

EIGHTEENTH DAY

Friday, February 13, 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 Sean O'Rourke of the St. Anthony's Church, after which the Roll was called showing all Senators present with the exception of Senators Takitani and Young who were excused.

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

At this time, Senator Yee introduced to the members of the Senate 29 fourth grade students from St. Andrew's Priory School, and their teacher, Mrs. White.

Senator F. Wong then introduced 21 fourth grade students from Waipahu Elementary School, and their teacher, Mrs. Gladys Tokioka.

Senator Ching introduced to the members of the Senate 15 students from the special education class at Alvah Scott Elementary School, together with their teachers Miss Aimee Hokama, Miss Janice Furuhashi, Mrs. Carolyn Yamada and Mr. Michael Tom.

Senator Ching also introduced 72 fourth and fifth grade students from Waipahu Elementary School, together with their teachers, Mrs. Eva Miyazaki, Mrs. Mildred Kimura, Mrs. Betty Hashimoto, Mrs. Agnes Sugiyama and Miss June Saito.

At this time, Senator Kuroda introduced the members of the Pacific Islands Development Commission as follows:

"Mr. President and Members of the Senate:

On Wednesday, February 11, this Body adopted Senate Concurrent Resolution No. 38, commending the Pacific Islands Development Commission. This morning, we are privileged to have on the Senate floor, the principals, or their representatives, cited in the resolution.

As a member of the PIDC Tourism Council and the sponsor of the resolution, it is my pleasure to introduce, first, the newly installed President of the PIDC, the Honorable George Ariyoshi, Governor of the State of Hawaii.

A Commissioner since the 1971 inception

of the PIDC, who supported the personal efforts of the late Governor John A. Burns, the High Commissioner of the Trust Territory of the Pacific Islands, headquartered in Saipan, the Honorable Edward E. Johnston.

A Commissioner since his appointment as Governor of American Samoa in 1975, and former Congressman from North Carolina, having served three terms, the Honorable Earl B. Ruth.

The fourth Commissioner, Governor Ricky Bordallo of Guam, is not able to be here. He is represented by the Lieutenant Governor of Guam, the Honorable Rudolph Sablan.

The PIDC has spent its early efforts in two areas of interest--the tuna fishing industry and the visitor industry. Several Pacific countries have joined the PIDC Tourism Council, beginning in 1973.

We are privileged to have with us the Honorable Sir Albert Henry, Premier of the Republic of the Cook Islands.

From the Republic of Nauru, representing President Hammer deRoburt, is the Honorable Kinsa Clodumar, Project Officer of Civil Aviation.

From the Kingdom of Tonga, representing the Honorable Baron Vaea, Minister of Labor, Commerce and Tourism, is the Honorable Alasdair Buchanan, Director of Tourism.

From the Marshall Islands, representing Micronesian participation in PIDC activities, is the Honorable Amato Kabua, Senator, Marshall Islands Legislature.

Also with us is the Director of the Department of Planning and Economic Development, State of Hawaii, Mr. Hideto Kono.

Last but not least, the driving force that has brought the PIDC from its infancy to its maturity, the Executive Director of the PIDC and head of the Division of Economic Development, Mr. Andrew Gerakas."

The Commissioners of the Pacific Islands Development Commission were presented with carnation leis by Senators King, George and Saiki.

The President then spoke as follows:

"Governor Ariyoshi and other distinguished gentlemen:

We welcome you to the Senate Chambers. We know that what you are trying to do is not only for the people of the State of Hawaii, but for the people of the entire Pacific area.

Thank you very much for your presence today."

At 11:41 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 o'clock a.m.

HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 14), returning Senate Concurrent Resolution No. 38, which was adopted by the House of Representatives on February 13, 1976, was read by the Clerk and was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 40 to 42) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 40), entitled: "SENATE CONCURRENT RESOLUTION CONGRATULATING THE FOREIGN-TRADE ZONE DIVISION, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT, STATE OF HAWAII, AS A RECIPIENT OF THE 'PRESIDENT'S 'E' AWARD FOR EXPORT SERVICE' ", was jointly offered by Senators F. Wong, Nishimura, Takitani, O'Connor, Chong, R. Wong, Ching, George, Yee, Leopold, King, Yamasaki, Hulten, Hara, Taira, Yim, Saiki and Henderson.

On motion by Senator F. Wong, seconded by Senator Hara and carried, S.C.R. No. 40 was adopted.

A concurrent resolution (S.C.R. No. 41), entitled: "SENATE CONCURRENT RESOLUTION CONGRATULATING THE UNIVERSITY OF HAWAII AND DONNIS THOMPSON ON HOSTING THE 1977 NATIONAL GOLF CHAMPIONSHIP", was jointly offered by Senators King, Hara, Yamasaki, Takitani, Toyofuku, Chong, Hulten, O'Connor, Ching, Taira, Henderson, Saiki, Leopold, George, Nishimura, Young and Kuroda.

On motion by Senator King, seconded by Senator Chong and carried, S.C.R. No. 41 was adopted.

A concurrent resolution (S.C.R. No. 42), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION IMPLEMENT A CAMPUS MAINTENANCE INCENTIVE PROGRAM IN THE PUBLIC SCHOOLS",

was jointly offered by Senators Young, King, Ching, George, Hulten, Taira, Yamasaki, Kuroda, Nishimura, Yim, Ushijima, R. Wong, Chong, Takitani, O'Connor and Hara.

By unanimous consent, S.C.R. No. 42 was referred to the Committee on Education.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 154 to 160) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 154), entitled: "SENATE RESOLUTION COMMENDING THE EFFORTS OF JAN SHIETS, AN AUGUST AHRENS ELEMENTARY SCHOOL TEACHER, AND HER STUDENTS ON THEIR RECENT MONEY-MAKING PROJECT TO SPONSOR A GROUP EXCURSION TO KAUAI", was jointly offered by Senators Ching, F. Wong, Young, Kuroda, Taira, O'Connor, Yamasaki, Leopold, Saiki, Henderson, Nishimura, Takitani, King, Chong, George, R. Wong, Hulten and Hara.

On motion by Senator Ching, seconded by Senator Kuroda and carried, S.R. No. 154 was adopted.

A resolution (S.R. No. 155), entitled: "SENATE RESOLUTION CONGRATULATING THE UNIVERSITY OF HAWAII AND DONNIS THOMPSON ON HOSTING THE 1977 NATIONAL GOLF CHAMPIONSHIP", was jointly offered by Senators King, Hara, Yamasaki, Takitani, Toyofuku, Chong, Hulten, Soares, O'Connor, Ching, Leopold, Henderson, Saiki, George, Nishimura, Young, Taira and Kuroda.

On motion by Senator King, seconded by Senator Chong and carried, S.R. No. 155 was adopted.

At this time, Senator King introduced to the members of the Senate Dr. Donnis Thompson, Women's Athletic Director at the University of Hawaii. Dr. Thompson was then presented with an ilima lei by Senator Kuroda.

Senator King then introduced Miss Nancy Moak, an intern with the Women's Athletic Department at the University of Hawaii.

A resolution (S.R. No. 156), entitled: "SENATE RESOLUTION RELATING

TO EMPLOYMENT SECURITY", was jointly offered by Senators Toyofuku, Young, Kuroda, Hara, Chong, Kawasaki, Takitani, Hulten and Taira.

By unanimous consent, S.R. No. 156 was referred to the Committee on Human Resources.

A resolution (S.R. No. 157), entitled: "SENATE RESOLUTION RELATING TO VOCATIONAL REHABILITATION", was jointly offered by Senators Toyofuku, Young, Yamasaki, Hara, Kuroda, Hulten, Chong, Takitani, Kawasaki and Taira.

By unanimous consent, S.R. No. 157 was referred to the Committee on Human Resources.

A resolution (S.R. No. 158), entitled: "SENATE RESOLUTION RECOGNIZING THE CHILD CARE WORKERS ASSOCIATION OF HAWAII", was jointly offered by Senators Chong, F. Wong, Yim, Young, King, Toyofuku, R. Wong, Yamasaki, Ching, Takitani, Henderson, Taira, Hulten, Nishimura and O'Connor.

On motion by Senator Chong, seconded by Senator F. Wong and carried, S.R. No. 158 was adopted.

A resolution (S.R. No. 159), entitled: "SENATE RESOLUTION CONGRATULATING 'MISS MCKINLEY', WAYNETTE GALLEGOS, AND HER ROYAL COURT AND EXTENDING TO THE STUDENTS AND FACULTY OF MCKINLEY HIGH SCHOOL BEST WISHES FOR SUCCESS OF ITS 1976 CARNIVAL", was jointly offered by Senators Yee, Anderson, Saiki, Henderson, Kuroda, R. Wong, F. Wong, Kawasaki, Hara, Leopold, Toyofuku and Soares.

On motion by Senator Yee, seconded by Senator Leopold and carried, S.R. No. 159 was adopted.

At this time, Senator Yee introduced to the members of the Senate Miss Waynette Gallegos, the 1976 "Miss McKinley", and members of her court, the Misses Vera Shigezawa, Patricia Labez and Francine LeBron, who were accompanied by Miss Sikes.

A resolution (S.R. No. 160), entitled: "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION IMPLEMENT A CAMPUS MAINTENANCE INCENTIVE PROGRAM IN THE PUBLIC SCHOOLS", was jointly offered by Senators Young, King, Ching, Hulten, Taira, Yamasaki, Kuroda, Chong, Ushijima, Yim, Nishimura, R. Wong, Takitani, O'Connor, George and Hara.

By unanimous consent, S.R. No. 160 was referred to the Committee on Education.

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 Tuesday, February 17, 1976:

Senate Bills

No. 2284-76 "A Bill for an Act Relating to Planning and Development of North Kohala."

Introduced by: Senators Ushijima, Hara and Henderson.

No. 2285-76 "A Bill for an Act Relating to the Employees' Retirement System of the State of Hawaii."

Introduced by: Senators Ushijima, Hara, Hulten, Yamasaki, Takitani, Taira, Ching, O'Connor, Nishimura and F. Wong.

No. 2286-76 "A Bill for an Act Relating to Service Contracts."

Introduced by: Senators Yamasaki, F. Wong, R. Wong, Hulten, Takitani, Young, Taira, Ching, Chong and Nishimura.

No. 2287-76 "A Bill for an Act Making an Appropriation for Statewide Young Farmers' Program."

Introduced by: Senators Yamasaki, Takitani, Kuroda, Leopold, Anderson, Henderson, Hulten, Ching, Young, Toyofuku, F. Wong, Saiki, Chong, O'Connor, Taira, George and Nishimura.

No. 2288-76 "A Bill for an Act Relating to Appropriations or Authorizations of Money for Capital Improvement Projects Not Subject to Any Lapse by Law."

Introduced by: Senators Ching, O'Connor, Hulten, Soares, R. Wong, Leopold, Takitani, George, Henderson, F. Wong, Young, Taira, Chong, Yamasaki, Nishimura and Saiki.

No. 2289-76 "A Bill for an Act Making an Appropriation for Capital Improvements for the Waianae Regional Park, Oahu."

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

No. 2290-76 "A Bill for an Act Making an Appropriation for the Plans and Development of the Addition to Makaha Beach Park, Oahu."

Introduced by: Senators Ching,

- F. Wong, Young and Kuroda.
Classroom Level."
- No. 2291-76 "A Bill for an Act Making an Appropriation for Capital Improvement for the Existing Pearl City Sewage Pump Station, Oahu."
Introduced by: Senators Ching, F. Wong, Young and Kuroda.
- No. 2292-76 "A Bill for an Act Making an Appropriation for Kalauao Stream Flood Control, Aiea, Oahu."
Introduced by: Senators Ching, F. Wong, Young and Kuroda.
- No. 2293-76 "A Bill for an Act Making an Appropriation for the Establishment of a Banana Processing Plant on the Island of Oahu."
Introduced by: Senators Hulten, O'Connor, King, Kuroda, Chong, Young, Ching, Hara, Yamasaki, Nishimura, Takitani, Ushijima, Taira, F. Wong, Yim, Toyofuku and Kawasaki.
- No. 2294-76 "A Bill for an Act Relating to State Health Planning."
Introduced by: Senators Chong, F. Wong, Yim, Young, King, Toyofuku, Yamasaki, Takitani, Henderson, Taira, Hulten, Nishimura and O'Connor.
- No. 2295-76 "A Bill for an Act Relating to Making an Appropriation to Provide a Grant-in-Aid to The House, Inc."
Introduced by: Senator Chong.
- No. 2296-76 "A Bill for an Act Making an Appropriation for the Development of a Plan to Establish Social Rehabilitation Residential Programs."
Introduced by: Senator Chong.
- No. 2297-76 "A Bill for an Act Relating to the Exemption from the Use Tax of Capital Goods Used in Business."
Introduced by: Senators Hara, Ushijima, Henderson, F. Wong, Takitani, Yamasaki, Kuroda, Hulten, Anderson, Taira and O'Connor.
- No. 2298-76 "A Bill for an Act Establishing a Holiday in Recognition of Queen Liliuokalani."
Introduced by: Senators Hara, Henderson, Chong, O'Connor, Takitani, F. Wong, Yamasaki, Hulten, King and Yim.
- No. 2299-76 "A Bill for an Act Making an Appropriation to Foster Teacher Innovation for Student Benefit at the
- Introduced by: Senators Hara, Yim, Ushijima, Anderson, Yamasaki, Takitani, Hulten and O'Connor.
- No. 2300-76 "A Bill for an Act Making an Appropriation for Classroom Enrichment in Public Schools."
Introduced by: Senators Hara, Yim, Ushijima, Anderson, Yamasaki, Takitani and O'Connor.
- No. 2301-76 "A Bill for an Act Making an Appropriation for Keauhou-Kailua Elementary School, Kona."
Introduced by: Senators Hara, Ushijima, Henderson, Chong, O'Connor, Takitani, F. Wong, Anderson, Yamasaki and Taira.
- No. 2302-76 "A Bill for an Act Making an Appropriation for the Blue Water Marine Laboratory."
Introduced by: Senators Hara, Yim, Ushijima, Henderson, F. Wong, Chong, Takitani, Anderson, Yamasaki, Taira and O'Connor.
- No. 2303-76 "A Bill for an Act Making an Appropriation for the Restoration of Honoaupo Wharf, Ka'u."
Introduced by: Senators Hara, Ushijima, Henderson, Chong, O'Connor, Takitani, F. Wong, Anderson, Yamasaki and Taira.
- No. 2304-76 "A Bill for an Act Making an Appropriation for a Marine Research and Display Project on the Big Island."
Introduced by: Senators Hara, Henderson, Ushijima, Yamasaki, Hulten, Chong, King, Yim and O'Connor.
- No. 2305-76 "A Bill for an Act Relating to Housing."
Introduced by: Senators Young, F. Wong, Ching, Kuroda, Hulten, Taira, Yamasaki, Nishimura, Yim, Chong, Takitani, O'Connor, Hara and Ushijima.
- No. 2306-76 "A Bill for an Act Making an Appropriation to Provide Educational Counselors in All Public Schools."
Introduced by: Senators Taira, Hulten, Young, Yamasaki, Nishimura, George, Henderson, Toyofuku, F. Wong, Yee, Chong, Leopold, Anderson, Saiki, Ching, Soares and Kawasaki.
- No. 2307-76 "A Bill for an Act Making an Appropriation to Implement Required

Guidance Courses in All Public Secondary Schools."

Introduced by: Senators Taira, Yee, Chong, Ching, Soares, Kawasaki, F. Wong, Young, Yamasaki, Nishimura, George, Henderson, Toyofuku and Anderson.

No. 2308-76 "A Bill for an Act Making an Appropriation to Provide for Student Activities Coordinators in All Public Schools."

Introduced by: Senators Taira, Yee, Ching, Soares, F. Wong, Young, Yamasaki, Nishimura, Henderson, Toyofuku, Chong and Anderson.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 16-76) informing the Senate that Senate Concurrent Resolution No. 40; Senate Resolution Nos. 153 and 154; Senate Bill Nos. 2262-76 to 2283-76; and Standing Committee Report No. 17-76 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.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 17-76) recommending that Senate Concurrent Resolution No. 15, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 17-76 and S.C.R. No. 15, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN AD HOC COMMITTEE ON CODES AND HOUSING COSTS", was deferred until Tuesday, February 17, 1976.

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Thursday, February 12, 1976:

Senate Bills	Referred to:
No. 2262-76	Committee on Health, then to the Committee on Human Resources
No. 2263-76	Committee on Judiciary
No. 2264-76	Committee on Higher Education, then to the Committee on

Ways and Means

No. 2265-76	Committee on Education, then to the Committee on Ways and Means
No. 2266-76	Committee on Transportation, then to the Committee on Ways and Means
No. 2267-76	Committee on Transportation
No. 2268-76	Committee on Health, then to the Committee on Ways and Means
No. 2269-76	Committee on Economic Development, then to the Committee on Ways and Means
No. 2270-76	Committee on Economic Development, then to the Committee on Ways and Means
No. 2271-76	Committee on Health, then to the Committee on Ways and Means
No. 2272-76	Committee on Housing and Hawaiian Homes, then to the Committee on Judiciary
No. 2273-76	Committee on Military and Civil Defense, then to the Committee on Judiciary
No. 2274-76	Committee on Ways and Means
No. 2275-76	Committee on Ways and Means
No. 2276-76	Committee on Education, then to the Committee on Ways and Means
No. 2277-76	Committee on Education, then to the Committee on Ways and Means
No. 2278-76	Committee on Ways and Means
No. 2279-76	Committee on Ways and Means
No. 2280-76	Committee on Ways and Means
No. 2281-76	Committee on Ways and Means
No. 2282-76	Committee on Ways and Means
No. 2283-76	Committee on Ways and Means

THIRD READING

Senate Bill No. 1771-76:

Senator Nishimura moved that S.B. No. 1771-76, having been read throughout, pass Third Reading, seconded by

Senator O'Connor.

At this time, Senator Nishimura rose to speak in favor of the bill as follows:

"Mr. President,

The bill before us this morning submits the question: Shall there be a Convention to propose a revision of, or amendments to, the Constitution to the electorate at the General Election of 1976?

By enacting this bill, we will be submitting that question to the electorate prior to the time mandated by the Constitution. Our Constitution provides that the Lieutenant Governor shall certify the question to be voted at the first general election following the expiration of 10 years since the last time the question was submitted to the electorate. But the Legislature may submit the question to the voters before the 10-year period.

I feel that the time is appropriate to let the electorate decide whether we should have a Constitutional Convention, so that proposed constitutional amendments relating to initiative, referendum and recall; limitation of the term of the governor; a full time Legislature; a unicameral Legislature, and others, may be taken up at one time and considered in relation to the other parts of the Constitution.

The response of the electorate will give the members of this Legislature some guidance as to how their constituency and the majority of the people of this State feel about constitutional changes. I, for one, welcome that guidance.

If the electorate answers in the affirmative, we should be considering at the next legislative session, questions relating to the number of delegates, the time

of their election and the time of the Convention.

I should like to note, Mr. President, that at the time this bill was being considered in Committee, the question was raised whether it would not be more appropriate to adopt a concurrent resolution to request the Lieutenant Governor to submit the question to the electorate. In this regard, we wish to note that a concurrent resolution is an expression of the sense of the Legislature and would not legally mandate the Lieutenant Governor to submit the question to the voters.

Although we have no reason to believe that the Lieutenant Governor would not abide by the request of the Legislature... and, in fact, I believe that he wholeheartedly supports the immediate convening of a Constitutional Convention... we want to avoid any possible legal entanglement. Therefore, your Committee on Judiciary reported out S.B. No. 1771-76.

I urge a favorable vote on this bill.

Thank you."

The motion was put by the Chair and carried, and S.B. No. 1771-76, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION", having been read throughout, passed Third Reading by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Takitani and Young).

ADJOURNMENT

At 11:55 o'clock a.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until Tuesday, February 17, 1976.