

TWENTY-FIRST DAY

Thursday, February 19, 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 the Reverend Satoru Kawai of the Jodo Mission of Hawaii, after which the Roll was called showing all Senators present, with the exception of Senator Chong, who was excused.

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

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

Senator King introduced fifty students from the Hawaiian Mission Academy, accompanied by their teacher Mr. Tetsu Hirayama.

Senator Ching introduced 75 students from Waipahu High School, with their teacher, Mr. Charles Naumu and an educational assistant, Mrs. Pat Minn.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 91 and 92) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 91), transmitting a report of the Director of Personnel Services with regard to development of a compensation plan for Category B employees of the Hawaii Public Broadcasting Authority, in compliance with Act 70, Session Laws of Hawaii 1973, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 92), transmitting a booklet compiled by the Department of Regulatory Agencies on Medical Malpractice - Issues, Discussions and Proposals for Change, was referred to the Committee on Judiciary.

DEPARTMENTAL COMMUNICATION

A communication from the Office of Environmental Quality Control (Dept. Com. No. 8), transmitting their annual report in compliance with Chapter 341, HRS, as amended by Act 248, Session Laws of Hawaii,

1974, was read by the Clerk and was referred to the Committee on Ecology, Environment and Recreation.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 20 to 24) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 20), transmitting House Bill No. 2136-76, H.D. 1, which passed Third Reading in the House of Representatives on February 18, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2136-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS", passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 21), transmitting House Bill No. 2155-76, H.D. 1, which passed Third Reading in the House of Representatives on February 18, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2155-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE STATE OF HAWAII", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 22), transmitting House Bill No. 2159-76, which passed Third Reading in the House of Representatives on February 18, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2159-76, entitled: "A BILL FOR AN ACT RELATING TO PETTY CASH FUNDS", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 23), transmitting House Bill No. 2236-76, which passed Third Reading in the House of Representatives on February 18, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried,

H.B. No. 2236-76, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXES", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 24), transmitting House Bill No. 2237-76, which passed Third Reading in the House of Representatives on February 18, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2237-76, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX", passed First Reading by title and was referred to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 46), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR'S OFFICE AND THE DIRECTOR OF HEALTH TO PROVIDE EMERGENCY AMBULANCE SERVICE ON THE ISLAND OF MOLOKAI, COUNTY OF MAUI", was jointly offered by Senators Yamasaki, Takitani, O'Connor, Ushijima, R. Wong, Chong, Hara, Henderson, Ching, Toyofuku, Hulten, Young, Kuroda, Yee, Taira, Nishimura, F. Wong, Soares and King and was read by the Clerk.

By unanimous consent, S.C.R. No. 46 was referred to the Committee on Health.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 173 to 180) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 173), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF MOTOR VEHICLE NO FAULT INSURANCE PROBLEMS", was jointly offered by Senators Nishimura, Saiki, Hara, Yamasaki, Toyofuku, Ching, Chong, R. Wong, O'Connor, George, Leopold, Taira, F. Wong, Takitani and Kawasaki.

By unanimous consent, S.R. No. 173 was referred to the Committee on Judiciary.

A resolution (S.R. No. 174), entitled: "SENATE RESOLUTION REQUESTING AN IMPROVED READING PROGRAM", was jointly offered by Senators Hara, Yim, Ushijima, Chong, King, Takitani and O'Connor.

By unanimous consent, S.R. No. 174 was referred to the Committee

on Education.

A resolution (S.R. No. 175), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CEASE AND DESIST DISCRIMINATORY PRACTICES IN ADMINISTERING THE FREE SCHOOL LUNCH PROGRAM IN PUBLIC SCHOOLS", was jointly offered by Senators Hara, Yim, Chong, F. Wong, Takitani and O'Connor.

By unanimous consent, S.R. No. 175 was referred to the Committee on Education.

A resolution (S.R. No. 176), entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO UNDERTAKE A COMPREHENSIVE REVIEW OF UNEMPLOYMENT COMPENSATION INSURANCE PROGRAMS", was jointly offered by Senators Toyofuku, Takitani, Ushijima, Taira and Ching.

By unanimous consent, S.R. No. 176 was referred to the Committee on Human Resources.

A resolution (S.R. No. 177), entitled: "SENATE RESOLUTION RELATING TO FEDERAL LEGISLATION AND POLICIES FOR THE REIMBURSEMENT TO THE STATES FOR SERVICES PROVIDED TO IMMIGRANTS AND REFUGEES", was jointly offered by Senators Toyofuku, Takitani, Ushijima, Taira and Ching.

By unanimous consent, S.R. No. 177 was referred to the Committee on Human Resources.

A resolution (S.R. No. 178), entitled: "SENATE RESOLUTION REQUESTING A COMPREHENSIVE STUDY OF THE IMPACT OF IMMIGRANTS AND REFUGEES ON ALL COUNTY AND STATE AGENCIES", was jointly offered by Senators Toyofuku, Takitani, Ushijima, Taira and Ching.

By unanimous consent, S.R. No. 178 was referred to the Committee on Human Resources.

A resolution (S.R. No. 179), entitled: "SENATE RESOLUTION CONGRATULATING THE HONORABLE CONRADO E. SANCHEZ, JR., FOR HIS SELECTION AS THE KEYNOTE SPEAKER AT THE PACIFIC BUSINESS AND TRADE CONFERENCE", was jointly offered by Senators Ushijima, Ching, Kawasaki, Taira, Yim, Nishimura, O'Connor, Yamasaki, Toyofuku, Takitani, Kuroda, F. Wong, King, Hulten, George, Young, Soares, Saiki, Leopold, Yee, Anderson, Henderson and Hara.

On motion by Senator Taira, seconded by Senator Anderson and carried, S.R. No. 179 was adopted.

A resolution (S.R. No. 180), entitled: "SENATE RESOLUTION EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE FRANK C. JUDD", was jointly offered by Senators Yee, Anderson, Ching, Chong, George, Hara, Henderson, Hulten, Kawasaki, King, Kuroda, Leopold, Nishimura, O'Connor, Saiki, Soares, Taira, Takitani, Toyofuku, F. Wong, R. Wong, Yamasaki, Yim, Young and Ushijima.

On motion by Senator Yee, seconded by Senator Anderson and carried by a rising vote, S.R. No. 180 was adopted.

Senator Anderson then rose and asked if Senator F. Wong would yield to a question pertaining to resolutions, to which Senator F. Wong replied in the affirmative.

Senator Anderson then queried if Senate Resolution No. 1 pertaining to the Kohala Task Force that was discussed some weeks ago with a 30-day count-down had been issued to the Legislative Auditor and funded and now being processed.

Senator F. Wong replied that he did not have the answer to the query but that he would obtain the answer and advise Senator Anderson accordingly.

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, February 20, 1976:

Senate Bills

No. 2397-76 "A Bill for an Act Authorizing and Making Appropriations for a Management Information Study for the Legislature of the State of Hawaii."

Introduced by: Senator Ushijima.

No. 2398-76 "A Bill for an Act Making an Appropriation for a Study of the Real Property Tax Assessment System."

Introduced by: Senators Hulten, O'Connor, Chong, Ching, Henderson, F. Wong, Kuroda, Toyofuku, Takitani, Hara, Young, Ushijima, Taira,

King, Anderson and George.

No. 2399-76 "A Bill for an Act Relating to Firearms."

Introduced by: Senators Hulten, Takitani, F. Wong, Toyofuku, Chong and Taira.

No. 2400-76 "A Bill for an Act Relating to Charitable Trusts."

Introduced by: Senators Hulten, Takitani, Kuroda, Toyofuku, Chong, Young and Taira.

No. 2401-76 "A Bill for an Act Making an Appropriation for Capital Improvements in the County of Hawaii."

Introduced by: Senators Hara, Ushijima, Henderson, Chong, F. Wong, Takitani and O'Connor.

No. 2402-76 "A Bill for an Act Making an Appropriation for Summer Educational Programs for Handicapped Children in the State of Hawaii."

Introduced by: Senators Hara, Yim, Chong, Taira, Yamasaki, Takitani, F. Wong, O'Connor and Nishimura.

No. 2403-76 "A Bill for an Act Relating to Capital Punishment."

Introduced by: Senators Kawasaki, Taira, Hulten, R. Wong, Toyofuku, Soares, Saiki, O'Connor, Henderson, Yim, Kuroda, Ching, Anderson, Takitani, F. Wong and Yee.

No. 2404-76 "A Bill for an Act Relating to Learning Disabled Children."

Introduced by: Senators Kawasaki, Ching, Taira, Takitani and Leopold.

No. 2405-76 "A Bill for an Act Making an Appropriation for a Comprehensive Review of Major Employee Benefit Programs."

Introduced by: Senators R. Wong, Yamasaki, Chong, Yim and Toyofuku.

No. 2406-76 "A Bill for an Act Relating to the Taxation of Transient Accommodations."

Introduced by: Senator R. Wong.

No. 2407-76 "A Bill for an Act Relating to General Excise Tax."

Introduced by: Senators Toyofuku, Ushijima, Ching, Takitani and Taira.

No. 2408-76 "A Bill for an Act Making an Appropriation for the

- Public Employees Health Fund."
- Introduced by: Senators Toyofuku, Taira, Takitani, Ushijima and Ching.
- No. 2409-76 "A Bill for an Act Relating to Service-Connected Total Disability Retirement for Police Officers."
- Introduced by: Senators Toyofuku, Taira, Takitani, Ushijima and Ching.
- No. 2410-76 "A Bill for an Act Relating to Collective Bargaining."
- Introduced by: Senators Toyofuku, Taira, Takitani, Ching and Ushijima.
- No. 2411-76 "A Bill for an Act Relating to Employment Security."
- Introduced by: Senators Toyofuku, Hulten, Chong, Takitani, Ching, F. Wong, Ushijima and Taira.
- No. 2412-76 "A Bill for an Act Relating to Employment Security."
- Introduced by: Senators Toyofuku, Hulten, Taira, Takitani, Chong, F. Wong, Ushijima, Soares and Ching.
- No. 2413-76 "A Bill for an Act Relating to the Stadium Authority."
- Introduced by: Senators Toyofuku, Takitani, Taira, Ushijima and Ching.
- No. 2414-76 "A Bill for an Act Making an Appropriation for the Publication of Books on Hawaii's Various Ethnic Groups."
- Introduced by: Senators Hara, Yim, Ushijima, Chong, Taira, Yamasaki, Takitani, F. Wong, Nishimura and O'Connor.
- No. 2415-76 "A Bill for an Act Making an Appropriation for the Construction of a Multi-Purpose Educational Center Auditorium at the Honolulu Zoo."
- Introduced by: Senators Hara, Yim, Ushijima, Chong, Taira, Yamasaki, Takitani, F. Wong, O'Connor and Nishimura.
- No. 2416-76 "A Bill for an Act Making an Appropriation for Small Rodent Control in the County of Hawaii."
- Introduced by: Senators Hara, Ushijima, Henderson, Chong, F. Wong, Takitani and O'Connor.
- No. 2417-76 "A Bill for an Act Making an Appropriation for an Ethnic Cultural Building Complex, Hawaii."
- Introduced by: Senators Hara, Ushijima, Chong, Takitani, O'Connor, Kuroda and Hulten.
- No. 2418-76 "A Bill for an Act Making an Appropriation for the Installation of a Traffic Control Light at Keaau Elementary School."
- Introduced by: Senators Hara, Ushijima, Chong, King, Takitani, O'Connor and Henderson.
- No. 2419-76 "A Bill for an Act Making an Appropriation for the Marketing Order Revolving Fund."
- Introduced by: Senators Hara, Ushijima, Chong, Henderson, Kuroda, Hulten, Takitani and O'Connor.
- No. 2420-76 "A Bill for an Act Making an Appropriation to Accelerate Ohia Decline Study."
- Introduced by: Senators Hara, Ushijima, Chong, Henderson, Kuroda, Hulten, Takitani and O'Connor.
- No. 2421-76 "A Bill for an Act Making an Appropriation for a Wind-Hydro Electric System in West Hawaii."
- Introduced by: Senators Hara, Ushijima, Chong, Kuroda, Hulten, Takitani and O'Connor.
- No. 2422-76 "A Bill for an Act Relating to Income Taxation."
- Introduced by: Senators O'Connor, Ushijima, Ching, Toyofuku, Chong, Takitani, F. Wong, Henderson, Soares, Hara, Taira, Yamasaki, Leopold and Young.
- No. 2423-76 "A Bill for an Act Relating to Records of Persons Kept by Government and Private Sector."
- Introduced by: Senator Chong, by request.
- On motion by Senator Taira, seconded by Senator Anderson and carried, the following bills were referred to print and were placed on the calendar for further consideration on Friday, February 20, 1976:
- Senate Bills
- No. 2395-76 "A Bill for an Act Relating to the Motor Vehicle Accident Reparations Act."

Introduced by: Senator Nishimura.
 No. 2396-76 "A Bill for an Act Relating
 to Emergency Medical Services."

Introduced by: Senator Chong.

STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 22-76), informing the Senate that Senate Concurrent Resolution No. 45, Senate Resolution Nos. 170 to 173 and Senate Bill Nos. 2324-76 to 2394-76 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.

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Wednesday, February 18, 1976:

Senate Bills Referred to:

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| No. 2324-76 | Committee on Housing and Hawaiian Homes | No. 2336-76 | Committee on Ways and Means |
| No. 2325-76 | Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means | No. 2337-76 | Committee on Education |
| No. 2326-76 | Committee on Human Resources | No. 2338-76 | Committee on Higher Education, then to the Committee on Ways and Means |
| No. 2327-76 | Committee on Human Resources | No. 2339-76 | Committee on Higher Education, then to the Committee on Ways and Means |
| No. 2328-76 | Committee on Human Resources | No. 2340-76 | Committee on Higher Education, then to the Committee on Ways and Means |
| No. 2329-76 | Committee on Human Resources | No. 2341-76 | Committee on Education, then to the Committee on Ways and Means |
| No. 2330-76 | Committee on Human Resources | No. 2342-76 | Committee on Education, then to the Committee on Ways and Means |
| No. 2331-76 | Committee on Human Resources | No. 2343-76 | Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means |
| No. 2332-76 | Committee on Judiciary | No. 2344-76 | Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means |
| No. 2333-76 | Committee on Ways and Means | No. 2345-76 | Committee on Education, then to the Committee on Ways and Means |
| No. 2334-76 | Committee on Human Resources | No. 2346-76 | Committee on Education, then to the Committee on Ways and Means |
| No. 2335-76 | Committee on Transportation, then to the Committee on Ways and Means | No. 2347-76 | Committee on Higher Education, then to the Committee on Ways and Means |
| | | No. 2348-76 | Committee on Intergovernmental Relations |
| | | No. 2349-76 | Committee on Judiciary, then to the Committee on Ways and Means |
| | | No. 2350-76 | Committee on Human Resources |
| | | No. 2351-76 | Committee on Human Resources, then to the Committee on Ways and Means |
| | | No. 2352-76 | Committee on Ways and Means |
| | | No. 2353-76 | Committee on Economic Development, then to the Committee on Ways and Means |
| | | No. 2354-76 | Committee on Economic Development, then to the Committee on Ways and Means |

- No. 2355-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2356-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2357-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2358-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2359-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2360-76 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means
- No. 2361-76 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means
- No. 2362-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2363-76 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means
- No. 2364-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2365-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2366-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2367-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2368-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2369-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2370-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2371-76 Committee on Transportation, then to the Committee on Ways and Means
- No. 2372-76 Committee on Education, then to the Committee on Ways and Means
- No. 2373-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2374-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2375-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2376-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2377-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2378-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2379-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2380-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2381-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2382-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2383-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2384-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2385-76 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2386-76 Committee on Judiciary
- No. 2387-76 Committee on Education, then to the Committee on Judiciary
- No. 2388-76 Committee on Education
- No. 2389-76 Committee on Judiciary
- No. 2390-76 Committee on Health, then to the Committee on Ways and Means
- No. 2391-76 Committee on Economic

Development, then to the Committee on Ways and Means

No. 2392-76 Committee on Transportation, then to the Committee on Judiciary

No. 2393-76 Committee on Ways and Means

No. 2394-76 Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means

MISCELLANEOUS COMMUNICATION

A communication from the Legal Aid Society of Hawaii (Misc. Com. No. 2), transmitting its detailed Budget and Planning Report, prepared pursuant to Section 21 of Act 195, Session Laws of Hawaii, 1975, was read by the Clerk and was referred to the Committee on Judiciary.

At 11:39 o'clock a.m., the Senate stood in recess, subject to the call

of the Chair.

The Senate reconvened at 11:47 o'clock a.m.

At this time, Senator Anderson rose on a point of personal privilege and expressed his feelings against the Administration's decision to present a new formula to hold increases in real property assessments to no more than 6 per cent a year for each county. He noted that this decision was made because of pressure in negotiations in collective bargaining and added that he had never heard of a collective bargaining problem creating another property tax problem.

ADJOURNMENT

At 11:55 o'clock a.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 20, 1976.