

THIRTEENTH LEGISLATURE

STATE OF HAWAII

REGULAR SESSION OF 1985

JOURNAL OF THE SENATE

FIRST DAY

Wednesday, January 16, 1985

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, the Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985, was called to order at 10:00 o'clock a.m., Wednesday, January 16, 1985, by the Honorable Richard S.H. Wong, Temporary Chairman of the Senate.

The members of the Senate, their guests, and the audience then rose to sing the National Anthem and Hawaii Ponoï, led by Mr. Jay Larrin and Ms. Loyal Garner.

The President then appointed Senators Matsuura, Hee and McMurdo to escort the Reverend William Kaina of Kawaiahao Church to the dais for the invocation.

The Senators escorted Reverend Kaina to the dais and were discharged with thanks.

The Divine Blessing was then invoked by the Reverend William Kaina.

Nominations now being in order for a temporary clerk, Senator Yamasaki nominated T. David Woo, Jr., seconded by Senator Fernandes Salling.

Senator Hagino then moved that the nominations be closed, seconded by Senator Holt and carried, and T. David Woo, Jr., was appointed as Temporary Clerk of the Senate, Regular Session of 1985.

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

The motion was put by the Chair and carried, and Senators Young, Chang 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 Thirteenth 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 Thirteenth Legislature of the State of Hawaii, Regular Session of 1985, and finds that the following persons have been legally elected and are fully qualified to sit as members of the Senate.

The newly elected Senators whose respective terms of office will expire on November 8, 1988 are:

First Senatorial District

Richard Henderson

Second Senatorial District

Richard M. Matsuura

Fourth Senatorial District

Mamoru Yamasaki

Ninth Senatorial District

Clayton H.W. Hee

Tenth Senatorial District

Mary George

Eleventh Senatorial District

W. Buddy Soares

Twelfth Senatorial District

Steve Cobb

Fourteenth Senatorial District

Ann H. Kobayashi

Fifteenth Senatorial District

Mary-Jane McMurdo

Eighteenth Senatorial District

Milton A.I. Holt

Twentieth Senatorial District

Richard S.H. Wong

Twenty-First Senatorial District

Norman Mizuguchi

Twenty-Third Senatorial District

Patsy K. Young

Respectfully submitted,

Patsy K. Young
Mary George
Anthony K.U. Chang"

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 Cayetano, Holt and Toguchi to escort Justice Herman Lum, Chief Justice, Hawaii State Supreme Court, to the dais to administer the oath of office to the newly elected members of the Senate.

The Senators escorted Chief Justice Lum to the dais and were thereupon discharged with thanks.

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

The Roll was then called showing all Senators present.

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

Senator Mizuguchi moved that the nominations be closed, seconded by Senator A. Kobayashi.

The ballot having been so cast, Senator Wong was declared unanimously elected as President of the Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985.

The President, at this time, made the following introductions to the members of the Senate and guests:

"As is the custom before I make my Opening Day remarks, I take this opportunity to say that we are truly blessed we have our loved ones with us to enjoy this moment. For me, in particular, this has been a good year. I have my family with me today — my son is home from military service, my mom is still with us — I am grateful for that.

"I would like to introduce, first of all, my uncle, who has been like a father to me for all of my life, Mr. Chu Ung Wong; and of course the real woman in my life and always has been, my mother, Mrs. Jane Wong, who will be 85 years old this year."

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

"Governor Ariyoshi, Chief Justice Lum, distinguished guests, fellow Senators, ladies and gentlemen — good morning and Aloha to you all.

"My fellow Senators, thank you for the faith and trust which you have placed in me by electing me as your President. You have my pledge that I will serve you fairly and to the best of my ability.

"I am pleased to report that we in the Senate Democratic Majority have reached substantial agreement on the organization of this honorable body. Once again we are united — all 21 of us. To be sure, not all the details have been worked out as yet but I'm confident that — in the spirit of goodwill and cooperation — these will be settled very shortly. I would like to thank all the members of the Senate for their patience while this matter was being resolved.

"Today, we begin another legislative session. This is a day of joy, of fellowship, of festivities in the company of our families and our friends. I hope all of you present in this chamber are enjoying yourselves.

"This is a day of special joy to our new Senate colleagues — from the 2nd District, Senator Richard Matsuura; from the 9th District, Senator Clayton Hee, and from the 15th District, Senator Mary-Jane McMurdo. On behalf of us Senate old-timers, I would like to formally welcome you to the Senate. I look forward to working with you over the days and weeks ahead.

"As President of the Senate, I am afforded this opportunity to outline some of the major issues which will be before the Legislature this year.

"So, let's begin.

"This is a budget session so the overriding issue before us will be that of the State Budget. There are many demands and needs which we will try to meet with limited fiscal resources. While the state's fiscal situation appears good at present, the future outlook is uncertain. Given this uncertainty, difficult decisions and choices will have to be made. This will not be easy but it's our job and we must do it.

"This year, a number of major studies which have been in preparation have been or will be completed and placed before us for action. They include:

- The proposed State Water Code from the Advisory Study Commission on Water Resources which proposes statewide controls on the use and development of ground water;
- The report from the Land Evaluation and Site Assessment Commission on how to best protect Hawaii's agricultural lands;
- The report from the Tax Review Commission, the first major review of Hawaii's tax laws in two decades;
- The proposed Penal Code revisions from the Committee on Penal Code Revision and Reform of the Judicial Council of the Hawaii Supreme Court;
- The 'Study of the Workers' Compensation Program of the State of Hawaii' conducted by Haldi Associates for the Legislative Auditor;
- The Report from the Citizens' Advisory Committee on Human Services on how to best delineate state and county responsibilities in the area of human services;
- The Senate Interim Committee's report on the problems associated with lease rent, renegotiations and how to address them.

"We have a full agenda. Our work is cut out for us.

"Last year we celebrated our state's Silver Jubilee. This year, we will be celebrating the 100th anniversary of the arrival of the first contract laborers from Japan, the Kanyaku Imin, whose descendants constitute one of our major ethnic groups. Also, 1985 marks the 25th anniversary of the establishment of the East-West Center.

"In commemorating these milestones in the life of our state, we should bear in mind that milestones are meant to mark not only where we came from and how far we've progressed, but also to point out how much farther we need to go.

"Hawaii's history has been linked to the lands of the Asia-Pacific Basin; our economic, social, and cultural ties are still strong with these lands; our future destiny is intertwined with them.

"Let us rededicate our efforts to strengthening Hawaii's role in the Asia-Pacific community.

"Education will continue to be an area of major concern this year. It appears that the Department of Education is moving into a phase of stability and focus. I hope that we in the Legislature will be able to help in the strengthening and improvement of our educational system.

"At the University of Hawaii, the naming of a new president gives hope that we will have renewed leadership in the building of a great university system.

"Alternate energy development appears to be on the threshold of becoming a reality. This has tremendous potential for the state and the Senate will have a separate committee to continue moving Hawaii forward.

"Recent developments indicate the need for stronger legislation in the area of pesticide and chemical safety. Earlier this month, the Legislature sponsored an informational workshop on this subject. I expect follow-up action this session.

"Last month, a State Tourism Congress was held pursuant to legislative resolution. A number of proposals and recommendations came out of that congress and I commend them to the attention of this body.

"We should give thought to the proposed convention center which has been the subject of heavy public attention in recent months.

"It has become expected of me to say a few words during my opening day remarks on two proposals which I have become identified with - namely, the hotel room tax and the lottery. Let me just say again that I support these two proposals and I hope the Legislature will give them serious consideration.

"I should make a couple of points clear. I support the hotel room tax in order to generate revenues for beach and park acquisition, development, security, improvement and other related purposes; the revenues may be divided with another portion going towards tourist-related programs and projects. With respect to the lottery, I favor using the proceeds for human services programs, with a personal preference for elderly programs. While I am open-minded about other possible uses for the revenues from the hotel room tax and

the lottery, those are not what I have been advocating. I hope I've made my position clear.

"I won't attempt to present a comprehensive review of the issues before us. A Senate Majority Program is being developed. I hope we will be able to reveal it shortly.

"To effectively address the problems and issues before us this session, the best effort of all members of the Senate will be needed. I call on you to work together and contribute in the weeks ahead.

"I look forward to the challenge before us.

"Let's get started.

"Thank you and Aloha!"

Senator Henderson, Minority Leader, then responded as follows:

"Governor and Mrs. Ariyoshi, Chief Justice Lum, Mr. President, distinguished guests, fellow Senators, ladies and gentlemen:

"We Republicans enter this 13th State Legislature confident that we can make substantial and constructive contributions to this session's deliberations.

"Mr. President, the Republican Minority, small in number, but long on experience, will carry out the historic responsibility of a minority in this body. We are ready and willing to work together with the Majority and face up to the variety of critical issues that cannot wait any longer for resolution.

"In this regard, Mr. President, we have crafted a carefully researched Republican legislative plan of action which addresses all of the major issues currently before us.

"You will find that the Republican package addresses the home rule concerns of our counties...and I don't mind reminding the Majority that for many years it was pledged to preserve and promote home rule...a pledge that has been obviously abandoned by the Democratic Party in recent years.

"Toward this end, we believe this Legislature must develop a plan of action that will bring clarity and understanding to the relationships between the state and our county governments.

"We feel that local government...the government closest to the people...can be more responsive, more efficient and less bureaucratic than the current highly centralized state government...if it, local government, is given the authority and responsibility to shape its own future.

"State laws, including those affecting taxation, land use, planning and water resources, should be decentralized to allow for county autonomy. Implementation of this reallocation of responsibilities might begin with the transfer of land use controls and water resources to county authority, together with appropriate funding sources.

"Over the past decade and longer, we have been plagued by a great tendency to study problems and issues to death.

"For example, we don't need to study the existing need for new jobs in this state. We know that we must somehow create 6,000 new jobs a year to accommodate our young population and those entering the job market every year.

"We don't need additional studies to tell us that tourism is the major source of new jobs, both directly and indirectly, and that we must, therefore, add considerably and consistently to our support of the HVB's promotional program.

"Another issue that we have studied sufficiently is workers' compensation insurance. We have before us both the Haldi and Lewis reports which offer a multitude of recommendations to reform this most important program. I would like to point out that workers' compensation reform is not just a business concern...but one that must certainly be addressed by both the state and county administrations.

"Let me be more specific in this regard...worker's compensation in 1983 cost the state almost \$6 million, the City and County of Honolulu almost \$8 million, the County of Hawaii almost \$1 million, the County of Maui over \$400 thousand, and the County of Kauai over \$100 thousand. Mr. President, a total cost to the taxpayers of this state of almost \$15 million. In addition to this, the private sector costs totaled some \$88 million. Certainly, the scale of this use of public and private resources is ample cause for action...especially when our costs here in Hawaii are twice the national average.

"Mr. President, let me mention some of the issues on which we need to take action:

- Tax Reform.
- Support for our sugar and pineapple industries through funding for research and marketing.
- The adoption of a water code based on the free market system and not on a bureaucratic permit system.
- The question of leaseholders' rights vs. property owners' rights.

- Funding for the Highway Fund. It is once again bankrupt and needs a massive infusion of new tax revenues or license revenues.

- Affordable housing...with over 13,000 new families being formed each year, we certainly need to build more than the 2,000 units that were constructed last year.

- And finally, we will be adopting a new operating and capital improvements budget for the state...appropriating some 4.9 billion dollars for the next two years.

- In this document we will deal with the education of our children...whether we are finally going to make our university a first-class institution...what we do with our prison system...how we treat the disadvantaged who are in need...how we handle the medical care of many of our citizens...this and much more, Mr. President.

"We can no longer postpone action on these matters. We can no longer afford to spend money on further studies. We need to act rather than react.

"So, Mr. President, let's get down to business for there is much to be done.

"Thank you."

At 10:38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:10 o'clock a.m.

The President, at this time, announced that nominations were in order for the office of Vice President of the Senate.

Senator Cayetano then placed in nomination the name of Senator Duke T. Kawasaki as Vice President of the Senate, seconded by Senator B. Kobayashi.

Senator Abercrombie 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 Duke T. Kawasaki as Vice President of the Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985.

SENATE RESOLUTION

The following resolutions (S.R. Nos. 1 and 2) were read by the Temporary Clerk and were disposed of as follows:

A resolution (S.R. No. 1), 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. 1 was adopted.

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

At 11:13 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

At this time, the President introduced to the members of the Senate and guests, former Senator and the newly elected Mayor of the Big Island, the Honorable Dante K. Carpenter and Mrs. Carpenter.

A resolution (S.R. No. 2), entitled: "SENATE RESOLUTION RELATING TO THE ADOPTION OF THE RULES OF THE SENATE," was offered by Senators Chang and Cayetano.

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.R. No. 2 was adopted.

Senator Kawasaki then introduced Mr. Billy Fernandes, a former member of the Senate from Kauai.

Senator Kuroda introduced Mrs. Jean King, also a former member of the Senate.

The President then extended appreciation and thanks to the following entertainers: Clay Naluai, Al Harrington, Loyal Garner, Jay Larrin, Freddy Morris and Moku Kahana, Ikona, Oliver Kelly and his group, and Jerry Santos for the entertainment provided on this Opening Day.

ADJOURNMENT

At 12:04 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, January 17, 1985.