

## TWELFTH DAY

Thursday, February 3, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend William Petty of the Waikiki Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators Abercrombie, Ajifu, Machida and Toguchi who were excused.

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

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 65) transmitting copies of the Progressive Neighborhoods Program Annual Report (November 1982), prepared by the Progressive Neighborhoods Task Force submitted pursuant to Chapter 362-2, HRS, was read by the Clerk and was referred to the Committee on Youth and Elderly Affairs.

## INTRODUCTION OF SENATE BILLS

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Friday, February 4, 1983:

## Senate Bills

No. 389 "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINTS."

Introduced by: Senators B. Kobayashi, Cayetano, Yamasaki, Solomon, Uwaine, Mizuguchi, Young, Holt, Hagino, Aki, George, Abercrombie, A. Kobayashi, Ajifu, Henderson and Soares.

No. 390 "A BILL FOR AN ACT RELATING TO HARBORS."

Introduced by: Senator Uwaine.

No. 391 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE II, III, AND XVII OF THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE FOR THE INITIATIVE."

Introduced by: Senators George,

Soares, A. Kobayashi and Henderson.

No. 392 "A BILL FOR AN ACT RELATING TO THE PURPOSE OF SENTENCING."

Introduced by: Senators Kuroda, Kawasaki, Abercrombie, Machida, Soares, Carpenter, B. Kobayashi, Holt, Aki, Henderson, Solomon, Toguchi, Cobb, Young and Wong.

No. 393 "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES."

Introduced by: Senators Kuroda, George, Ajifu, Machida, Soares, Abercrombie, Holt, Uwaine, Solomon, Carpenter, Henderson, Cobb, B. Kobayashi, Hagino, Aki, Yamasaki, Chang, Cayetano, Mizuguchi, Toguchi, Young, Fernandes Salling and Wong.

No. 394 "A BILL FOR AN ACT RELATING TO REGISTRATION OF CONVICTED PERSONS."

Introduced by: Senators Kuroda, Carpenter, Kawasaki, Henderson, Solomon, Machida, Soares, Ajifu, Cobb, Toguchi, Hagino, Chang, A. Kobayashi, Holt, Aki, Young, Fernandes Salling, Abercrombie, George and Wong.

No. 395 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Senators Soares, Ajifu, A. Kobayashi, Henderson, Chang, Aki, Cobb and George.

No. 396 "A BILL FOR AN ACT RELATING TO CAPITAL CRIMES."

Introduced by: Senators Kuroda, A. Kobayashi, Solomon, Kawasaki, Carpenter, Ajifu, Cobb, Abercrombie, Aki, Henderson, Yamasaki and Toguchi.

## STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 10) informing the Senate that Senate Bill Nos. 325 to 388 have been printed and have been distributed to the members of the Senate.

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

was adopted.

### ORDER OF THE DAY

#### THIRD READING

House Bill No. 2, H.D. 1:

Senator Yamasaki, moved that H.B. No. 2, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Kawasaki rose and addressed the members of the Senate as follows:

"Mr. President, while I reluctantly vote for this bill providing appropriations of the relevant agencies, I feel compelled to enter into the pages of the Senate Journal my concern that the allocations provided for in the bill for the two agencies, the Office of the Ombudsman and the Office of the Ethics Commission, are much too high.

"I think you have, and the Legislature has, and the Governor has, very appropriately expressed a concern about the fiscal picture for our state in the next two years. I am very much inclined to support the Governor in his budgetary cut edicts to the Departments and I will keep an open mind and examine some of the budgets in the coming hearings.

"In view of our voiced concern, it seems to me that the allocations made to both of these agencies are much too large. I would have hoped that we could have reduced the amounts allocated to the Office of the Ombudsman and the Ethics Commission perhaps by one-third, because I did not think this kind of reduction would materially affect the efficacy or the operations of both of these two agencies.

"I accept responsibility for having created these two offices in my freshman year some sixteen years ago, by being the principal sponsor of the Ombudsman Act, and co-sponsor of the Ethics Commission Bill and committee chairman who reported both of these bills out and made speeches urging the creation of these two agencies.

"However, we did not, at that time, anticipate the Ethics Commission's office costs, which we established at \$25,000 per year at the time we created the office, to approach \$150,000 as it does today. I may be a little off on the figures as provided in this bill.

"I did not expect the Ombudsman's office to cost in excess of \$350,000 a year.

"One of the items that bothered me when I examined their budget was a provision, for example, which in addition to the \$50,000 a year salary provided for the Ombudsman, a provision of a \$47,500 salary for a Deputy Ombudsman.

"As author of the bill, I never intended that there be a deputy at this kind of cost to the taxpayers!

"In any case, the bill is before us. I know that I will not be able to prevail upon the members of the Senate to reconsider the budgetary allocations. Perhaps it behooves us in the next session to examine the operations and the budgetary allocations to these two agencies carefully because it behooves us to set the tone today, in this first bill involving expenses, to at least, set the tone for what we expect in the way of fiscal constraints that we have got to exercise.

"With this admonishment, I very reluctantly vote for this bill.

"Thank you."

Senator Soares then rose and stated:

"Mr. President, I rise to speak in favor of the bill with one proviso, and that is I should say, in following my colleagues's words, 'for the Journal,' that should he desire to make a motion in the next session to delete the Ombudsman, I'd be glad to second it."

Senator Kawasaki then replied:

"Mr. President, in response to the previous speaker, I did not advocate the abolition of the office. I just expressed the concern that perhaps we could operate with a lesser amount very effectively."

The motion was put by the Chair and carried and H.B. No. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Abercrombie, Ajifu, Machida and

Toguchi).

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Wednesday, February 2, 1983:

Senate Bills Referred to:

No. 325	Committee on Housing and Urban Development	No. 347	Committee on Judiciary
No. 326	Committee on Consumer Protection and Commerce	No. 348	Committee on Judiciary
No. 327	Committee on Legislative Management	No. 349	Committee on Judiciary
No. 328	Committee on Housing and Urban Development	No. 350	Committee on Judiciary, then to the Committee on Ways and Means
No. 329	Committee on Ways and Means	No. 351	Committee on Human Resources, then to the Committee on Consumer Protection and Commerce
No. 330	Committee on Human Resources	No. 352	Committee on Judiciary
No. 331	Committee on Human Resources	No. 353	Committee on Judiciary
No. 332	Committee on Human Resources	No. 354	Committee on Judiciary
No. 333	Committee on Human Resources	No. 355	Committee on Judiciary
No. 334	Committee on Human Resources	No. 356	Committee on Judiciary
No. 335	Committee on Human Resources	No. 357	Committee on Judiciary
No. 336	Committee on Human Resources	No. 358	Committee on Judiciary
No. 337	Committee on Human Resources	No. 359	Committee on Health
No. 338	Committee on Human Resources, then to the Committee on Ways and Means	No. 360	Committee on Health, then to the Committee on Ways and Means
No. 339	Committee on Human Resources, then to the Committee on Ways and Means	No. 361	Committee on Health
No. 340	Committee on Human Resources	No. 362	Committee on Ecology, Environment and Recreation
No. 341	Committee on Human Resources	No. 363	Committee on Ecology, Environment and Recreation
No. 342	Committee on Human Resources	No. 364	Committee on Health, then to the Committee on Ways and Means
No. 343	Committee on Human Resources	No. 365	Committee on Ways and Means
No. 344	Committee on Human Resources, then to the Committee on Ways and Means	No. 366	Committee on Transportation
		No. 367	Committee on Transportation
		No. 368	Jointly to the Committee on Transportation and the Committee on Education, then to the Committee on Ways and Means

No. 369	Committee on Transportation	Management
No. 370	Committee on Agriculture, then to the Committee on Ways and Means	No. 382 Committee on Legislative Management
No. 371	Committee on Agriculture	No. 383 Committee on Agriculture
No. 372	Committee on Government Operations and County Relations	No. 384 Committee on Agriculture
No. 373	Committee on Economic Development	No. 385 Committee on Legislative Management
No. 374	Committee on Agriculture	No. 386 Committee on Agriculture
No. 375	Committee on Legislative Management	No. 387 Committee on Legislative Management
No. 376	Committee on Legislative Management	No. 388 Committee on Agriculture
No. 377	Committee on Legislative Management	At this time, the President stated:
No. 378	Committee on Legislative Management	"The Chair would, once again, like to remind the subject matter committees on the Functional Plans to please give some consideration of setting up public hearings on the resolutions referred to you."
No. 379	Committee on Ways and Means	ADJOURNMENT
No. 380	Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means	At 11:47 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., Friday, February 4, 1983.
No. 381	Committee on Legislative	