

TWENTY-NINTH DAY

Tuesday, March 2, 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. Clifford Hoff of the University Avenue Baptist Church, after which the Roll was called showing all Senators present, with the exception of Senators Kawasaki and Yim, who were excused.

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

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

Senator F. Wong introduced fifty students from the sixth grade at Punahou School, accompanied by their teachers, Miss Pam Finley and Mr. Rob Durand, and a parent, Mrs. Carol Greenwell.

Senator Kuroda introduced 100 students from the sixth grade at Barbers Point School, with their teachers, Mr. Wayne Travillion, Mr. Ray Mitsuyoshi, Miss Sandy Whittenberg and Mrs. Cheryl Brooks.

Senator Yee then introduced twenty-five Junior and Seniors from Maryknoll High School, with their teacher, Mr. Wallace Inglis.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 105 and 106) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 105), transmitting the 1974 Historic Preservation Annual Report prepared by the Department of Land and Natural Resources, pursuant to Section 6-1, Hawaii Revised Statutes, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 106), transmitting a report prepared by the Administration entitled, "Act 105 Program Review", was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 31 to 38) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 31), transmitting House Concurrent Resolution No. 3, H.D. 1, which was adopted in the House of Representatives on March 1, 1976, was placed on file.

By unanimous consent, H.C.R. No. 3, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING AN AD HOC COMMITTEE TO EXAMINE THE RELATIONSHIP BETWEEN RESIDENTIAL HOUSING PRICES, EXISTING COUNTY BUILDING CODES, AND THE COST OF CERTAIN BUILDING MATERIALS", was referred to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 32), transmitting House Bill No. 2127-76, which passed Third Reading in the House of Representatives on March 1, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2127-76, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIONS BY THE OFFICE OF CONSUMER PROTECTION", passed First Reading by title and was referred to the Committee on Consumer Protection, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 33), transmitting House Bill No. 2224-76, which passed Third Reading in the House of Representatives on March 1, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2224-76, entitled: "A BILL FOR AN ACT RELATING TO AUDITED STATEMENTS OF INDUSTRIAL LOAN COMPANIES ISSUING INVESTMENT CERTIFICATES OR DEBENTURES", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 34), transmitting House Bill No. 2228-76, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2228-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR CARRIER LAW", passed First Reading by title and was referred to the Committee on Public Utilities, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 35), transmitting House Bill No. 2231-76, which passed Third Reading in the House of Representatives on March 1, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2231-76, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR CERTAIN PROFESSIONAL AND VOCATIONAL LICENSES", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 36), transmitting House Bill No. 2232-76, which passed Third Reading in the House of Representatives on March 1, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2232-76, entitled: "A BILL FOR AN ACT RELATING TO STATE RENT SUPPLEMENTS", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 37), transmitting House Bill No. 2246-76, which passed Third Reading in the House of Representatives on March 1, 1976, was placed on file.

On motion by Senator Taira; seconded by Senator Anderson and carried, H.B. No. 2246-76, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION OF THE CAMPUS CENTER SPECIAL FUND, UNIVERSITY OF HAWAII", passed First Reading by title and was referred to the Committee on Higher Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 38), transmitting House Bill No. 2612-76, which passed Third Reading in the House of Representatives on March 1, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2612-76, entitled: "A BILL FOR AN ACT RELATING TO THE

REAL ESTATE RECOVERY FUND", passed First Reading by title and was referred to the Committee on Judiciary.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 60), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING RETENTION OF FAVORABLE DEPARTMENT OF DEFENSE PROGRAMS FOR THE ARMY AND AIR NATIONAL GUARD", was jointly offered by Senators Taira, Leopold, Takitani, Toyofuku, Ching and Soares, and was read by the Clerk.

By unanimous consent, S.C.R. No. 60 was referred to the Committee on Military and Civil Defense, then to the Committee on Ways and Means.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 223 to 234) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 223), entitled: "SENATE RESOLUTION REQUESTING THE SENATE JUDICIARY COMMITTEE TO CONDUCT A STUDY TO DETERMINE THE IMPACT OF MANDATORY SENTENCING ON THE HAWAII STATE PENAL SYSTEM POPULATION", was jointly offered by Senators Henderson, Yee, Leopold, Anderson, Saiki, Soares, George, Young, F. Wong, Ching, R. Wong, Yim, Toyofuku, Takitani, Yamasaki, Taira, Hulten, O'Connor, Nishimura, Kuroda, Hara, Kawasaki and Ushijima.

By unanimous consent, S.R. No. 223 was referred to the Committee on Judiciary.

A resolution (S.R. No. 224), entitled: "SENATE RESOLUTION HONORING GAILE A. SYKES AS THE 1976 HAWAII STATE TEACHER OF THE YEAR", was jointly offered by Senators Anderson, Yee, Henderson, Nishimura, Soares, Leopold, Saiki, Taira, F. Wong, George, King, Young, Chong, Yim, R. Wong, Kawasaki, Hulten, Takitani, Yamasaki, O'Connor, Ching, Hara, Toyofuku, Kuroda and Ushijima.

On motion by Senator Anderson, seconded by Senator Yee and carried, S.R. No. 224 was adopted.

A resolution (S.R. No. 225), entitled: "SENATE RESOLUTION RECOGNIZING AND COMMENDING THE 322ND CIVIL AFFAIRS GROUP, UNITED STATES ARMY RESERVE FOR ITS COMMUNITY SERVICE PROJECT AT WAIMANO TRAINING SCHOOL AND HOSPITAL", was jointly offered by Senators Kuroda, Ching,

Young, Takitani, Chong, Henderson, F. Wong, Hulten, Nishimura, Leopold, Yee, George, Soares, Yamasaki, R. Wong, Toyofuku, Taira, Kawasaki, Yim, King, Saiki, O'Connor, Ushijima, Anderson and Hara.

On motion by Senator Kuroda, seconded by Senator Young and carried, S.R. No. 225 was adopted.

A resolution (S.R. No. 226), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO THE LEILEHUA HIGH SCHOOL MULES VARSITY BASKETBALL TEAM, OAHU INTERSCHOLASTIC ASSOCIATION CENTRAL DIVISION CHAMPIONS OF 1976", was jointly offered by Senators Kuroda, F. Wong, Chong, Ching, Hara, Toyofuku, Takitani, Young, Nishimura, Taira, King, Henderson, R. Wong, Yim, O'Connor, Yamasaki, Leopold, Saiki, Hulten, Soares, Ushijima, Anderson, George, Yee and Kawasaki.

On motion by Senator Kuroda, seconded by Senator F. Wong and carried, S.R. No. 226 was adopted.

A resolution (S.R. No. 227), entitled: "SENATE RESOLUTION REQUESTING THE KAUAI, MOLOKAI, AND KOHALA TASK FORCES TO COORDINATE THEIR ACTIVITIES", was offered by Senator Soares.

By unanimous consent, S.R. No. 227 was referred to the Committee on Economic Development.

A resolution (S.R. No. 228), entitled: "SENATE RESOLUTION REQUESTING THE CREATION OF AN OFFICE OF AGRICULTURAL DEVELOPMENT WITHIN THE DEPARTMENT OF AGRICULTURE", was jointly offered by Senators Soares and Leopold.

By unanimous consent, S.R. No. 228 was referred to the Committee on Economic Development.

A resolution (S.R. No. 229), entitled: "SENATE RESOLUTION REQUESTING EXPANSION OF OVERSEAS HAWAII VISITORS BUREAU FUNCTIONS TO INCLUDE THE PROMOTION AND MARKETING OF HAWAIIAN PRODUCTS, PARTICULARLY IN RELATION TO AGRICULTURE", was jointly offered by Senators Soares, Saiki, Anderson, Yee, Henderson and George.

By unanimous consent, S.R. No. 229 was referred to the Committee on Economic Development.

A resolution (S.R. No. 230), entitled: "SENATE RESOLUTION CONGRATULATING THE COMPREHENSIVE HEALTH PLANNING

AGENCY, ADVISORY COUNCIL, AREAWIDE COUNCILS AND VOLUNTEERS", was jointly offered by Senators Ushijima, Ching, Takitani, Anderson, Hulten, Kuroda, King, Hara, Chong, Young, Toyofuku, Taira, Yamasaki, O'Connor, Nishimura, R. Wong, Yim, Kawasaki, Yee, Henderson, George, Leopold, Soares and Saiki.

On motion by Senator Chong, seconded by Senator Taira and carried, S.R. No. 230 was adopted.

A resolution (S.R. No. 231), entitled: "SENATE RESOLUTION RECOGNIZING MARCH, 1976, AS THE SECOND ANNUAL YOUTH ART MONTH", was jointly offered by Senators Hara, F. Wong, R. Wong, Chong, King, Yim, Nishimura, Hulten, Young, Ushijima and Henderson.

On motion by Senator Hara seconded by Senator F. Wong and carried, S.R. No. 231 was adopted.

A resolution (S.R. No. 232), entitled: "SENATE RESOLUTION REQUESTING RETENTION OF FAVORABLE DOD PROGRAMS FOR THE ARMY AND AIR NATIONAL GUARD", was jointly offered by Senators Taira, Leopold, Takitani, Toyofuku, Ching and Soares.

By unanimous consent, S.R. No. 232 was referred to the Committee on Military and Civil Defense, then to the Committee on Ways and Means.

A resolution (S.R. No. 233), entitled: "SENATE RESOLUTION RECOGNIZING MARCH AS PROFESSIONAL SOCIAL WORK MONTH AND MARCH 11 AS HUMAN SERVICES DAY AND REQUESTING THE GOVERNOR OF HAWAII TO SO PROCLAIM", was jointly offered by Senators Toyofuku, Soares, King, Kawasaki, Taira, Takitani, Chong and Yim.

On motion by Senator Toyofuku, seconded by Senator Young and carried, S.R. No. 233 was adopted.

A resolution (S.R. No. 234), entitled: "SENATE RESOLUTION PROVIDING OPTIONS FOR LIFE INSURANCE COMPANIES TO INCREASE THEIR HOLDINGS OF INSURED LOCAL RESIDENTIAL MORTGAGES", was jointly offered by Senators Young, Yim, Chong, Kuroda, King, F. Wong, Takitani, Hulten, O'Connor, R. Wong, Yamasaki, Toyofuku, Soares, Nishimura, Kawasaki, Taira, Hara, George, Saiki and Leopold.

By unanimous consent, S.R. No. 234 was referred to the Committee on Housing and Hawaiian Homes.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 50-76), informing the Senate that Senate Resolution Nos. 222 to 230 and Standing Committee Report Nos. 51-76 to 62-76 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 Kuroda, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 51-76), recommending that Senate Bill No. 2224-76 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kuroda, seconded by Senator R. Wong, the report of the Committee was adopted and S.B. No. 2224-76, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", passed Second Reading and was referred to the Committee on Judiciary.

Senator Kuroda, for the majority of the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 52-76), recommending that House Bill No. 622, H.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 majority of the Committee was adopted and H.B. No. 622, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Second Reading and was referred to the Committee on Judiciary.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 53-76), recommending that Senate Bill No. 1794-76 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.B. No. 1794-76, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 54-76),

recommending that Senate Bill No. 1843-76 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.B. No. 1843-76, entitled: "A BILL FOR AN ACT RELATING TO FEES APPLICABLE TO PRACTICING PSYCHOLOGISTS", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 55-76), recommending that Senate Bill No. 1844-76 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.B. No. 1844-76, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR CERTAIN PROFESSIONAL AND VOCATIONAL LICENSES", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 56-76), recommending that Senate Bill No. 1561, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.B. No. 1561, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSURE QUALIFICATIONS OF ATTORNEYS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 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. 1561, S.D. 1.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 57-76), recommending that Senate Bill No. 1785-76, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.B. No. 1785-76,

S.D. 1, entitled: A BILL FOR AN ACT RELATING TO CIVIL PENALTIES FOR VIOLATIONS OF INJUNCTIVE ORDERS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 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. 1785-76, S.D. 1.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 58-76), recommending that Senate Bill No. 1789-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.B. No. 1789-76, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 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. 1789-76.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 59-76), recommending that Senate Bill No. 1836-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.B. No. 1836-76, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF REGULATORY AGENCIES", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 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. 1836-76.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 60-76), recommending that Senate Bill No. 1837-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.B. No. 1837-76, entitled: "A BILL FOR AN ACT RELATING TO AUDITED STATEMENTS OF INDUSTRIAL LOAN COMPANIES ISSUING INVESTMENT CERTIFICATES OR DEBENTURES", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 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. 1837-76.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 61-76), recommending that Senate Bill No. 1855-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.B. No. 1855-76, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE CATEGORIES", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 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. 1855-76.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 62-76), recommending that Senate Bill No. 2031-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.B. No. 2031-76, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 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. 2031-76.

At 11:40 o'clock a.m., the Senate stood in recess, subject to the call of the Chair.

The Senate reconvened at 11:43 o'clock a.m.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The President made the following re-referral of bills that were introduced on Tuesday, February 24, 1976:

Senate Bills	Referred to:
No. 2552-76 and Means	Committee on Ways and Means
No. 2555-76 and Means	Committee on Ways and Means

THIRD READING

Senate Bill No. 243, S.D. 1:

Senator Kuroda moved that S.B. No. 243, S.D. 1, pass Third Reading, seconded by Senator Yamasaki.

Senator Kuroda then spoke for the passage of the bill as follows:

"Mr. President, the purpose of this bill is to amend our income tax law, removing what I believe is a discriminatory clause in our laws.

I am certain that in the Special Session of 1957, some eighteen years ago, there was a need to include a clause in our tax laws which afforded Hawaii residents sixty-five years and older, a tax exemption on all income which was derived from out of State. This was referred to as the 'Kaiser amendment'. (This law allows any person sixty-five years or older to take up residence in our State and enjoy all of the benefits without paying a dime of tax on their retirement income from wherever, as long as it is from out of State.)

Yet, our own Kamaaina residents, when they reach the golden age of retirement must continue to pay income taxes on their locally earned retirement pensions.

This bill changes the law, removing this language. After the first of July of this year, persons becoming residents of Hawaii will be required

to pay income taxes on their income, regardless of source.

I urge my fellow Senators to vote Yes on this bill.

Thank you."

The motion was put by the Chair and carried, and S.B. No. 243, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF INCOME TAXES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes.

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yim).

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 4 and 5) were read by the Clerk and were disposed of as follows:

A communication from the Roman Catholic Diocese of Honolulu, (Misc. Com. No. 4), noting their appreciation for the adoption of Senate Resolution No. 152, was placed on file.

A communication from the Office of the Corporation Counsel, County of Hawaii, (Misc. Com. No. 5), transmitting a report pursuant to Senate Resolution No. 410 (1975), which requested a review and study on Milolii-Hoopuloa, was referred to the Committee on Economic Development.

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

The Senate reconvened at 11:52 o'clock a.m.

ADJOURNMENT

At 11:53 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., on Wednesday, March 3, 1976.