

THIRTY-SEVENTH DAY

Friday, March 12, 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 Ford G. Coffman of the Windward United Church of Christ, after which the Roll was called showing all Senators present with the exception of Senator F. Wong, who was excused.

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

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

Senator Yee introduced two groups of students--the first was 75 students from the first grade at Ala Wai School, accompanied by their teachers, Mrs. Wise, Mrs. Yamada and Mrs. Izawa and parents, Mrs. Lau and Mrs. Char; the second was a group of 28 students from the fifth grade at Jefferson School, with their teacher, Mrs. Fran Michael.

Senator Hara then introduced members of the Hilo High School Band who performed before the session this morning, in the Rotunda area.

Senator Hara then introduced twenty students from the Hilo Union School, with their teachers, Mrs. Margaret Lee and her assistant, Mrs. Mary Baptiste; Mrs. Joe Bright and her assistant, Mrs. Doris Kita; and Mrs. Sumi Kushi; their Vice-Principal, Mr. George Miyashiro and the chaperone, Mr. Robert Lee. He then introduced their hosts, the Kaneohe Civitan Club, Mr. and Mrs. Robert Biondine, Mr. and Mrs. Fred Schilling and Mr. Walter Kaaihili and Mrs. Ricky Naipo, a nurse who accompanied the group from Hilo.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 112 and 113) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 112), transmitting the 1975 annual report of the Department of Taxation, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 113), transmitting a report of the Solid Waste Energy and Resource Task force, prepared by the Governor's Office of Environmental Quality Control, pursuant to House Resolution No. 49 (1975), was referred to the Committee on Ecology, Environment and Recreation.

DEPARTMENTAL COMMUNICATION

A communication from the Department of Accounting and General Services (Dept. Com. No. 12), transmitting a report of the bond funds giving the status of the appropriations made by the Legislature in previous years for capital improvement projects up to December 31, 1975, was read by the Clerk and was referred to the Committee on Ways and Means.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 59 to 65) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 59), returning Senate Concurrent Resolution No. 70 which was adopted by the House of Representatives on March 11, 1976, was placed on file.

A communication from the House (Hse. Com. No. 60), transmitting House Bill No. 2137-76, which passed Third Reading in the House of Representatives on March 11, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2137-76, 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 Ways and Means.

A communication from the House (Hse. Com. No. 61), transmitting House Bill No. 2163-76, which passed Third Reading in the House of Representatives on March 11, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2163-76, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 62), transmitting House Bill No. 2239-76, which passed Third Reading in the House of Representatives on March 11, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2239-76, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MONEY AND PUBLIC CONTRACTS", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 63), transmitting House Bill No. 2247-76, which passed Third Reading in the House of Representatives on March 11, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2247-76, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 64), transmitting House Bill No. 2743-76, which passed Third Reading in the House of Representatives on March 11, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2743-76, entitled: "A BILL FOR AN ACT RELATING TO FISH AND GAME PENALTIES", passed First Reading by title and was referred to the Committee on Ecology, Environment and Recreation, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 65), transmitting House Bill No. 2930-76, which passed Third Reading in the House of Representatives on March 11, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2930-76, entitled: "A BILL FOR AN ACT RELATING TO PROVIDING WORKER'S COMPENSATION FOR SELF-EMPLOYED INDIVIDUALS", passed First Reading by title and was referred to the Committee on Human Resources.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 72 to 74) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 72), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A COMPREHENSIVE PHYSICAL FITNESS PLAN FOR HAWAII", was jointly offered by Senators King, Chong, Henderson, Hulten, Kuroda, Young, George, Ching, F. Wong, Yamasaki, Toyofuku, Soares, Leopold and Takitani.

By unanimous consent, S.C.R. No. 72 was jointly referred to the Committee on Health and the Committee on Higher Education.

A concurrent resolution (S.C.R. No. 73), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO USE OF BIKEWAYS BY JOGGERS", was jointly offered by Senators King, Chong, Henderson, Hulten, Kuroda, Young, George, Ching, F. Wong, Yamasaki, Soares, Leopold and Takitani.

By unanimous consent, S.C.R. No. 73 was referred to the Committee on Transportation.

A concurrent resolution (S.C.R. No. 74), entitled: "SENATE CONCURRENT RESOLUTION CALLING FOR DEFEAT OF S. 1, ALSO KNOWN AS 'THE CRIMINAL JUSTICE REFORM ACT OF 1975' ", was jointly offered by Senators Chong, Hara, Yim, Nishimura, Kuroda, Taira, Ushijima, Ching, F. Wong, Hulten, Toyofuku, R. Wong and King.

By unanimous consent, S.C.R. No. 74 was referred to the Committee on Judiciary.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 290 to 296) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 290), entitled: "SENATE RESOLUTION CONGRATULATING AND EXTENDING BEST WISHES TO BRIAN SHIMABUKURO AND JAN TSUKAZAKI ON THEIR REIGN AS KING AND QUEEN, AND THE COURT, OF THE 1976 KAIMUKI HIGH SCHOOL CARNIVAL", was jointly offered by Senators Soares, Saiki, Nishimura, O'Connor, King, F. Wong, Toyofuku, Yee, Yim, Hara, Hulten, Chong, George, Leopold, Henderson, Anderson, Takitani, R. Wong, Kawasaki, Yamasaki, Ching, Young, Ushijima, Taira and Kuroda.

On motion by Senator Soares, seconded by Senator Saiki and carried, S.R. No. 290 was adopted.

Senator Soares then introduced

to the members of the Senate King Brian Shimabukuro and Queen Jan Tsukazaki and members of their court, Howard Higa, Debbie Uto, Kelley Tengan and Julie Mayeda.

A resolution (S.R. No. 291), entitled: "SENATE RESOLUTION REQUESTING A PROGRESS REPORT ON KAHANA VALLEY AND OTHER STATE PARKS", was jointly offered by Senators King, Chong, Henderson, Hulten, Kuroda, Takitani, F. Wong, Young, George, Ching, Yamasaki, Toyofuku, Soares and Leopold.

By unanimous consent, S.R. No. 291 was referred to the Committee on Ecology, Environment and Recreation.

A resolution (S.R. No. 292), entitled: "SENATE RESOLUTION RELATING TO A COMPREHENSIVE PHYSICAL FITNESS PLAN FOR HAWAII", was jointly offered by Senators King, Chong, Henderson, Hulten, Kuroda, George, Ching, Leopold, F. Wong, Yamasaki, Toyofuku, Soares and Takitani.

By unanimous consent, S.R. No. 292 was referred jointly to the Committee on Health and the Committee on Higher Education.

A resolution (S.R. No. 293), entitled: "SENATE RESOLUTION RELATING TO USE OF BIKEWAYS BY JOGGERS", was jointly offered by Senators King, Chong, Leopold, Henderson, Hulten, Kuroda, Young, George, Ching, F. Wong, Yamasaki, Soares and Takitani.

By unanimous consent, S.R. No. 293 was referred to the Committee on Transportation.

A resolution (S.R. No. 294), entitled: "SENATE RESOLUTION CALLING FOR DEFEAT OF S. 1, ALSO KNOWN AS 'THE CRIMINAL JUSTICE REFORM ACT OF 1975'", was jointly offered by Senators Chong, Hara, Yim, Nishimura, Kuroda, Taira, Ushijima, Ching, F. Wong, Hulten, Toyofuku, R. Wong and King.

By unanimous consent, S.R. No. 294 was referred to the Committee on Judiciary.

A resolution (S.R. No. 295), entitled: "SENATE RESOLUTION WISHING A SPEEDY RECOVERY TO KAZU SUNADA", was jointly offered by Senators Ching, Kuroda, Toyofuku, Taira, Yamasaki, Yim, Hara, King, Nishimura, Ushijima, Young, Anderson, Leopold, George, F. Wong, R. Wong and Takitani.

On motion by Senator Ching, seconded by Senator Young and carried, S.R. No. 295 was adopted.

A resolution (S.R. No. 296), entitled: "SENATE RESOLUTION CONGRATULATING AND EXTENDING HAPPY BIRTHDAY GREETINGS TO GOVERNOR GEORGE ARIYOSHI", was jointly offered by Senators Hara, King, Yamasaki, Takitani, Hulten, Yim, Saiki, Soares, George, Young, Kuroda, Toyofuku, Taira, Chong, Henderson, Ching, O'Connor, Nishimura, F. Wong, Kawasaki, Yee, Leopold, Ushijima, R. Wong and Anderson.

On motion by Senator Hara, seconded by Senator Anderson and carried, S.R. No. 296 was adopted.

At 11:44 o'clock a.m., the Senate stood in recess, subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 366-76), informing the Senate that Senate Concurrent Resolution Nos. 71 to 73, Senate Resolution Nos. 289 to 293 and Standing Committee Report Nos. 367-76 to 378-76 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 R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 367-76), recommending that Senate Bill No. 1512, as amended in S.D. 1, pass Third Reading.

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. 1512, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARKETING ORDER REVOLVING FUND".

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 368-76), recommending that Senate Bill No. 1794-76, as amended in S.D. 1, pass Third Reading.

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. 1794-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC".

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 369-76), recommending that Senate Bill No. 1809-76 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 369-76 and S.B. No. 1809-76, entitled: "A BILL FOR AN ACT RELATING TO AGENTS OF PRIVATE SCHOOLS AND CORRESPONDENCE SCHOOLS", was deferred until Monday, March 15, 1976.

Senator R. Wong, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 370-76), recommending that Senate Bill No. 1859-76 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 370-76 and S.B. No. 1859-76, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION OF THE CAMPUS CENTER SPECIAL FUND, UNIVERSITY OF HAWAII", was deferred until Monday, March 15, 1976.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 371-76), recommending that Senate Bill No. 2095-76, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 371-76 and S.B. No. 2095-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OAHU METROPOLITAN PLANNING ORGANIZATION", was deferred until Monday, March 15, 1976.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 372-76), recommending that Senate Bill No. 2643-76 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 372-76 and S.B. No. 2643-76, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", was deferred until Monday, March 15, 1976.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 373-76), recommending that Senate Bill No. 1801-76, 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. 1801-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 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. 1801-76, S.D. 1.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 374-76), recommending that Senate Bill No. 1805-76 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. 1805-76, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 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. 1805-76.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 375-76), recommending that Senate Bill No. 1849-76 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. 1849-76, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 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. 1849-76.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 376-76),

recommending that Senate Bill No. 1850-76 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. 1850-76, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 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. 1850-76.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 377-76), recommending that Senate Bill No. 1852-76 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. 1852-76, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MONEY AND PUBLIC CONTRACTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 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. 1852-76.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 378-76), recommending that Senate Bill No. 2333-76 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. 2333-76, entitled: "A BILL FOR AN ACT RELATING TO REVOLVING FUNDS FOR CORRECTIONAL FACILITY STORES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 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. 2333-76.

ORDER OF THE DAY

RE-REFERRAL OF RESOLUTIONS

The President made the following re-referral of resolutions that were offered on Thursday, February 12, 1976:

Senate
Concurrent
Resolution Referred to:

No. 71 Committee on Education

Senate
Resolution Referred to:

No. 289 Committee on Education

MATTER DEFERRED
FROM MARCH 11, 1976

Senate Bill No. 2902-76:

On motion by Senator Hara, seconded by Senator Hulten and carried, S.B. No. 2902-76, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (F. Wong).

THIRD READING

Standing Committee Report No. 365-76 (S.B. No. 2225-76, S.D. 2):

On motion by Senator Toyofuku, seconded by Senator Young and carried, Stand. Com. Rep. No. 365-76 was adopted and S.B. No. 2225-76, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Anderson, King, R. Wong and Yamasaki). Excused, 1 (F. Wong).

At 11:52 o'clock a.m., the Senate stood in recess, subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

ADJOURNMENT

At 11:55 o'clock a.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 11:00 o'clock a.m., Monday, March 15, 1976.