

TWENTY-EIGHTH DAY

Monday, March 1, 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 Dr. William E. Smith of the Waiialae Baptist Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Twenty-Seventh Day.

At this time, Senator Chong introduced to the members of the Senate Mr. Brian Shields, Chief, Transportation Division, The World Bank, who is enroute to Manila, Burma, Bangladesh, India and other points. Senator Chong noted that he and Mr. Shields had served together in the Peace Corps in Nigeria twelve years ago.

Senator F. Wong then introduced Mr. Louis Rudnick, legal counsel for International Franchise Association in Chicago, who is here to assist in certain legislative matters.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 59), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO CANCEL THE INDEBTEDNESS OF THE STATES TO THE FEDERAL ACCOUNT IN THE UNEMPLOYMENT COMPENSATION TRUST FUND FOR ADVANCES TO PAY UNEMPLOYMENT BENEFITS", was jointly offered by Senators Yamasaki, Hulten, O'Connor, Young, Toyofuku, Ushijima, Takitani, Hara, Nishimura, Chong, Yim, Saiki, Kuroda, Henderson, Yee, F. Wong and Soares, and was read by the Clerk.

By unanimous consent, S.C.R. No. 59 was referred to the Committee on Human Resources.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 219 to 222) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 219), entitled: "SENATE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO CANCEL THE INDEBTEDNESS OF THE STATES TO THE FEDERAL ACCOUNT IN THE UNEMPLOYMENT COMPENSATION TRUST FUND FOR ADVANCES TO PAY

UNEMPLOYMENT BENEFITS", was jointly offered by Senators Yamasaki, Hulten, O'Connor, Young, Toyofuku, Ushijima, Takitani, Hara, Chong, Yim, Nishimura, F. Wong, Henderson, Kuroda, Yee, Saiki and Soares.

By unanimous consent, S.R. No. 219 was referred to the Committee on Human Resources.

A resolution (S.R. No. 220), entitled: "SENATE RESOLUTION RELATING TO CLEANING DRAINAGE CANALS", was jointly offered by Senators F. Wong, Young, Kuroda and Ching.

By unanimous consent, S.R. No. 220 was referred to the Committee on Intergovernmental Relations.

A resolution (S.R. No. 221), entitled: "SENATE RESOLUTION RELATING TO THE DESIGNATION OF MARCH 1-8, 1976, AS MAKAHIKI-KAI WEEK IN HAWAII TO COMMEMORATE THE BICENTENNIAL MARINE EXPOSITION HONORING HAWAII'S COMMERCIAL AKU INDUSTRY", was jointly offered by Senators Yamasaki, Takitani, Chong, F. Wong, Ching, Hulten, Kuroda, Hara, Taira, Nishimura, Toyofuku, Ushijima, King, Soares, Anderson and Yim.

On motion by Senator Yamasaki, seconded by Senator Hara and carried, S.R. No. 221 was adopted.

At this time, Senator Yamasaki introduced to the members of the Senate Mr. Ronald Lindsy, Director, and Ms. Rose Pfun, Coordinator for Information and Publication, of the University of Hawaii's Sea Grant College Program.

A resolution (S.R. No. 222), entitled: "SENATE RESOLUTION EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE ANTONE KONA VIDINHA", was jointly offered by Senators Toyofuku, Hulten, O'Connor, Chong, Takitani, Soares, Henderson, Young, Ching, Kuroda, R. Wong, Yamasaki, Anderson and King.

On motion by Senator Toyofuku, seconded by Senator Anderson and carried by a rising vote, S.R. No. 222 was adopted.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 41-76) informing the Senate that Senate Concurrent Resolution Nos. 55 to 59;

Senate Resolution Nos. 219 to 221; and Standing Committee Report Nos. 42-76 to 49-76 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 Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 42-76) recommending that Senate Resolution No. 7 be adopted.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and S.R. No. 7, entitled: "SENATE RESOLUTION RELATING TO BILINGUAL AND BICULTURAL PROGRAMS", was adopted.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 43-76) recommending that Senate Bill No. 2034-76 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 2034-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A CENTER FOR THE RETARDED AT THE SPECIAL EDUCATION CENTER OF OAHU", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 44-76) recommending that Senate Bill No. 2133-76 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 2133-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE SPECIAL EDUCATION CENTER OF OAHU", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Taira, for the Committee on Public Utilities, presented a report (Stand. Com. Rep. No. 45-76) recommending that Senate Bill Nos. 1741-76 and 1742-76 pass First Reading by title and be recommitted to the Committee on Public Utilities.

On motion by Senator Taira, seconded by Senator Takitani and carried, the report of the Committee was adopted and

S.B. No. 1741-76, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION AND PROGRAM", and

S.B. No. 1742-76, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES PROGRAM",

passed First Reading by title and were recommitted to the Committee on Public Utilities.

At 11:38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:41 o'clock a.m.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 46-76) recommending that Senate Bill No. 1750-76, as amended in S.D. 1, pass First Reading and be referred to the Committee on Transportation.

By unanimous consent, the referral of S.B. No. 1750-76, S.D. 1, to the Committee on Transportation was waived.

On motion by Senator King, seconded by Senator Hulten and carried, Stand. Com. Rep. No. 46-76 was received and placed on file, and S.B. No. 1750-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECREATIONAL OPPORTUNITIES", passed First Reading and was referred to the Committee on Ways and Means.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 47-76) recommending that Senate Bill No. 2013-76, as amended in S.D. 1, be referred to the Committee on Economic Development.

On motion by Senator King, seconded by Senator Hulten and carried, the report of the Committee was adopted and S.B. No. 2013-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF PARK AND MINI PARK LANDS", was referred to the Committee on Economic Development.

At 11:42 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock a.m.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 48-76) recommending that Senate Bill No. 243, as amended in S.D. 1, pass Second Reading and

be placed on the calendar for Third Reading.

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 243, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF INCOME TAXES", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 2, 1976.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 243, S.D. 1.

Senator Kuroda, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 49-76) recommending that Senate Bill No. 1553, S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kuroda, seconded by Senator R. Wong and carried, the report of the Committee was adopted and S.B. No. 1553, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII FOOD, DRUG, AND COSMETIC ACT", passed Second Reading and was referred to the Committee on Judiciary.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The President made the following re-referral of a bill that was introduced in the Regular Session of 1975:

Senate Bill Referred to:

No. 1092 Committee on Human Resources,
 then to the Committee on Ways and
 Means

The President made the following re-referral of bills that were introduced on Monday, January 26, 1976:

Senate Bills Referred to:

No. 1750-76 Committee on Ecology,
 Environment and Recreation,
 then to the Committee on Transporta-
 tion, then to the Committee on Ways
 and Means

No. 1760-76 Committee on Housing
 and Hawaiian Homes, then to the
 Committee on Ways and Means

The President made the following re-referral of a bill that was introduced on Thursday, February 19, 1976:

Senate Bill Referred to:

No. 2399-76 Committee on Intergovern-
 mental Relations, then to the Committee
 on Judiciary

At this time, Senator King rose to speak on the matter of referrals, stating that last Session all bills and resolutions concerning the conservation district and the Land Use Commission were referred to both the Committee on Ecology, Environment and Recreation and the Committee on Economic Development. This Session, however, while the resolutions have been referred to her Committee, the bills have been referred only to the Committee on Economic Development. She then said, "I would like to ask not that the Committee on Economic Development be bypassed, but that we also be included".

Senator F. Wong responded that last year's referrals were made with his consent after consultation. However, this year, he feels it is "necessary to maintain consistency in the Senate, which requires a strict interpretation of the Senate Rules". He added that he is in agreement with the President's referrals.

The President then stated that he had received a letter from Senator King, regarding this matter, which he referred to Senator F. Wong. As he was notified that no accommodations were made between the two Senators, the President's referrals therefore stand as originally made.

Senator King again rose to state that "the referral of bills should not be made on the basis of individuals, but in adherence to the Rules". She noted that the Committee on Economic Development should receive those bills relating to such matters as tourism, product promotion, agriculture, and land and water resources, whereas the Committee on Ecology, Environment and Recreation is concerned with environmental quality control. She then stated that "the President's referrals last Session were correct, as the bills fell within the purview of the two Committees". She asked that this Session's bills be referred, under the Senate Rules, not only to the Committee on Economic Development but also to the Committee on Ecology, Environment and Recreation.

Senator Anderson then rose to say that he was "puzzled" as to the referral of S.B. No. 2013-76, relating to the acquisition of park and mini park lands, to the Committee on Economic Development. He stated that as the bill "pertains strictly to the City and

County and recreation, and nowhere do I find in the Rules this purview coming under the Committee on Economic Development; perhaps it should have gone only to the Committee on Ecology, Environment and Recreation and bypassed the Committee on Economic Development".

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:31 o'clock p.m.

Senator King moved to appeal the ruling of the Chair regarding the referral of Senate Bills, seconded by Senator Chong.

At this time, Senator King rose to again state that during this Session, all resolutions regarding the conservation district and the Land Use Commission have been referred to the Committee on Ecology, Environment and Recreation, as well as the Committee on Economic Development, but the bills relating to the same subject area have gone only to the Committee on Economic Development.

She stated that "the subject matter of land is of crucial importance in terms of the kind of environment we have". She also expressed concern that several bills relating to outdoor recreation were not referred to her Committee. She then stated, "Based on your past practice and correct referrals, Mr. President, and your referrals this Session of the resolutions dealing with these two subject areas correctly, I would like to appeal your ruling of the specific bills I have mentioned".

Roll Call having been requested, the motion was put by the Chair and failed to carry on the the following showing of Ayes and Noes:

Ayes, 8. Noes, 17 (Ching, Hara, Henderson, Hulten, Kawasaki, Kuroda, Nishimura, O'Connor, Taira, Takitani, Toyofuku, F. Wong, R. Wong, Yamasaki, Yee, Young and Ushijima).

ADJOURNMENT

At 12:38 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., Wednesday, March 3, 1976.