

THIRTY-FOURTH DAY

Tuesday, March 9, 1976

The Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:00 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Michael Rymer of the Sts. Constantine and Helen Greek Orthodox Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Thirty-Third Day.

At this time, Senator Yee introduced to the members of the Senate 160 tenth and eleventh grade students from Roosevelt High School, and their teacher, Mrs. Faith Lee.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 68), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO CAREER INFORMATION CENTER", was jointly offered by Senators Yamasaki, Kawasaki, F. Wong, Yee, Anderson, Henderson, Hulten, Toyofuku, Soares, Takitani, Yim, Ching, Chong, Nishimura, Saiki and Ushijima, and was read by the Clerk.

By unanimous consent, S.C.R. No. 68 was referred to the Committee on Higher Education.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 273 to 276) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 273), entitled: "SENATE RESOLUTION RELATING TO REGULATION OF ANCHORING OF VESSELS", was jointly offered by Senators Chong, Taira, Young, Nishimura, O'Connor, Takitani, Yim, King, George, F. Wong, Hulten, Leopold and Hara.

By unanimous consent, S.R. No. 273 was referred to the Committee on Transportation.

A resolution (S.R. No. 274), entitled: "SENATE RESOLUTION CONGRATULATING THE KALAHEO HIGH SCHOOL MUSTANGS, 1976 OAHU INTERSCHOLASTIC ASSOCIATION BASKETBALL CHAMPIONS", was jointly offered by Senators George, Hulten, Anderson, Young, F. Wong, Ching, Chong, King, Toyofuku, R. Wong,

Nishimura, Kuroda, O'Connor, Leopold, Henderson, Yee, Saiki and Soares.

On motion by Senator George, seconded by Senator Ching and carried, S.R. No. 274 was adopted.

A resolution (S.R. No. 275), entitled: "SENATE RESOLUTION RECOGNIZING THE OAHU INTERSCHOLASTIC ASSOCIATION (OIA) FOR ITS ROLE IN PROMOTING AND DEVELOPING A FOUNDATION OF EQUAL OPPORTUNITIES THROUGH HIGH SCHOOL ATHLETICS", was jointly offered by Senators Hara, Kuroda, Hulten, Takitani, Yamasaki, Ching, Chong, Nishimura, O'Connor, King, Young, F. Wong, Anderson, Ushijima, Yee, Soares, Taira, Henderson, R. Wong, Toyofuku, Yim, Kawasaki and George.

On motion by Senator Hara, seconded by Senator Yim and carried, S.R. No. 275 was adopted.

A resolution (S.R. No. 276), entitled: "SENATE RESOLUTION RELATING TO CAREER INFORMATION", was jointly offered by Senators Yamasaki, Kawasaki, F. Wong, Yee, Anderson, Henderson, Toyofuku, Hulten, Soares, Takitani, Yim, Ching, Chong, Nishimura, Saiki and Ushijima.

By unanimous consent, S.R. No. 276 was referred to the Committee on Higher Education.

SPECIAL COMMITTEE REPORT

Senator Chong, for the Interim Committee on Health, which was assigned to explore the implications for Hawaii of the recent Supreme Court ruling on issues relating to the legal status of the mentally ill and right to treatment, presented a report (Spec. Com. Rep. No. 16) with certain recommendations.

By unanimous consent, the report of the Committee was received and placed on file.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 343-76) informing the Senate that Senate Resolution Nos. 265 to 275; Special Committee Report No. 16; and Standing Committee Report Nos. 233-76 to 342-76 and 344-76 to 352-76 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 Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 344-76) recommending that Senate Resolution No. 198 be adopted.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and S.R. No. 198, entitled: "SENATE RESOLUTION RELATING TO THE PROVISION OF PSYCHOLOGICAL SERVICES AT WAIMANO TRAINING SCHOOL AND HOSPITAL", was adopted.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 345-76) recommending that Senate Bill No. 2231-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and S.B. No. 2231-76, entitled: "A BILL FOR AN ACT RELATING TO KULA HOSPITAL", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 10, 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. 2231-76.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 346-76) recommending that Senate Bill No. 2519-76, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and S.B. No. 2519-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 10, 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. 2519-76, S.D. 1.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 347-76) recommending that Senate Resolution No. 95 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 347-76 and S.R. No. 95 was deferred to the end of the calendar.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 348-76) recommending that Senate Concurrent Resolution No. 24 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 348-76 and S.C.R. No. 24 was deferred to the end of the calendar.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 349-76) recommending that Senate Bill No. 1623, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 1623, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEX BIAS IN SCHOOLS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 10, 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. 1623, S.D. 1.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 350-76) recommending that Senate Bill No. 2235-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 2235-76, entitled: "A BILL FOR AN ACT RELATING TO SECONDARY SCHOOL STUDENTS CONFERENCE", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 10, 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. 2235-76.

Senator Hara, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 351-76) recommending that Senate Bill No. 2923-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the majority of the Committee was adopted and S.B. No. 2923-76, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 10, 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. 2923-76.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 352-76) recommending that Senate Bill No. 2326-76, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Toyofuku, seconded by Senator Young and carried, the report of the Committee was adopted and S.B. No. 2326-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 10, 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. 2326-76, S.D. 1.

ORDER OF THE DAY

MATTER DEFERRED FROM MARCH 8, 1976

Standing Committee Report No. 233-76 (S.R. No. 32):

By unanimous consent, Stand. Com. Rep. No. 233-76 and S.R. No. 32, entitled: "SENATE RESOLUTION RELATING TO A TEACHER EVALUATION PROGRAM FOR THE PUBLIC SCHOOL SYSTEM IN THE STATE OF HAWAII", were recommitted to the Committee on Education.

THIRD READING

Senate Bill No. 1824-76, S.D. 1:

On motion by Senator Hara, seconded by Senator F. Wong and carried, S.B. No. 1824-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPRAISAL OF PUBLIC LANDS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1825-76:

On motion by Senator F. Wong, seconded by Senator Hara and carried, S.B. No. 1825-76, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF THE SPECIAL LAND AND DEVELOPMENT FUND", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2052-76:

On motion by Senator Kawasaki, seconded by Senator Chong and carried, S.B. No. 2052-76, entitled: "A BILL FOR AN ACT RELATING TO ANNUAL REPORTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2028-76:

On motion by Senator Ching, seconded by Senator Kuroda and carried, S.B. No. 2028-76, entitled: "A BILL FOR AN ACT RELATING TO PAY OF OFFICERS AND EMPLOYEES ON ACTIVE MILITARY SERVICE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1857-76:

On motion by Senator O'Connor, seconded by Senator Ching and carried, S.B. No. 1857-76, entitled: "A BILL FOR AN ACT AMENDING ACT 179, SESSION LAWS OF HAWAII 1975, RELATING TO A STATEWIDE TRANSPORTATION COUNCIL AND A STATEWIDE TRANSPORTATION PLANNING PROGRAM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2139-76, S.D. 1:

On motion by Senator F. Wong, seconded by Senator Hara and carried, S.B. No. 2139-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERIM TOURISM POLICY ACT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator F. Wong rose to note that wherever S.B. No. 2139-76, S.D. 1, refers to "the director", it is referring to the Director of the Department of Planning and Economic Development.

Senate Bill No. 2521-76:

On motion by Senator F. Wong, seconded by Senator Hara and carried, S.B. No. 2521-76, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF RESTRICTIONS ON USE OF PUBLIC LANDS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Senate Bill No. 2121-76, S.D. 1:

By unanimous consent, action on S.B. No. 2121-76, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1793-76, S.D. 1:

On motion by Senator King, seconded by Senator Hulten and carried, S.B. No. 1793-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL PROHIBITION AGAINST WATER POLLUTION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:15 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:26 o'clock a.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Standing Committee Report No. 347-76 (S.R. No. 95):

Senator F. Wong moved that action on Stand. Com. Rep. No. 347-76 and S.R. No. 95, entitled: "SENATE RESOLUTION ESTABLISHING THAT SALT LAKE BE PRESERVED FOR PARK USE", be deferred until Wednesday, March 10, 1976, and the President, noting that there was no objection, so ordered.

Standing Committee Report No. 348-76 (S.C.R. No. 24):

Senator F. Wong moved that action on Stand. Com. Rep. No. 348-76 and S.C.R. No. 24, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING THAT SALT LAKE BE PRESERVED FOR PARK USE", be deferred until

Wednesday, March 10, 1976, and the President, noting that there was no objection, so ordered.

Senate Bill No. 2121-76, S.D. 1:

On motion by Senator Toyofuku, seconded by Senator Young and carried, S.B. No. 2121-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR MEDICAL AND OTHER PROFESSIONAL HEALTH CARE SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

RECONSIDERATION OF ACTION TAKEN

Standing Committee Report No. 134-76 (S.B. No. 1828-76, S.D. 1):

Senator F. Wong moved that the Senate reconsider its action on Stand. Com. Rep. No. 134-76 and S.B. No. 1828-76, S.D. 1, seconded by Senator Hara and carried.

On motion by Senator F. Wong, seconded by Senator Hara and carried, Stand. Com. Rep. No. 134-76 was adopted and S.B. No. 1828-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASES OF PUBLIC LANDS", passed Second Reading and was referred to the Committee on Judiciary.

Standing Committee Report No. 323-76 (S.B. No. 2605-76, S.D. 1):

Senator Chong moved that the Senate reconsider its action on Stand. Com. Rep. No. 323-76 and S.B. No. 2605-76, S.D. 1, seconded by Senator Taira and carried.

By unanimous consent, referral of S.B. No. 2605-76, S.D. 1, to the Committee on Judiciary was waived.

On motion by Senator Chong, seconded by Senator Taira and carried, Stand. Com. Rep. No. 323-76 was received and placed on file, and S.B. No. 2605-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS", passed Second Reading and was referred to the Committee on Ways and Means.

ADJOURNMENT

At 11:30 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., Wednesday, March 10, 1976.