

FIFTEENTH DAY

Tuesday, February 10, 1976

The Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Father James Drew of St. John Vianney Church, after which the Roll was called showing all Senators present with the exception of Senator Anderson, who was excused.

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

At this time, the following introductions were made to the members of the Senate:

Senator Kawasaki introduced sixty students from Kindergarten and First Grades at Kapalama Elementary School with their teachers, Mrs. Miyazono, Mrs. Lau and Mrs. Saiki and parents, Mrs. Kishida and Mrs. Kawasaki.

Senator Ching then introduced Mr. Joseph Mullin, who is Urban Affairs Specialist with the National Conference of State Legislatures, from the Washington office, and Mrs. Mullin.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 79 to 81) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 79), transmitting a progress report prepared by the Governor's School Health Advisory Committee on school health services pilot project, pursuant to a request contained in Conference Committee Report No. 28, Regular Session of 1975, was jointly referred to the Committee on Education and the Committee on Health.

A message from the Governor (Gov. Msg. No. 80), transmitting a report prepared by the Department of Regulatory Agencies on rates and rate-making procedures of HMSA, Kaiser Foundation Health Plan, and Hawaii Dental Services, pursuant to Senate Resolution No. 427, Regular Session of 1975, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 81), informing the Senate that he had signed the following bill into law on February 9, 1976:

S.B. No. 1893-76 as Act 1, entitled:

"MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN",

was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 8 to 12) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 8), returning Senate Bill No. 1893-76, S.D. 1, which passed Third Reading in the House of Representatives on February 9, 1976, was placed on file.

A communication from the House (Hse. Com. No. 9), transmitting House Bill No. 1994-76, which passed Third Reading in the House of Representatives on February 9, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 1994-76, entitled: "A BILL FOR AN ACT RELATING TO THE REAL PROPERTY HOME EXEMPTION", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 10), transmitting House Bill No. 1995-76, which passed Third Reading in the House of Representatives on February 9, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 1995-76, entitled: "A BILL FOR AN ACT RELATING TO EXCISE TAX CREDIT UNDER THE INCOME TAX LAW", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 11), transmitting House Bill No. 1996-76, which passed Third Reading in the House of Representatives on February 9, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 1996-76, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDIT FOR RENTERS", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 12), transmitting House Bill No. 1997-76, which passed Third Reading in the House of Representatives on February 9, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 1997-76, entitled: "A BILL FOR AN ACT RELATING TO LANDS DEDICATED FOR RESIDENTIAL USE", passed First Reading by title and was referred to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 36 and 37) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 36), entitled: "SENATE CONCURRENT RESOLUTION CONGRATULATING OTTO ORENSTEIN, A PUBLIC MINDED CITIZEN", was jointly offered by Senators King, Chong, Hulten, Taira, Takitani, Soares, Yee, Yamasaki, Leopold, George, Young, F. Wong, Hara, Kuroda, Ching, Kawasaki and O'Connor.

On motion by Senator King, seconded by Senator Chong and carried, S.C.R. No. 36 was adopted.

A concurrent resolution (S.C.R. No. 37), entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE KANEOHE OUTDOOR CIRCLE IN SPONSORING THE IMPLEMENTATION OF THE 'KANEOHE BAY PARK' CONCEPT, NOW A PART OF THE 1976 AMERICAN REVOLUTION BICENTENNIAL OBSERVANCE IN THE STATE OF HAWAII", was jointly offered by Senators Hulten, F. Wong, Taira, Chong, Young, Takitani, Yamasaki, Hara, Kuroda, Ching, Toyofuku, O'Connor, Henderson, Nishimura, George, Saiki, Ushijima, R. Wong, Soares and Leopold.

By unanimous consent, S.C.R. No. 37 was referred to the Committee on Ecology, Environment and Recreation.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 138 to 146) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 138), entitled: "SENATE RESOLUTION REQUESTING REVIEW OF STATE POLICIES RELATING TO SECURITY SYSTEMS", was jointly offered by Senators Nishimura, Taira, Chong, Kawasaki, Takitani, George, F. Wong, Ching, O'Connor, Hara

and Saiki.

By unanimous consent, S.R. No. 138 was referred to the Committee on Judiciary.

A resolution (S.R. No. 139), entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT LEGISLATION REQUIRING IMMIGRANT AND NONIMMIGRANT ALIENS TO BE IMMUNIZED AGAINST SERIOUS COMMUNICABLE DISEASES AS A CONDITION TO GRANTING A VISA", was jointly offered by Senators Kawasaki, Chong, Taira, Hulten, R. Wong, Young, Toyofuku, Kuroda, Yamasaki, Ching, Takitani, Nishimura, F. Wong, Yee, George, Soares, Anderson, Saiki, Leopold, King, O'Connor and Henderson.

By unanimous consent, S.R. No. 139 was referred to the Committee on Health, then to the Committee on Judiciary.

A resolution (S.R. No. 140), entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AMEND 8 U.S.C. 1201(d) TO REQUIRE PHYSICAL EXAMINATION OF IMMIGRANT ALIENS WITHIN SEVEN DAYS OF VISA ISSUE DATE, OR IN THE ALTERNATIVE, REQUIRE RE-EXAMINATION FOR ILLNESS ON THE ISSUE DATE", was jointly offered by Senators Kawasaki, Taira, Toyofuku, Chong, Hulten, R. Wong, Young, Kuroda, Yamasaki, Ching, Takitani, Nishimura, F. Wong, Yee, George, Soares, Anderson, Saiki, Leopold, King, Hara, O'Connor and Henderson.

By unanimous consent, S.R. No. 140 was referred to the Committee on Health, then to the Committee on Judiciary.

A resolution (S.R. No. 141), entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AMEND 8 U.S.C. 1201(d) TO REQUIRE PHYSICAL EXAMINATIONS OF NONIMMIGRANT ALIENS", was jointly offered by Senators Kawasaki, Taira, R. Wong, Hara, Chong, Hulten, Kuroda, Ching, Young, Toyofuku, Yamasaki, Takitani, Nishimura, F. Wong, Yee, George, Soares, Anderson, Saiki, Leopold, King, O'Connor and Henderson.

By unanimous consent, S.R. No. 141 was referred to the Committee on Health, then to the Committee on Judiciary.

A resolution (S.R. No. 142), entitled: "SENATE RESOLUTION CONGRATULATING OTTO ORENSTEIN, A PUBLIC MINDED CITIZEN", was jointly offered by Senators

King, Chong, Hulten, Taira, Takitani, F. Wong, Soares, Yee, Yamasaki, Young, Leopold, Hara, Kuroda, Ching, Kawasaki, O'Connor and George.

On motion by Senator King, seconded by Senator Chong and carried, S.R. No. 142 was adopted.

A resolution (S.R. No. 143), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO AMEND THE STATE PLAN FOR SPECIAL EDUCATION AND SERVICES TO REFLECT A DESCRIPTION OF THE PROGRAM AND THE RESPONSIBILITIES OF SPEECH, LANGUAGE, AND HEARING PERSONNEL", was jointly offered by Senators Saiki, Kuroda, R. Wong, Hulten, Taira, Chong, King and Henderson.

By unanimous consent, S.R. No. 143 was referred to the Committee on Education.

A resolution (S.R. No. 144), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A COMPREHENSIVE NEEDS ASSESSMENT TO DETERMINE THE NUMBER OF CHILDREN WITH COMMUNICATION DISORDERS", was jointly offered by Senators Saiki, Kuroda, R. Wong, Hulten, Taira, Chong, King and Henderson.

By unanimous consent, S.R. No. 144 was referred to the Committee on Education.

A resolution (S.R. No. 145), entitled: "SENATE RESOLUTION SUPPORTING THE EFFORTS OF THE KANEOHE OUTDOOR CIRCLE IN SPONSORING THE IMPLEMENTATION OF THE 'KANEOHE BAY PARK' CONCEPT, NOW A PART OF THE 1976 AMERICAN REVOLUTION BICENTENNIAL OBSERVANCE IN THE STATE OF HAWAII", was jointly offered by Senators Hulten, F. Wong, Taira, Chong, Young, Takitani, Yamasaki, Hara, Kuroda, Ching, Toyofuku, O'Connor, Henderson, Nishimura, George, Saiki, Ushijima, R. Wong, Soares and Leopold.

By unanimous consent, S.R. No. 145 was referred to the Committee on Ecology, Environment and Recreation.

A resolution (S.R. No. 146), entitled: "SENATE RESOLUTION CONGRATULATING FRANK EDWARD BRUNINGS", was jointly offered by Senators Chong, King, F. Wong, Yim, Takitani, Kawasaki, Ushijima, Yamasaki, Toyofuku, Nishimura, Henderson, Hara, O'Connor, Kuroda, Ching, R. Wong, Hulten, Taira, George,

Leopold, Yee, Saiki and Soares.

On motion by Senator Chong, seconded by Senator King and carried, S.R. No. 146 was adopted.

Senator Chong then introduced to the members of the Senate Mr. Frank Edward Brunings, the honoree of the resolution. Accompanying him was Mr. Michael L. Gale, who is Director of ACTION.

INTRODUCTION OF SENATE BILLS

On motion by Senator Taira, seconded by Senator Yee and carried, the following bills passed First Reading by title, were referred to print, and were placed on the calendar for further consideration on Wednesday, February 11, 1976:

Senate Bills

No. 2197-76 "A Bill for an Act Relating to the Lapakahi State Historical Park Project."

Introduced by: Senators Ushijima, Hara and Henderson.

No. 2198-76 "A Bill for an Act Making an Appropriation for Capital Improvements for Pearl City Elementary School, Oahu."

Introduced by: Senators Ching, Young, F. Wong and Kuroda.

No. 2199-76 "A Bill for an Act Making an Appropriation for the Day Activity Program of the Waimano Auxiliary, Oahu."

Introduced by: Senators Ching, Young, F. Wong and Kuroda.

No. 2200-76 "A Bill for an Act Making an Appropriation for Capital Improvements for Leeward Community Health Center, in Pearl City, Oahu."

Introduced by: Senators Ching, Young, F. Wong and Kuroda.

No. 2201-76 "A Bill for an Act Making an Appropriation for Capital Improvements for Waialua High & Intermediate School, Oahu."

Introduced by: Senators Ching, Young, F. Wong and Kuroda.

No. 2202-76 "A Bill for an Act Relating to Hospitals."

Introduced by: Senators Toyofuku, Hulten, O'Connor, Nishimura, Yamasaki, King, F. Wong, Chong, Takitani, Ching and Kuroda.

- No. 2203-76 "A Bill for an Act Relating to Taxation and the Elderly."
- Introduced by: Senators Toyofuku, Hulten, O'Connor, Nishimura, Yamasaki, Chong, Takitani, F. Wong, Ching and Kuroda.
- No. 2204-76 "A Bill for an Act Making an Appropriation for the Lanakila Playground Gymnasium, Oahu."
- Introduced by: Senators Kawasaki, Yim and Taira.
- No. 2205-76 "A Bill for an Act Making an Appropriation for the Construction of a Diving Pool and a Wall to Enclose the Lanai of the Recreation Building at Kalihi Valley Field, Oahu."
- Introduced by: Senators Kawasaki, Yim and Taira.
- No. 2206-76 "A Bill for an Act Making an Appropriation for the Halawa District Park Gymnasium/Recreational Center Complex, Oahu."
- Introduced by: Senators Kawasaki, Yim and Taira.
- No. 2207-76 "A Bill for an Act Making an Appropriation for Construction of an Aloha Stadium Security Fence, Oahu."
- Introduced by: Senators Kawasaki, Yim and Taira.
- No. 2208-76 "A Bill for an Act Relating to Parks and Playgrounds for Subdivisions."
- Introduced by: Senators King, Hulten, Chong, Takitani, Yamasaki, O'Connor, Kuroda, Ching, Taira, Young, F. Wong, George and Yee.
- No. 2209-76 "A Bill for an Act Relating to the Office of Residential Landlord-Tenant Relations."
- Introduced by: Senators Kuroda, Yim, Takitani, Hulten, F. Wong, Ching, Toyofuku, Yamasaki, Taira, Chong and Young.
- No. 2210-76 "A Bill for an Act Making an Appropriation for Banana Research by the College of Tropical Agriculture, University of Hawaii."
- Introduced by: Senators Hulten, Chong, Young, Takitani, Yamasaki, Hara, Saiki, Ushijima, Soares, Leopold, F. Wong, Taira, Kuroda, Ching, Toyofuku, O'Connor, Henderson and Nishimura.
- No. 2211-76 "A Bill for an Act Making an Appropriation for Kaneohe Community Service Center, Kaneohe, Oahu."
- Introduced by: Senators Hulten and George.
- No. 2212-76 "A Bill for an Act Making an Appropriation to Provide a Grant-In-Aid to Hawaii Loa College, Kaneohe, Oahu."
- Introduced by: Senators Hulten and George.
- No. 2213-76 "A Bill for an Act Making an Appropriation for a Grant-In-Aid to the City and County of Honolulu for the Installation of Two 350 Foot Segments of 8" Main and Appurtenants Along Mapumapu Road, Kahaluu, Oahu."
- Introduced by: Senators Hulten and George.
- No. 2214-76 "A Bill for an Act Relating to Medical Professional Liability."
- Introduced by: Senators O'Connor, Nishimura, Ushijima, Chong, Toyofuku, Hulten, Takitani, F. Wong, Hara, R. Wong, Young, Henderson and Yee.
- No. 2215-76 "A Bill for an Act Relating to Real Estate License Renewal."
- Introduced by: Senators O'Connor, Ushijima, Nishimura, Taira, Toyofuku, Chong, Kuroda, Yamasaki, Takitani, Hara, R. Wong, Young and Yee.
- No. 2216-76 "A Bill for an Act Relating to Prison Contraband and Escape from Custody."
- Introduced by: Senators O'Connor, Ushijima, Nishimura, Taira, Toyofuku, Chong, Ching, Kuroda, Henderson, Leopold, Yamasaki, Takitani, Hara, F. Wong, George, R. Wong and Young.
- No. 2217-76 "A Bill for an Act Making an Appropriation for Capital Improvement Projects at Kaimuki Intermediate School."
- Introduced by: Senators O'Connor, Nishimura, Soares, Saiki and Hara.
- No. 2218-76 "A Bill for an Act Making an Appropriation for Capital Improvement Projects at Kaiser High School."
- Introduced by: Senators O'Connor, Nishimura, Soares, Saiki and Hara.
- No. 2219-76 "A Bill for an Act Making an Appropriation for Capital Improvement Projects at Niu Valley Intermediate School."
- Introduced by: Senators O'Connor, Nishimura, Soares, Saiki and Hara.

No. 2220-76 "A Bill for an Act Making an Appropriation for a Program Specialist in Speech and Hearing in the Department of Education."

Introduced by: Senators Saiki, Kuroda, Hulten, Taira, King and Henderson.

No. 2221-76 "A Bill for an Act Relating to a Model Pilot Project for School Language, Speech, and Hearing Programs and Services."

Introduced by: Senators Saiki, Kuroda, R. Wong, Hulten, Taira, King and Henderson.

On motion by Senator Taira, seconded by Senator Yee and carried, the following bills were referred to print and were placed on the calendar for further consideration on Wednesday, February 11, 1976:

Senate Bills

No. 2192-76 "A Bill for an Act Relating to Environmental Quality."

Introduced by: Senator King.

No. 2193-76 "A Bill for an Act Relating to Acquisition of Land."

Introduced by: Senator King.

No. 2194-76 "A Bill for an Act Relating to Parks."

Introduced by: Senator King.

No. 2195-76 "A Bill for an Act Relating to Open Space."

Introduced by: Senator King.

No. 2196-76 "A Bill for an Act Relating to Taxation."

Introduced by: Senator King.

SPECIAL COMMITTEE REPORT

Senator King, for the Interim Committee on Ecology, Environment and Recreation, authorized to review Act 246, SLH 1974, relating to the Environmental Quality Commission, the Office of Environmental Quality Control and the Environmental Center, presented a report (Spec. Com. Rep. No. 11), with certain recommendations.

By unanimous consent, Spec. Com. Rep. No. 11 was received and placed on file.

STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 12-76), informing the Senate that Senate Concurrent Resolution Nos. 30 to 36, Senate Resolution Nos. 137 to 144, Senate Bill Nos. 2159-76 to 2191-76 and Special Committee Report No. 11 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 referral of Senate bills that had been introduced on Monday, February 9, 1976:

Senate Bill Referred to:

No. 2159-76 Committee on Housing and Hawaiian Homes, then to the Committee on Economic Development

No. 2160-76 Committee on Transportation, then to the Committee on Ways and Means

No. 2161-76 Committee on Judiciary, then to the Committee on Ways and Means

No. 2162-76 Committee on Judiciary

No. 2163-76 Committee on Judiciary

No. 2164-76 Committee on Judiciary

No. 2165-76 Committee on Education, then to the Committee on Ways and Means

No. 2166-76 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 2167-76 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 2168-76 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 2169-76 Committee on Ecology, Environment and Recreation,

- then to the Committee on Ways and Means
- No. 2170-76 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means
- No. 2171-76 Committee on Education, then to the Committee on Ways and Means
- No. 2172-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2173-76 Committee on Ways and Means
- No. 2174-76 Committee on Ways and Means
- No. 2175-76 Committee on Health, then to the Committee on Ways and Means
- No. 2176-76 Committee on Intergovernmental Relations
- No. 2177-76 Committee on Higher Education, then to the Committee on Ways and Means
- No. 2178-76 Committee on Human Resources
- No. 2179-76 Committee on Ways and Means
- No. 2180-76 Committee on Health, then to the Committee on Judiciary
- No. 2181-76 Committee on Energy/Natural Resources
- No. 2182-76 Committee on Energy/Natural Resources, then to the Committee on Ways and Means
- No. 2183-76 Committee on Energy/Natural Resources, then to the Committee on Ways and Means
- No. 2184-76 Committee on Energy/Natural Resources, then to the Committee on Ways and Means
- No. 2185-76 Committee on Public Utilities
- No. 2186-76 Committee on Transportation, then to the Committee on Public Utilities
- No. 2187-76 Committee on Housing and Hawaiian Homes
- No. 2188-76 Committee on Housing and Hawaiian Homes
- No. 2189-76 Committee on Judiciary

- No. 2190-76 Committee on Judiciary
- No. 2191-76 Committee on Education, then to the Committee on Ways and Means

RE-REFERRAL OF SENATE BILLS

The President then made the following re-referral of Senate bills that were introduced on Friday, February 6, 1976:

Senate Bills Referred to:

- No. 2133-76 Committee on Education, then to the Committee on Ways and Means
- No. 2156-76 Committee on Education, then to the Committee on Ways and Means

RE-REFERRAL OF A SENATE RESOLUTION

The President then made the following re-referral of a Senate resolution that had been offered on Thursday, February 5, 1976:

Senate Resolution Referred to:

- No. 127 Committee on Health

At this time, Senator King rose and stated as follows:

"Mr. President, I noticed on the re-referral, Senate Bill 2156, having to do with Iolani Palace Museum, which was rightfully referred to our Committee, has been re-referred to Education.

This morning at 9:57 a.m., someone came to pick up the bill from our office after, I understand, the re-referral sheet had already been printed.

I say this particular bill rightfully belongs to our Committee, Mr. President, because the description of our Committee specifically says that the Committee's scope shall be those programs relating to historic sites, development and protection. Iolani Palace, Mr. President, is a historical site, both on the national list and the Hawaii State list, so I'd like to ask for your reconsideration of this re-referral that was made this morning."

The President answered:

"Senator King, that request had been referred to my office. I have studied the matter. I've discussed the matter with the Chairman of the Education Committee under whose

jurisdiction culture and arts is delegated by the Senate Rules, and it is my contention that the referral is going to stand as it is."

Senator King then said:

"Mr. President, culture and the arts, I agree with you, does fall on to the Committee on Education and such things as the State Foundation on Culture and the Arts rightfully belongs there, but I understand that referrals are made on the basis of committee description. The description of our Committee specifically refers to historical sites, development and protection, and this is certainly what the Iolani Palace and the Iolani Palace program is.

Senator O'Connor introduced the bill yesterday and was courteous enough to send me a copy yesterday morning, because he felt, I guess, that it would come under the purview of our Committee. I was discussing with one of the Republican Senators this morning her concern about this particular thing because it had always come to our Committee. So I'd like to respectfully request that you re-refer this in accordance with the description of our Committee's jurisdiction."

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

The President then stated:

"As I stated earlier, the President's Office has studied this matter and the re-referral as set forth in the Order of the Day stands as it is."

Senator King continued:

"Mr. President, I wonder if you would mind just giving me your reason then, because it seems to me that the committee description is very clear."

Senator Hara then rose and remarked as follows:

"Mr. President, may I respond to the question that is posed to the President, my good Senator, and that is, this was a request on the part of the Education Committee. After reviewing the bill that was being circulated, it was the feeling that this is educational, and Education Committee province. Then we made this request to the President's office,

asking that in the future, all matters pertaining to culture and the arts be referred to the Committee as assigned, as printed and agreed to by the Rules of the Senate.

Basing it on this, we did bring this matter up to the President's attention and we'd like to have the good lady Senator agree with us at this point and let it go by.

Mr. President, please be assured that if there is any concern on the part of the lady Senator in reference to this bill, we'll be very happy to accept her suggestions, ideas and certainly if the Committee sees fit, we will insert it within our Committee's recommendations to this honorable Body.

Thank you."

Senator King then responded:

"Mr. President, I really enjoy being agreeable and I would like to be but I think the Senate Rules are an important thing and it is my understanding that referrals are made according to the specific scope of the committee.

I absolutely agree with the Senator from the Big Island that all matters of culture and the arts by right go to his Committee by committee definition. However, the committee definition in terms of this particular matter, historical sites, development and protection, is very clear and therefore, Mr. President, I would appreciate if you would just maybe say a word about the reason."

The President said that he had set forth his reasons, and added that if the Senator disagreed with the ruling of the Chair, she should make the proper motion.

Senator King asked what would be the proper motion and the President answered that she could appeal the ruling of the Chair.

Senator King then queried if that would be allowed on referrals, and the President replied that any order made by the Chair is subject to the order of the Senate.

Senator King then stated:

"Mr. President, your reason, as I understand it, was that you were requested to make the change. I don't know on what basis you made it, that is all I'm asking...Does that mean, Mr. President, that

you're not going to give the basis for your change?"

The President answered:

"Senator King, I don't have to. I've set forth my basis already. You were in the office this morning and everything was explained to you."

Senator King then remarked:

"I wasn't in the office this morning. I tried to reach you and your Administrative Aide and said that I would like to talk to you before the session."

The President then stated:

"The ruling stands as it is. If you want to appeal the ruling of the Chair, go right ahead."

At this time, Senator R. Wong rose on a point of personal privilege and stated as follows:

"Mr. President, I rise on a point of personal privilege.

On January 30th, I rose on the floor of this honorable Body to comment on S.B. No. 1972-76 making an emergency \$10.2 million appropriation for the planning and construction of correctional facilities. At that time, Mr. President, I expressed the hope that this bill will be carefully considered in context with the correctional programs which are supposed to be provided in these facilities.

Now I note that the House Finance Committee held a hearing yesterday on the House companion bill. At that hearing, representatives of

three community groups interested in the correctional field--the John Howard Association, the Hawaii Council on Crime and Delinquency and the Hawaii Correctional Association--expressed reservations about the Administration's rush to build correctional facilities. These groups testified along the lines that I raised earlier, Mr. President, that we should look at the corrections program needs, not just at the facilities.

Mr. President, I hope that the Governor of this State is getting the message.

Thank you."

Senator Nishimura then rose and remarked as follows:

"Mr. President, I rise to speak on a point of personal privilege.

In further comments, I should like to inform the members of this Body that this morning the Judiciary Committee held extensive hearings on the correctional master plan and the request from the Governor for emergency appropriations.

We are going to continue to look at the problem and we will, we hope, come up with a reasoned decision on this matter.

Thank you."

ADJOURNMENT

At 11:58 o'clock a.m., on motion by Senator Taira, seconded by Senator Yee and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 11, 1976.