

## TWENTY-FIFTH DAY

Wednesday, February 29, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:40 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Captain Lee M. Thompson, Chaplain, United States Air Force, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Twenty-Fourth Day.

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

Senator Young introduced Casmiar Yandall and Zachary Gionson, eighth grade students from Ilima Intermediate School, participants of the Legislative Awareness Program of the Social Studies Department.

Senator George then introduced Mr. and Mrs. Bill Borne, her Kailua neighbors, and her husband, Mr. Flave George, who were sitting in the gallery.

Senator Cobb then introduced Dr. George E. Mattimoe of the Division of Measurement Standards, Department of Agriculture, who was recognized and congratulated by the members of the Senate with a Senate Certificate for his nomination as chairman of the National Conference on Weights and Measures for 1985-1986. Senator Cobb read portions of the certificate and added that "Dr. Mattimoe has appeared before the Committee on Consumer Protection and Commerce many times, and has always been in the forefront of advocating the interests of consumers."

Dr. Mattimoe was presented with a lei by Senator Young and the Senate Certificate by Senator Cobb.

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock a.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 17 to 19) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 17), transmitting House Bill No. 1790-84, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1790-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS NAMES AND MARKS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 18), transmitting House Bill No. 1976-84, which passed Third Reading in the House of Representatives on February 28, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1976-84, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENT EMPLOYMENT PROGRAM AT FACILITIES FOR THE TREATMENT OF PERSONS SUFFERING FROM HANSEN'S DISEASE," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 19), transmitting House Bill No. 1755-84, which passed Third Reading in the House of Representatives on February 28, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1755-84, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading by title and was referred to the Committee on Economic Development.

## STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 22-84) recommending that Senate Bill No. 1578-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1578-84,

S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WITHHOLDING AND COLLECTION OF TAX AT SOURCE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 23-84) recommending that Senate Bill No. 1579-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1579-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 24-84) recommending that Senate Bill No. 1580-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1580-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 25-84) recommending that Senate Bill No. 1581-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1581-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 2, 1984.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 26-84) recommending that Senate Bill No. 1836-84 pass Second Reading and be referred to the Committee Ways and Means.

On motion by Senator Cobb,

seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1836-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII VISITORS BUREAU," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 27-84) recommending that Senate Bill No. 2118-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2118-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIKIKI AQUARIUM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 28-84) recommending that Senate Bill No. 1750-84, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1750-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 29-84) recommending that Senate Bill No. 1582-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1582-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Standing Committee Report No. 17-84  
(Gov. Msg. No. 104):

Senator B. Kobayashi moved that Stand. Com. Rep. No. 17-84 be received and placed on file, seconded by Senator Uwaine and carried.

Senator B. Kobayashi then moved that the Senate advise and consent to the nomination of Wayne J. Yamasaki as Director of Transportation, term to expire December 1, 1986, seconded by Senator Uwaine.

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

Ayes, 23. Noes, none. Excused, 2 (Chang and Toguchi).

At this time, Senator Mizuguchi, chairman of the Committee on Human Resources, requested a waiver of the 48-hour Notice of a Public Hearing for the subjects listed on the addendum to the agenda of the Senate Human Resources Committee's hearing notice for Thursday, March 1, 1984, and the President granted the waiver.

Senator Abercrombie then asked if the Majority Leader would yield to a question.

The Chair inquired of the Majority Leader and Senator Uwaine having answered in the affirmative, Senator Abercrombie asked as follows:

"Mr. President, because of the lack of information coming from the leadership and the fact that we don't have caucuses, I am forced to deal with questions like this here.

"Some time back, in fact last year, there was the introduction of something called the omnibus bill. Some of us objected at the time. We thought they would be unwieldy, etc., and I think that proved to be the case. It was impossible to put these bills in until the last minute because we're only allowed one bill and that they would be referred to various committees; you had to put all in this single bill.

"The same thing prevails this year; however, there was an announcement that you could put in bills besides the omnibus bill. I notice that they have surfaced as recently as yesterday. We now have 'pork barrel' bills floating all around the Legislature, including 'pork barrel' bills from people who are most vociferous in championing the omnibus bill.

"So, there is a difficulty...a question of understanding, and this is my question to the Majority Leader.

"With respect to the omnibus bill, my understanding is that the omnibus bills have been sent directly to the Ways and Means Committee. My understanding also is that the omnibus bills have not been shredded, that is to say, the items listed in the omnibus bills have not been referred to the various committees but rather that the bills of omnibus nature reside still in the Ways and Means Committee. Can the Majority Leader tell me what is the procedure to be followed by the Senate on the omnibus bills, with respect to them having a public hearing?"

Senator Uwaine answered: "Mr. President, right now I'm unable to answer the question and, if the good Senator gives me a day, I will report back to him."

Senator Abercrombie continued: "Yes, then maybe, perhaps, you can tell me, Mr. President. I take it that you and your leadership are aware of the situation and you do not intend to let the omnibus bills situation just sit. They will be heard or scheduled, at least to put on the agenda within a time frame proper for consideration, will they not?"

The Chair responded: "I would hope so."

Senator Abercrombie continued: "Well, let me ask the Majority Leader a question, then.

"If the President is unable to do more than hope at this moment, can the Majority Leader tell me, does the leadership...has the leadership discussed this situation, and is there any plan for dealing with the omnibus bills in relation to other bills of a 'pork barrel' nature and/or separate appropriations nature?"

Senator Uwaine answered: "Mr. President, it was my assumption that the procedure was going to be very similar to the last procedure that we followed last year; however, upon adjournment of today's session I think our leadership shall get together to determine whether or not the same procedure will be followed."

Senator Abercrombie responded with a thank you and Senator Uwaine continued: "Mr. President, it was my intention to make the announcement tomorrow but since it was brought up

this afternoon by the Senator from Manoa, there will be a Majority caucus on March 2nd at 11:00 o'clock a.m. in the Majority caucus room for the purpose of discussing third reading bills."

At this time, Senator Solomon, chairman of the Committee on Education, requested a waiver of the 48-hour Notice of a Decision-Making Hearing for the subjects listed on the agenda of the Senate Education Committee's hearing notice for Thursday, March 1, 1984, and the President granted the waiver.

Senator Abercrombie then asked: "Mr. President, I have further inquiry of the Majority Leader on another matter. I would like to ask him a question."

The Chair posed the question and Senator Uwayne having answered in the affirmative, Senator Abercrombie continued as follows:

"Mr. President, is it my understanding that today is the day that budget recommendations from subject matter committees are to go to the Ways and Means Committee? Is there a procedure established for the subject matter committees for members to consider the budget? Will there be some opportunity for those of us who are on subject matter committees but are not on Ways and Means to examine or pass some judgment or make commentary or sign off or some such procedure with respect to what budgets are going to the Ways and Means Committee?"

Senator Uwayne, in response, stated: "Mr. President, in response to the Senator from Manoa, presently, there are standards but the standards are developed by each individual chairman, and as has been in past practice, the chairmen by their own determination shall transmit the budget recommendation to Ways and Means via memo or committee report or whatever method they develop."

Senator Abercrombie thanked the Majority Leader and continued: "Mr. President, I have a question then for the chairman of the Ways and Means Committee."

The Chair asked the chairman of the Ways and Means Committee if he would yield to a question and Senator Yamasaki having answered in the affirmative, Senator Abercrombie inquired as follows:

"Mr. President, the reason again I

have to ask this question of the Ways and Means chairman is that there is no information forthcoming but there are rumors afloat; therefore, in order to clarify this situation, I need to ask.

"Has the Ways and Means Committee decided with respect to the budgets, regardless of the manner in which they are submitted, that they will go with the Governor's budget regardless of what the committees may submit to Ways and Means with respect to any item outside the Governor's budget?"

Senator Yamasaki then asked the Chair for a short recess.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

At this time, Senator Kuroda, on behalf of Senator Cayetano and himself, introduced to the members of the Senate a group of students from Pearl City High School -- the OIA championship girls' softball team with their captain, Rachele Rodrigues, and team coach, Robert Galviso; and the Leeward District OIA championship junior varsity baseball team with their tri-captains, Michael DeKneef, Clint Fujii and Bryan Nagamine, and team coach, John Matias, "a son of Hawaii who went successfully into professional baseball and the coach of the Pearl City High School varsity baseball team"; also, Mr. Bino Neves, athletic director of the school and "Hawaii's contribution to Purdue University."

Senator Abercrombie, pursuant to his earlier inquiry, stated: "Mr. President, I believe I had asked the Ways and Means chairman for some clarification with respect to how the subject matter committee recommendations would be handled, with respect to the budget ceiling issued by Ways and Means."

Senator Yamasaki then responded as follows:

"Mr. President, in the discussion with the Senator during the recess I made it clear that the recommendations of the subject matter committees will be received by the Ways and Means Committee and that there will be a review of the recommendations, and if there are any changes made to the recommendations of the subject matter committee, before we make the final decision, we

will consult with the chairman of the subject committee."

At 12:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:17 o'clock p.m.

Senator Abercrombie then thanked the chairman of Ways and Means and continued: "Mr. President, I just have one correction to make, rather than an inquiry at this stage.

"Mr. President, I think that Senator (Ann) Kobayashi from the 8th District would probably appreciate it if when items concerning Palolo and Manoa are mentioned that she be designated Senator from that area, and while I appreciate the nostalgic residue of fanatic loyalty from Manoa

for myself, nonetheless, I represent Tantalus, Makiki, and Downtown at present. Thank you."

The Chair then made the following announcement:

"Members of the Senate, the Chair would like to request that all Senators be available today and tomorrow for the signing of committee reports. Subject matter committee chairmen are requested to please try to get their reports to the Clerk's office by 4:30 p.m., tomorrow."

#### ADJOURNMENT

At 12:20 o'clock p.m., on motion by Senator Cobb, seconded by Senator Henderson and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 1, 1984.