

TWELFTH DAY

Thursday, January 30, 1975

The Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Jack F. Belton of Kailua United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senator F. Wong, who was excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 38 and 39) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 38), transmitting the Annual Report of the Board of Paroles and Pardons for the fiscal period July 1, 1973 to June 30, 1974, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 39), transmitting the following reports on land transactions during the period from January 1 to December 31, 1974, prepared by the Department of Land and Natural Resources and the Department of Transportation:

- a. a report on land dispositions by the Department of Land and Natural Resources and the Department of Transportation pursuant to Section 171-29, Hawaii Revised Statutes;
- b. a report on subleases to leases of State lands pursuant to Section 171-29, Hawaii Revised Statutes;
- c. a report on direct dispositions to public utilities pursuant to Section 171-95, Hawaii Revised Statutes;
- d. a report on executive orders issued pursuant to Section 171-11, Hawaii Revised Statutes; and
- e. a report on an exchange of State lands to acquire private lands for public use pursuant to Section 171-50, Hawaii Revised Statutes,

was referred jointly to the Committees on Economic Development and Transportation.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 5 and 6) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 5), returning Senate Concurrent Resolution No. 32, which had been adopted by the House of Representatives on January 29, 1975, was placed on file.

A communication from the House (Hse. Com. No. 6), transmitting House Concurrent Resolution No. 28, which had been adopted by the House of Representatives on January 29, 1975, was placed on file.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION WELCOMING THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION AT ITS MID-WINTER CONFERENCE IN HONOLULU", was adopted.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 144 to 150) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 144), entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A PUBLIC LIBRARY FOR MAKIKI, OAHU", was jointly offered by Senators Chong, King, Yee and Leopold.

By unanimous consent, action on S.R. No. 144 was deferred until Friday, January 31, 1975.

A resolution (S.R. No. 145), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS AND BEST WISHES TO THE 1975 NARCISSUS QUEEN, PEGGY SEN, AND HER COURT", was jointly offered by Senators Yee, Nishimura, Ushijima, Chong, Rohlfing, Toyofuku, Hulten, Anderson, Ching, Taira, Takitani, O'Connor, King, Kawasaki, Leopold, Young, George, Kuroda, Saiki, Henderson, R. Wong, Hara, Yamasaki and Yim.

On motion by Senator Yee, seconded by Senator Nishimura and carried, S.R. No. 145 was adopted.

A resolution (S.R. No. 146), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE AVAILABILITY OF LOCAL SERVICING FOR INSURANCE CLAIMS", was jointly offered by Senators Nishimura, Hulten and Takitani.

By unanimous consent, S.R. No. 146 was referred to the Committee on Judiciary.

A resolution (S.R. No. 147), entitled: "SENATE RESOLUTION RELATING TO SENIOR CITIZEN DISCOUNT FARES FOR INTER-ISLAND TRAVEL", was jointly offered by Senators Toyofuku, Yamasaki, Hara, Kuroda, F. Wong, Ushijima, Kawasaki, King, Chong, Takitani, Taira, Ching, Young and Hulten.

By unanimous consent, S.R. No. 147 was referred to the Committee on Transportation.

A resolution (S.R. No. 148), entitled: "SENATE RESOLUTION HONORING AKIO KUBOTA, RETIRED", was jointly offered by Senators Toyofuku, Takitani, Ushijima, Yamasaki, Anderson, Kuroda, Hara, O'Connor, Hulten, F. Wong, Ching, Chong, Taira, King, Kawasaki, Young, George, Leopold, Saiki and Henderson.

On motion by Senator Toyofuku, seconded by Senator Takitani and carried, S.R. No. 148 was adopted.

A resolution (S.R. No. 149), entitled: "SENATE RESOLUTION EXTENDING AN INVITATION TO THEIR MAJESTIES, EMPEROR HIROHITO AND EMPRESS NAGAKO OF JAPAN TO INCLUDE HAWAII IN THEIR PROPOSED VISIT TO THE UNITED STATES OF AMERICA", was jointly offered by Senators Kawasaki, Leopold, Saiki, Ching, Taira, Toyofuku, Hulten, Anderson, Hara, Young, Takitani, Yim, Henderson, Kuroda, George, Chong, King, Yee, O'Connor, Nishimura, Ushijima, Rohlfing, Yamasaki and R. Wong.

On motion by Senator Kawasaki, seconded by Senator Ching and carried, S.R. No. 149 was adopted.

A resolution (S.R. No. 150), entitled: "SENATE RESOLUTION RELATING TO SENATE EMPLOYEES' COMPENSATION", was jointly offered by Senators Taira and Anderson.

On motion by Senator Taira, seconded by Senator Anderson and carried, S.R. No. 150 was adopted.

At 11:37 o'clock a.m., the Senate

stood in recess subject to the call of the Chair.

The Senate reconvened at 12:13 o'clock p.m.

INTRODUCTION OF SENATE BILLS

On motion by Senator Taira, seconded by Senator Anderson 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, January 31, 1975:

Senate Bills

No. 443 "A Bill for an Act Relating to Penal Provisions Outside the Penal Code; Making Technical and Substantive Amendments to said Provisions in Light of the Penal Code and Certain Other General Laws."

Introduced by: Senator Nishimura.

No. 444 "A Bill for an Act Relating to Penal Provisions Outside the Penal Code, and Amending Them to Conform to the Code."

Introduced by: Senator Nishimura.

No. 445 "A Bill for an Act Relating to Dispositions and Discovery and Amending Section 624-25.5, Hawaii Revised Statutes."

Introduced by: Senators Nishimura, by request, and Takitani.

No. 446 "A Bill for an Act Relating to Bingo Games."

Introduced by: Senators Taira, Toyofuku, Yamasaki, Kuroda, Chong, King, Ching, Hulten, Takitani, Saiki, R. Wong and Young.

No. 447 "A Bill for an Act Relating to Cost of Living Increases for Benefits under Workmen's Compensation."

Introduced by: Senators Taira, Takitani, Chong, Yamasaki, King, Ching, Saiki, Anderson, Henderson, Toyofuku and Hulten.

No. 448 "A Bill for an Act Relating to General Excise Tax."

Introduced by: Senators Taira, Hulten, Kuroda, Henderson, Saiki, Takitani, Chong, Yamasaki, Ching, Anderson, Leopold and Young.

No. 449 "A Bill for an Act Making

an Appropriation for Plans, Construction, and Installation of Additional Electrical Outlets and Facilities at Kewalo Basin, Oahu."

Introduced by: Senators Taira, Chong, Kawasaki, R. Wong, Hulten, Kuroda, Henderson, Leopold, Saiki, Yee, Hara, Takitani, Yamasaki, Yim and Anderson.

No. 450 "A Bill for an Act Making an Appropriation for the Planning and Construction of a Free-Standing Kitchen and New Roof for the Inner Court at Hawaii State Senior Center, Oahu."

Introduced by: Senators Taira, Chong, Kawasaki, R. Wong, Hulten, Kuroda, Henderson, Saiki, Yee, Hara, Takitani, Yamasaki and Yim.

No. 451 "A Bill for an Act Relating to a Cost of Living Bonus for State Retirees."

Introduced by: Senators Taira, Hulten, Kuroda, Henderson, Saiki, Yim, Hara, Kawasaki, Takitani, Chong, Yamasaki, Ching, Anderson and Leopold.

No. 452 "A Bill for an Act Relating to Health Services in the Public Schools."

Introduced by: Senators Yamasaki, Ching, Takitani, Young, Chong, Hulten, Henderson, Taira, Nishimura, Kawasaki, O'Connor, Toyofuku, Kuroda, Leopold and Ushijima.

No. 453 "A Bill for an Act Making an Appropriation for Improvements to Facilities at Waialua High School, Oahu."

Introduced by: Senators Kuroda, Ching and Young.

No. 454 "A Bill for an Act Relating to the Lease of Real Property."

Introduced by: Senators Young, Toyofuku, Takitani, Chong, Ching, R. Wong, Kuroda, Anderson, Saiki, Yim, Hulten, King, Kawasaki, Leopold, Nishimura and Rohlfing.

No. 455 "A Bill for an Act Relating to the Residential Landlord-Tenant Code."

Introduced by: Senators Young, Toyofuku, Takitani, Yim, Chong, Taira, Ching, Rohlfing, Anderson, R. Wong, Kuroda, King, Hulten, Yamasaki, Leopold and Nishimura.

No. 456 "A Bill for an Act Making an Appropriation for Drug Abuse Treatment and Prevention Services."

Introduced by: Senators Chong, Ching, Takitani, Taira, Toyofuku, King, Kawasaki, Young and Leopold.

No. 457 "A Bill for an Act Relating to Prophylactics."

Introduced by: Senators Chong, Ching, King, Kuroda and Taira.

No. 458 "A Bill for an Act Relating to the Legal Capacity of Minors for Hospital, Health Clinic, Medical, and Dental Care and Services."

Introduced by: Senators Chong, O'Connor, King and Kawasaki.

No. 459 "A Bill for an Act Relating to the Legal Capacity of Minors for Hospital, Health Clinic, Medical, and Dental Care and Services."

Introduced by: Senators Chong and Kuroda.

No. 460 "A Bill for an Act Relating to Capital Improvement Projects for the Department of Education in the 7th Senatorial District."

Introduced by: Senators Nishimura, Hara, Hulten and O'Connor.

STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 10), informing the Senate that Senate Concurrent Resolution Nos. 37 and 38, Senate Resolution Nos. 142 to 146, Senate Bill Nos. 393 to 442 and Standing Committee Report No. 9 have been printed and are ready for distribution.

On motion by Senator Yamasaki, seconded by Senator Henderson and carried, the report of the Committee was adopted.

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Wednesday, January 29, 1975:

Senate Bill Referred to:

No. 393 Committee on Human Resources, then to the Committee on Ways and Means

- No. 394 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means
- No. 395 Committee on Intergovernmental Relations, then to the Committee on Economic Development, then to the Committee on Ways and Means
- No. 396 Committee on Human Resources, then to the Committee on Ways and Means
- No. 397 Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means
- No. 398 Committee on Housing and Hawaiian Homes, then to the Committee on Judiciary
- No. 399 Committee on Education, then to the Committee on Ways and Means
- No. 400 Committee on Education, then to the Committee on Ways and Means
- No. 401 Committee on Education, then to the Committee on Ways and Means
- No. 402 Committee on Education, then to the Committee on Ways and Means
- No. 403 Committee on Education, then to the Committee on Ways and Means
- No. 404 Committee on Education, then to the Committee on Ways and Means
- No. 405 Committee on Education, then to the Committee on Ways and Means
- No. 406 Committee on Education, then to the Committee on Ways and Means
- No. 407 Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means
- No. 408 Committee on Health, then to the Committee on Judiciary
- No. 409 Committee on Human Resources, then to the Committee on Ways and Means
- No. 410 Committee on Human Resources, then to the Committee on Ways and Means
- No. 411 Committee on Human Resources, then to the Committee on Ways and Means
- No. 412 Committee on Human Resources
- No. 413 Committee on Human Resources, then to the Committee on Ways and Means
- No. 414 Committee on Human Resources, then to the Committee on Ways and Means
- No. 415 Committee on Human Resources, then to the Committee on Ways and Means
- No. 416 Committee on Human Resources, then to the Committee on Intergovernmental Relations, then to the Committee on Ways and Means
- No. 417 Committee on Transportation, then to the Committee on Ways and Means
- No. 418 Committee on Education, then to the Committee on Ways and Means
- No. 419 Committee on Education, then to the Committee on Ways and Means
- No. 420 Committee on Education, then to the Committee on Ways and Means
- No. 421 Committee on Transportation, then to the Committee on Ways and Means
- No. 422 Committee on Human Resources, then to the Committee on Ways and Means
- No. 423 Committee on Higher Education, then to the Committee on Ways and Means
- No. 424 Committee on Economic Development, then to the Committee on Ways and Means
- No. 425 Committee on Judiciary, then to the Committee on Ways and Means
- No. 426 Committee on Education, then to the Committee on Ways and Means
- No. 427 Committee on Education, then to the Committee on Ways and Means
- No. 428 Committee on Education, then to the Committee on Ways and Means
- No. 429 Committee on Education,

- then to the Committee on Ways and Means
- No. 430 Committee on Education, then to the Committee on Ways and Means
- No. 431 Committee on Education, then to the Committee on Ways and Means
- No. 432 Committee on Education, then to the Committee on Ways and Means
- No. 433 Committee on Education, then to the Committee on Ways and Means
- No. 434 Committee on Education, then to the Committee on Ways and Means
- No. 435 Committee on Education, then to the Committee on Ways and Means
- No. 436 Committee on Education, then to the Committee on Ways and Means
- No. 437 Committee on Education, then to the Committee on Ways and Means
- No. 438 Committee on Education, then to the Committee on Ways and Means
- No. 439 Committee on Education, then to the Committee on Ways and Means
- No. 440 Committee on Education, then to the Committee on Ways and Means
- No. 441 Committee on Education, then to the Committee on Ways and Means
- No. 442 Committee on Judiciary

RE-REFERRAL OF
A SENATE BILL

The President made the following re-referral of a bill that had been introduced on Monday, January 27, 1975:

Senate Bill Referred to:

- No. 267 Committee on Ecology, Environment and Recreation, then to the Committee on Economic Development, then to the Committee on Ways and Means

THIRD READING

House Bill No. 3, H.D. 1:

Senator Yamasaki moved that H.B. No. 3, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator R. Wong.

Senator Yamasaki then rose to speak in favor of the bill as follows:

"Mr. President, briefly, the purpose of this bill is to appropriate sufficient funds for defraying the expenses contemplated to be incurred by this Body and the House during this Regular Session of 1975 and during the interim, and also for the Office of the Legislative Auditor, the Ethics Commission, the Legislative Reference Bureau, the Office of the Revisor of Statutes and the Office of the Ombudsman for the fiscal year 1975-76.

The bill provides for \$1,321,558 for the expenses of the Senate and \$1,709,540 for the House which represents an increase over the 1974 appropriation to provide the respective bodies with means to strengthen staff needs in order to improve the fiscal, legal and technical research capabilities of the Legislature for the purpose of having data and information to make meaningful decisions.

This will enable the Legislature to take a more independent role in the development of programs and policies of the administration which is in line with the national trend towards strengthening the role of the legislative branch.

Requests of the Legislative Auditor, State Ethics Commission, Legislative Reference Bureau, the Revisor of Statutes and the Ombudsman have also been adequately provided.

Therefore, Mr. President, I urge every member of this Body to vote for the bill.

Thank you."

Senator R. Wong then stated as follows:

"Mr. President, I rise to speak in favor of this bill.

House Bill 3, House Draft 1, appropriates a total of \$4,967,247 for the expenses of the Legislature

and the legislative service agencies-- the Legislative Auditor, the Ombudsman, the State Ethics Commission, the Legislative Reference Bureau and the Revisor of Statutes.

Of that total, this bill appropriates \$1,321,558 for the Senate and \$1,709,540 for the House of Representatives. This represents an increase over the appropriations made in prior years. The increase can be attributed to three primary factors:

1. Additional funds have been provided for increased staffing to improve the fiscal, legal and technical research capabilities of the Legislature. This will enable the Legislature to take a more independent and active role in developing programs and policies and in monitoring the performance of the Executive's implementation of these programs and policies.

We, the members of this Honorable Body, Mr. President, have spoken much about the need for the Legislature to reassert its powers and to become more truly a co-equal branch of government. The increased staffing provided by this bill will further that objective.

2. Funds have been provided in this bill for the payment of overtime wages to session employees. This is a contingency appropriation in the event any overtime work covered by the Federal Fair Labor Standards Act is incurred.

3. Funds which had been previously appropriated for certain interim legislative studies have now been incorporated directly into the expenses of the Senate and House of Representatives.

With the Legislature now becoming

a more active body, the conduct of interim studies by legislative committees and staff should now be treated as part of the on-going operations of the Legislature rather than as separate or incidental operations.

For the information of the members of this Honorable Body, the Ways and Means Committee held a public hearing yesterday on this bill. No witnesses appeared to testify either for or against it.

House Bill 3, House Draft 1, provides sufficient funds for the efficient and effective operation of the Legislature and the legislative service agencies.

I call on the members of this Honorable Body to vote in favor of this bill.

Thank you, Mr. President."

The motion was put by the Chair, and H.B. No. 3, 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, 17. Noes, 7 (Anderson, George, Henderson, Leopold, Rohlfing, Saiki and Yee). Excused, 1, (F. Wong).

ADJOURNMENT

At 12:20 o'clock p.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, January 31, 1975.