mr. President, fellow Senators, ladies and gentlemen.

"Four years ago, Mr. President, you introduced an important new theme to the conduct of business in our State Senate -- the concept of 'new politics.'

"I am glad to note for the record that this commitment to 'new politics' has been implemented more than fairly. Majority and minority members of the Senate alike have had the opportunity to participate equally in writing the laws needed to make Hawaii a better place. More importantly, this has meant real benefits for the public in terms of the

quality of legislation reviewed and passed in recent years.

"I want to stress how important it is that the spirit of 'new politics' remain in effect for the 1983 Legislative Session. While we are currently modest in number, the Senate Republicans remain in a strong position to promote the public's interest.

"Collectively, Mr. President, we Republicans represent over 60 years of legislative and other political experience, which we believe can be used constructively in the decision-making process of the Senate.

"Furthermore, Mr. President, as Republicans, we enjoy excellent ties with the current administration in Washington, which can be used to favorably influence Federal programs affecting Hawaii. Assistance to such vital sectors of our local economy as tourism, transportation, defense, and sugar deserve special mention at this time.

"Mr. President, Republicans can help in the Twelfth Legislature the most by being specific about solutions to the problems which are of the greatest public concern right now. From our detailed suggestions, legislation can be developed to:

- Create a positive business environment where management and labor alike can look forward to a prosperous economy and increased job opportunities for the 35,000 local people now seeking work. May I suggest that we pay special attention to nurturing Hawaii's number one growth industry, tourism, whenever possible. This is especially important in terms of promoting the Islands in our major overseas markets. One way or another, the necessary funds must be provided for this task. Special attention must also be directed to providing a source of funding which will be available on a continuing basis to keep Hawaii's visitor industry healthy.

- We must also radically improve Hawaii's business climate by wide-ranging tax reform, especially where our excise tax needlessly compounds business and consumer costs. We must eliminate government red tape, which, for example, a recent study indicated, adds 25% to the cost of housing in Hawaii.

Finally, the Legislature must listen very carefully to what local business people are telling us about unemployment insurance and the negative impact of current state policies in its worker's compensation programs.

- Hawaii's public school system deserves serious attention this session, especially at the intermediate and high school levels. A first step is to return to the wise practice of an appointed school board to manage general policy. At the same time, we will want to place far more authority in the hands of individual district and local schools when it comes to concerns of parents. Quality teaching, stricter discipline, and control of drug and alcohol abuse are all critical issues in this regard.
- We must maintain equilibrium in the state's finances by reviewing the budget line by line and eliminating every ounce of fat. We should let the sun set on all outdated superfluous boards and commissions. Excessive layers of administrative personnel can be weeded out by offering state employees the opportunity for early retirement, similar to highly successful programs in the private sector. Our special concern here is the Department of Education and the University of Hawaii. In addition, every effort must be made to curb abuse of the state's welfare system, where the State Attorney General estimates up to 30% of the present cases involve some form of intentional fraud.
- We must also restore public confidence in Hawaii's criminal justice system. We want to look at legislation that improves the selection process and that gives every voter a chance to evaluate the performance of Hawaii's judges by way of a public review early in their term of office.

"With these specific proposals and others, Mr. President, the Senate Republicans will work to assure that the two-party system here in Hawaii will continue to benefit every citizen of our state.

"Mr. President, we look forward to the opportunities that the Senate Minority will have this session to make the Twelfth Legislature the most effective ever in terms of responding to the public's need. We look

forward to working with you as full and equal colleagues.

"Thank you."

The President announced that nominations were in order for the office of Vice-President of the Senate.

Senator Abercrombie then placed in nomination the name of Senator Duke T. Kawasaki, seconded by Senator George.

Senator Cayetano moved that the nominations be closed, seconded by Senator Hagino. The motion to close the nominations was put by the Chair and carried unanimously, and the Temporary Clerk was directed to cast a unanimous ballot for Senator Kawasaki as Vice-President of the Senate.

The ballot having been so cast, Senator Kawasaki was declared unanimously elected as Vice-President of the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983.

At 11:07 o'clock a.m. the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:32 o'clock a.m.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 2 and 3) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 2), pertaining to the election of officers of the Senate was offered by Senators Kuroda and Henderson.

On motion by Senator Kuroda, seconded by Senator Henderson and carried, S.R. No. 2 was adopted.

The President then administered the oath of office to the newly elected officers of the Senate: T. David Woo, Jr., Clerk; Richard K. Perkins, Assistant Clerk; and Bienvenido C. Villaflor, Sergeant-at-Arms.

A resolution (S.R. No. 3), informing the Governor and the House of Representatives that the Senate is organized and ready to transact business, was offered by Senators Cobb and Soares.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 3 was adopted.

The President then extended appreciation and thanks to Zoulu, Clay and Al Naluai of the Surfers, Ikona from the "Big Island," and Blah Pahinui for their performances this morning.

ADJOURNMENT

At 11:35 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, January 20, 1983.