

## FORTY-FIRST DAY

Thursday, March 18, 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 the Reverend Patrick Freitas of St. John Vianney Church, after which the Roll was called showing all Senators present with the exception of Senators F. Wong and R. Wong, who were excused.

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

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

Senator Taira introduced fifty students from the sixth grade at Fern School, with their teachers, Miss Mary Balmores and Mrs. Jeanette Nishikawa.

Senator Saiki introduced seventy-seven students from the fourth, fifth and sixth grades at Kaimuki Christian School, accompanied by their teachers, Mrs. Davidson, Mrs. Murphy, Mrs. Sinclair and Miss Tabata and a parent, Mrs. Yabui.

Senator Henderson then introduced Mr. Charles Isaacs and Mrs. Piilani Desha from the island of Hawaii.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 156 and 157) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 156), transmitting the Annual Report for the Kauai Task Force, prepared by the Department of Agriculture in compliance with Act 227, Session Laws of Hawaii 1974, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 157), transmitting a copy of the updated "State of Hawaii Comprehensive Outdoor Recreation Plan", submitted by the Department of Planning and Economic Development, was referred to the Committee on Ecology, Environment and Recreation.

## DEPARTMENTAL COMMUNICATION

A communication from the Department

of Education (Dept. Com. No. 15), transmitting a copy of the proceedings of the 1976 State Student Conference, was read by the Clerk and was referred to the Committee on Education.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 179 to 196) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 179), informing the Senate that House Bill No. 1086, H.D. 1, passed Final Reading in the House of Representatives on March 17, 1976, was placed on file.

A communication from the House (Hse. Com. No. 180), transmitting House Bill No. 2000-76, H.D. 2, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2000-76, H.D. 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE REPAIR AND MAINTENANCE OF PUBLIC FACILITIES AND MAKING APPROPRIATIONS THEREFOR", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 181), transmitting House Bill No. 2012-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2012-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", 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. 182), transmitting House Bill No. 2103-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2103-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 183), transmitting House Bill No. 2130-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2130-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", 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. 184), transmitting House Bill No. 2172-76, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2172-76, entitled: "A BILL FOR AN ACT RELATING TO THE PREPAID HEALTH CARE ACT", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 185), transmitting House Bill No. 2271-76, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2271-76, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 186), transmitting House Bill No. 2533-76, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2533-76, entitled: "A BILL FOR AN ACT RELATING TO DAY CARE CENTERS", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 187), transmitting House Bill No. 2617-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2617-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 188), transmitting House Bill No. 2723-76, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2723-76, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 189), transmitting House Bill No. 2904-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2904-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 190), transmitting House Bill No. 2941-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2941-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REMOVAL OF CORAL", passed First Reading by title and was referred to the Committee on Ecology, Environment and Recreation, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 191), transmitting House Bill No. 2944-76, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2944-76, entitled: "A BILL

FOR AN ACT RELATING TO HAWAII EMPLOYMENT SECURITY LAW", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 192), transmitting House Bill No. 3110-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3110-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 193), transmitting House Bill No. 3113-76, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3113-76, entitled: "A BILL FOR AN ACT TO REPEAL ACT 176, SESSION LAWS OF HAWAII 1937, WHICH APPROPRIATED FUNDS FOR BEDS FOR INDIGENT MATERNITY PATIENTS", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 194), transmitting House Bill No. 3248-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3248-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO THE DEVELOPMENTAL DISABILITIES LAW", passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 195), transmitting House Bill No. 3253-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3253-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE LANDS", passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 196), transmitting House Bill No. 3288-76, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3288-76, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY ACCOUNT NUMBERS", 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. 80 and 81) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 80), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF PROVIDING FREE BUS SERVICES FOR PHYSICALLY HANDICAPPED STUDENTS ATTENDING THE UNIVERSITY AND COMMUNITY COLLEGES IN THE STATE", was jointly offered by Senators Taira, Young, Takitani, Kuroda, Yamasaki, Yim, Kawasaki, Ushijima, Nishimura, O'Connor, Hulten, Ching, Hara, R. Wong, Anderson, Henderson, Yee, George, Saiki, Soares and King.

By unanimous consent, S.C.R. No. 80 was referred to the Committee on Higher Education.

A concurrent resolution (S.C.R. No. 81), entitled: "SENATE CONCURRENT RESOLUTION HONORING FRANCIS HYDE II BROWN OF HAWAII", was jointly offered by Senators Ushijima, Yamasaki, King, Henderson, Yee, Kuroda, Ching, O'Connor, Taira, Chong, Leopold, Hara, Soares, George, Yim, Hulten, Young, Kawasaki, Toyofuku, Saiki, Anderson, Nishimura and Takitani.

On motion by Senator Taira, seconded by Senator Henderson and carried, S.C.R. No. 81 was adopted.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 337 to 343) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 337), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF PROVIDING FREE BUS SERVICES FOR PHYSICALLY HANDICAPPED STUDENTS ATTENDING THE UNIVERSITY AND

COMMUNITY COLLEGES IN THE STATE", was jointly offered by Senators Taira, Young, Takitani, King, Kuroda, O'Connor, Yamasaki, Yim, Kawasaki, Ushijima, Nishimura, Hulten, Ching, Hara, R. Wong, Anderson, Henderson, Yee, George, Saiki, Leopold and Soares.

By unanimous consent, S.R. No. 337 was referred to the Committee on Higher Education.

A resolution (S.R. No. 338), entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT A NEW SUGAR ACT", was jointly offered by Senators F. Wong, Ushijima, Saiki, Henderson, Soares, Hulten, Toyofuku, Chong, Yim, Ching, Yamasaki, Leopold, Young, Takitani, Yee, King and George.

By unanimous consent, S.R. No. 338 was referred to the Committee on Economic Development.

A resolution (S.R. No. 339), entitled: "SENATE RESOLUTION REQUESTING THE COLLEGE OF TROPICAL AGRICULTURE TO DEVELOP AN IMPROVED METHOD OF FUMIGATION FOR FRESH PAPAYA AND KINDRED CROPS", was jointly offered by Senators F. Wong, Ushijima, Saiki, Henderson, Soares, Hulten, Toyofuku, Chong, Yim, Ching, Yamasaki, Leopold, Young, Takitani, Yee, King and George.

By unanimous consent, S.R. No. 339 was referred to the Committee on Economic Development.

A resolution (S.R. No. 340), entitled: "SENATE RESOLUTION COMMENDING THE WORK OF THE BOARDS OF AGRICULTURE, AND LAND AND NATURAL RESOURCES, THE COLLEGE OF TROPICAL AGRICULTURE, AND THE DEPARTMENTS OF PLANNING AND ECONOMIC DEVELOPMENT, TAXATION, AND HEALTH", was jointly offered by Senators F. Wong, Ushijima, Saiki, Henderson, Soares, Hulten, Toyofuku, Chong, Yim, Ching, Yamasaki, Leopold, Young, Takitani, Yee, King and George.

On motion by Senator Hara, seconded by Senator Yee and carried, S.R. No. 340 was adopted.

A resolution (S.R. No. 341), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO THE KAMEHAMEHA SCHOOL WARRIORS FOR THEIR CHAMPIONSHIP IN THE CLASS AA DIVISION AS THE HAWAII STATE HIGH SCHOOL BASKETBALL CHAMPIONS OF 1976", was jointly offered by Senators Kuroda, Yim, Nishimura, Ching, Chong, Young, Takitani,

Henderson, George, Yee, O'Connor, Hulten, Yamasaki, King, Saiki, Hara, Soares, Ushijima, Taira, Toyofuku, Leopold, R. Wong and Anderson.

On motion by Senator Yim, seconded by Senator Kuroda and carried, S.R. No. 341 was adopted.

A resolution (S.R. No. 342), entitled: "SENATE RESOLUTION COMMENDING THE WAIPAHU INTER AGENCY COUNCIL FOR ITS SERVICE TO THE WAIPAHU COMMUNITY", was jointly offered by Senators Young, Ching, Kuroda, Yamasaki, Takitani, Hulten, O'Connor, Nishimura, Toyofuku, Chong, R. Wong, Yim, King, Saiki, George, Taira, Kawasaki, Leopold, Ushijima, Yee, Henderson, Hara and Soares.

On motion by Senator Young, seconded by Senator Kuroda and carried, S.R. No. 342 was adopted.

A resolution (S.R. No. 343), entitled: "SENATE RESOLUTION HONORING FRANCIS HYDE II BROWN OF HAWAII", was jointly offered by Senators Ushijima, Yamasaki, King, Yee, Henderson, Kuroda, Ching, Hara, Taira, Chong, Leopold, Yim, Soares, O'Connor, George, Hulten, Young, Kawasaki, Toyofuku, Saiki, Anderson, Nishimura and Takitani.

On motion by Senator Taira, seconded by Senator Henderson and carried, S.R. No. 343 was adopted.

#### STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 502-76), informing the Senate that Senate Concurrent Resolution No. 80, Senate Resolution Nos. 328 to 340, Governor's Message Nos. 119 to 155 and Standing Committee Report Nos. 484-76 to 501-76 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.

At 11:14 o'clock a.m., the Senate stood in recess, subject to the call of the Chair.

The Senate reconvened at 11:19 o'clock a.m.

#### ORDER OF THE DAY

##### RE-REFERRAL OF A HOUSE BILL

The President made the following

re-referral of a House Bill that had been received on Wednesday, March 17, 1976:

House Bill Referred to:  
No. 2374-76  
H.D. 1 Committee on Public Utilities

MATTER DEFERRED  
FROM MARCH 17, 1976

Senate Bill No. 511:

By unanimous consent, action on S.B. No. 511 was deferred to the evening session.

THIRD READING

Standing Committee Report No. 456-76 (S.B. No. 1782-76, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 456-76 and S.B. No. 1782-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", were recommitted to the Committee on Judiciary.

Senate Bill No. 679, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Taira and carried, S.B. No. 679, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRANCHISE INVESTMENT LAW", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

Senate Bill No. 1614, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 1614, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND TRUSTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

Senate Bill No. 1777-76, S.D. 1:

On motion by Senator Toyofuku, seconded by Senator Young and carried, S.B. No. 1777-76, S.D. 1, 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, 22. Noes, 1 (Anderson).  
Excused, 2 (F. Wong and R. Wong).

Standing Committee Report No. 462-76 (S.B. No. 1854-76):

On motion by Senator O'Connor, seconded by Senator Ching and carried, Stand. Com. Rep. No. 462-76 was adopted and S.B. No. 1854-76, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

Senate Bill No. 2267-76, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Ching and carried, S.B. No. 2267-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF DEVELOPMENTAL RATES FOR FACILITIES USED BY GENERAL AVIATION ACTIVITIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

House Bill No. 1499, H.D. 1, S.D. 1:

Senator O'Connor moved that H.B. No. 1499, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ching.

Senator Chong then spoke against the bill as follows:

"Mr. President, I rise to speak against this measure.

We seem to have spent a lot of time and effort on the subject of recreational boating, and apparently without an honest understanding of the activity, without an honest understanding of the people of this State who freely elect to take part in this activity, and without an honest understanding of the small boat harbors in this State.

The Senate Transportation Committee agreed to wait for the management audit of the recreational boating program. I congratulate the Auditor for a job well done.

Now, I am somewhat disappointed that this bill doesn't reflect more of the Auditor's findings and recommendations.

The report pointed out rather definitely

that the Department of Transportation is not sufficiently organized to do justice to the boating program, that it does not offer a comprehensive, programmatic approach to boating, that there is no provision for coordinating and integrating the various elements of a boating program.

The report pointed out that there is no real plan or strategy for recreational boating. No one is really in charge of a boating program. Important and basic policy decisions go unresolved or are handled on a piecemeal basis.

Mr. President, the Auditor's report gives us better ways to avoid continued piecemeal planning than to leave this program in the clutches of those who have created the piecemeal problems.

The bill does take steps to clarify legislative intent regarding a boating program in general, and the purpose and use of small boat harbors. It does finally set policy and allow living aboard. It does call for a new department devoted to administering small boat harbors and a comprehensive boating program.

But we must realize that this new department remains within the Department of Transportation Harbors Division.

This is most regrettable. It is the least desirable alternative according to an audit we have waited eighteen months to receive, but have had only ten days to study.

I think it is time that Hawaii began administering and managing a good boating program for the children and adults of this State who want to learn about the sea and learn to respect it. There should be money spent for adequate facilities and responsible management and services for all boating. It would be to our credit.

Mr. President, I hope that this bill will be worked over thoroughly when it gets to the House.

Thank you."

Senator Leopold, speaking against the measure, stated as follows:

"Mr. President, while the stated purpose of the measure before us is to effect a more efficient and responsive administration of our small boat harbors, the bill in fact fails to do this because it continues to allow the small boating program to be under the jurisdiction of the Small Boat Harbors Division.

The recently released management audit of the recreational boating program has totally discredited the Harbors Division and the administration of the Department of Transportation in its handling of the small boating program. Moreover, the audit points out that there is no small boating program; no one is really in charge of recreational boating as a program; and no one in the Harbors Division or the entire Department of Transportation is currently capable of making basic policy decisions for boating on any sound basis. Yet unbelievably, the bill before us proposes to administer the State small boating program by creating a separate small boating department under the jurisdiction of the very same Harbors Division.

The Legislative Auditor has recommended that the entire outdoor recreation program including the recreational boating program be transferred to the counties, but suggests that if the outdoor recreation program is to be maintained at the State level, the recreational boating program should be transferred to the Department of Land and Natural Resources.

The Auditor stated that an internal reorganization of the Department of Transportation to better administer the small boating program, such as proposed by the bill, is unacceptable because 'the continued housing of the recreational boating program within the Department of Transportation is bound to work to the detriment of recreational boating'.

Lines 3 through 8 on page 3 of the bill seek to establish a live-aboard quota at the Ala Wai and Keehi Boat Harbors, but the language in this section is not clear as to whether it is 25% of the total berths at each of the two harbors or 25% of the total berths at both harbors. In either case the 25% quota is an arbitrary limit which is not consistent with present live-aboard statistics. For example, in a sworn court deposition dated February 13, 1976 by Captain James B. McCormack, the Oahu District Manager of the Harbors Division, it is stated that the live-aboard percentage at the Ala Wai Harbor is 33%.

The bill seeks to establish mooring fees prior to obtaining a permit and it is certainly fair that live-aboards should pay a multiple of the fee charged the recreational boat owner. However, the language of the bill is not clear or certain, as it should be, in establishing proper fee assessment rates. Moreover, the committee report accompanying

the bill states that live-aboards shall pay a tax set by the Harbors Division based on the value of submerged land under the mooring while the language in the bill states that live-aboards shall be taxed on the use of submerged land.

It has always been my understanding, Mr. President, that it is the legislative, not the executive, branch of government that has the prerogative to establish taxation policy. I believe this section of the bill is unconstitutional because it delegates taxing power reserved for the Legislature to an administrative agency in violation of Article VI, Section 1 of our State Constitution. This section states 'the power of taxation shall never be surrendered, suspended or contracted away.' I intend to write to the Attorney General to ask for a formal opinion on the constitutionality of this section of the bill.

It should be noted that the bill proposes to entrust this taxation policy to the Harbors Division, which has been summarily criticized by our Legislative Auditor for indecision and inefficiency. Furthermore, the language of the bill seems to require that a property tax as well as mooring fees must be paid prior to the issuance of a permit-- an unusual situation to say the least.

It is clear, Mr. President, that Senate Draft 1 of House Bill No. 1499 has been drafted hastily. It is riddled with inequities and constitutional problems. If enacted in its present form, this measure will undoubtedly be challenged in court."

Senator O'Connor spoke in favor of the measure as follows:

"Mr. President, a year ago your Committee on Transportation took under its consideration, the small boat harbor problems of this State. In the time since then, we have met with various people representing the boaters, the present administration and have requested and received an Auditor's report on the recreational boating program.

The bill before us represents the outgrowth of all of that concerted effort. Much of the contents of the bill comes from the people who are involved specifically with this program, more specifically, those people who use the small boat harbors as live-aboards and as recreational boaters.

The vice that has occurred in our small boat harbors has occurred

because we have allowed derelicts and old hulls to be moored in those harbors and to be used as live-aboards. This bill will eradicate from our small boat harbors, all vessels which are not recreational in purpose and use. Specifically, it will require that there be periodic inspections of the vessels to make sure that they can go to sea and that they are not being used simply as house boats.

There has been a problem in the Harbors Division regarding the small boat program because no one in the Division has been specifically in charge of that program. This was brought to light by the management audit of the recreational boating program. This bill provides for a reorganization of the Harbors Division of the Department of Transportation, requiring that there be a person in charge of that program and that there be a structure under that person to run the recreational boating program.

Should this fail, then this body at a future time can take adequate steps in order to protect the small boat program and perhaps shift it to some other organization.

However, the Harbors Division is uniquely fitted today by expertise and constant coordination and work with the Coast Guard and other Federal agencies to run the recreational boating program.

As to the fees that will be charged the people who utilize our small boat harbors, these fees must be in total the amount necessary to run the entire program. At the request of those people who have been and will be allowed to live aboard boats in the small boat harbors, the fee which they will pay will be in the form of a tax because they will then be able to deduct that tax as a property tax on their income tax returns. This taxation power by way of fees is not unlike any of the other taxes which we utilize in this State and shall be utilized by the Department of Transportation to insure that there is equitable payment for utilization of the harbors by the various people who do use them.

Mr. President, this bill corrects many of the inequities presently existing in our small boat harbors and I would urge all members of this Body to vote for it.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 1499,

H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes. 17. Noes, 6 (Anderson, Chong, Henderson, King, Leopold and Yee). Excused, 2 (F. Wong and R. Wong).

Senate Bill No. 2331-76, S.D. 1:

On motion by Senator Toyofuku, seconded by Senator Young and carried, S.B. No. 2331-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

Standing Committee Report No. 468-76 (S.B. No. 1822-76, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 468-76 and S.B. No. 1822-76, S.D. 2, was deferred to the evening session.

At 11:35 o'clock a.m., the Senate stood in recess, subject to the call of the Chair.

The Senate reconvened at 11:37 o'clock a.m.

Standing Committee Report No. 469-76 (S.B. No. 466, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 469-76 and S.B. No. 466, S.D. 1, was deferred to the evening session.

Standing Committee Report No. 470-76 (S.B. No. 1741-76, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 470-76 and S.B. No. 1741-76, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION AND PROGRAM", were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 471-76 (S.B. No. 1816-76, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 471-76 and S.B. No. 1816-76, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH

LAW", were recommitted to the Committee on Judiciary.

Standing Committee Report No. 472-76 (S.B. No. 2493-76, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 472-76 and S.B. No. 2493-76, S.D. 1, was deferred to the evening session.

Senate Bill No. 2527-76, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2527-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (King). Excused, 2 (F. Wong and R. Wong).

Senate Bill No. 2760-76:

On motion by Senator King, seconded by Senator O'Connor and carried, S.B. No. 2760-76, entitled: "A BILL FOR AN ACT RELATING TO NAMES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

Senate Bill No. 2929-76:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2929-76, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN LICENSES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

Senate Bill No. 1667:

On motion by Senator Toyofuku, seconded by Senator Young and carried, S.B. No. 1667, entitled: "A BILL FOR AN ACT RELATING TO INCREMENTS, SERVICE ANNIVERSARY DATES AND LONGEVITY INCREASES FOR PUBLIC EMPLOYEES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

Senate Bill No. 269, S.D. 1:

On motion by Senator O'Connor,



seconded by Senator Ching and carried, S.B. No. 269, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE AND MOTOR SCOOTER PROTECTIVE DEVICES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

Standing Committee Report No. 478-76 (S.B. No. 28, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Taira and carried, Stand. Com. Rep. No. 478-76 was adopted and S.B. No. 28, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TAXES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Anderson, Leopold and Soares). Excused, 2 (F. Wong and R. Wong).

Standing Committee Report No. 479-76 (S.B. No. 1187, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Taira and carried, Stand. Com. Rep. No. 479-76 was adopted and S.B. No. 1187, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ESTABLISHMENT OF THE 'HAWAII DENTAL EDUCATION PLAN' ", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

Standing Committee Report No. 480-76 (S.B. No. 1899-76, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Taira and carried, Stand. Com. Rep. No. 480-76 was adopted and S.B. No. 1899-76, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF AN OFFICE OF CHILDREN AND YOUTH", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

Standing Committee Report No. 481-76 (S.B. No. 2294-76, S.D. 2):

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

Stand. Com. Rep. No. 481-76 was adopted and S.B. No. 2294-76, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE HEALTH PLANNING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

Senate Bill No. 2226-76, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Taira and carried, S.B. No. 2226-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

Senate Bill No. 2933-76, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2933-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII YOUTH CORRECTIONAL FACILITY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (F. Wong and R. Wong).

At 11:50 o'clock a.m., the Senate stood in recess, subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

At 11:53 o'clock a.m., the Senate stood in recess until 5:00 p.m., this afternoon.

#### AFTERNOON SESSION

The Senate reconvened at 5:07 o'clock p.m., with all Senators present with the exception of Senator F. Wong, who was excused.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 158 to 197) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 158), transmitting a report prepared by the Department of Agriculture with assistance from various State, County and community agencies relative to the establishment

of a Kilauea Agricultural Park, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 159), submitting for consideration and confirmation to the Board of Veterinary Examiners, the nomination of Calvin W. S. Lum, term to expire December 31, 1979, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 160), submitting for consideration and confirmation to the Board of Pharmacy, the nomination of Nellie S. L. Chang, term to expire December 31, 1979, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 161), submitting for consideration and confirmation to the Board of Examiners in Naturopathy, the nomination of Dr. Abraham Tokioka, term to expire December 31, 1979, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 162), submitting for consideration and confirmation to the Board of Osteopathic Examiners, the nomination of Dr. Walter T. Horne, term to expire December 31, 1979, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 163), submitting for consideration and confirmation to the Pest Control Board, the nomination of Roy M. Shimotsukasa, term to expire December 31, 1979, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 164), submitting for consideration and confirmation to the Pest Control Board, the nomination of William M. Komoda, term to expire December 31, 1979, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 165), submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nomination of H. Wayne Hilton, term to expire December 31, 1979, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 166), submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nomination of Teichiro Tao, term to expire December 31, 1979, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 167), submitting for consideration and confirmation to the Advisory Committee

on Pesticides, the nomination of Robert H. Engelhard, term to expire December 31, 1979, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 168), submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nomination of Patrick Y. Nakagawa, term to expire December 31, 1979, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 169), submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nomination of Norman Blomberg, term to expire December 31, 1979, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 170), submitting for consideration and confirmation to the Board of Paroles and Pardons, the nomination of Angeline K. Among, term to expire December 31, 1979, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 171), submitting for consideration and confirmation to the Board of Paroles and Pardons, the nomination of Schuyler F. Hoss, term to expire December 31, 1979, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 172), submitting for consideration and confirmation to the Board of Paroles and Pardons, the nomination of Thomas K. Hugo, Jr., term to expire December 31, 1978, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 173), submitting for consideration and confirmation to the Pacific War Memorial Commission, the nomination of Joseph Akiona, term to expire December 31, 1979, was referred to the Committee on Military and Civil Defense.

A message from the Governor (Gov. Msg. No. 174), submitting for consideration and confirmation to the Pacific War Memorial Commission, the nomination of Thomas T. Horio, term to expire December 31, 1979, was referred to the Committee on Military and Civil Defense.

A message from the Governor (Gov. Msg. No. 175), submitting for consideration and confirmation to the Board of Medical Examiners, the nomination of Dr. Albert C. K. Chun-Hoon, term to expire December 31, 1979, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 176), submitting for consideration and confirmation to the Board of Medical Examiners, the nomination of Dr. Reuben P. Mallari, term to expire December 31, 1979, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 177), submitting for consideration and confirmation to the Board of Health, the nomination of Roberta M. Cansibog, term to expire December 31, 1978, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 178), submitting for consideration and confirmation to the Board of Health, the nomination of Sidney S. Kosasa, term to expire December 31, 1979, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 179), submitting for consideration and confirmation to the Board of Health, the nomination of Fred L. Markham, term to expire December 31, 1979, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 180), submitting for consideration and confirmation to the Board of Health, the nomination of Adelino Coito, term to expire December 31, 1977, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 181), submitting for consideration and confirmation to the Board of Health, the nomination of Lorna L. Kloninger, term to expire December 31, 1979, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 182), submitting for consideration and confirmation to the Library Advisory Commission, City and County of Honolulu, the nomination of Kathleen L. Fernandez, term to expire December 31, 1979, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 183), submitting for consideration and confirmation to the Library Advisory Commission, City and County of Honolulu, the nomination of Louis F. DeVirgilio, term to expire December 31, 1979, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 184), submitting for consideration and confirmation to the Library Advisory Commission, City and

County of Honolulu, the nomination of Natalie A. Cardenas, term to expire December 31, 1979, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 185), submitting for consideration and confirmation to the Advisory Committee on Flowers and Foliage, the nomination of Tommy M. Matsumoto, term to expire December 31, 1979, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 186), submitting for consideration and confirmation to the Fish and Wildlife Advisory Committee, County of Kauai, the nomination of Caesar J. Jardin, term to expire December 31, 1977, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 187), submitting for consideration and confirmation to the Fish and Wildlife Advisory Committee, County of Kauai, the nomination of Yoshio N. Nakamoto, term to expire December 31, 1977, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 188), submitting for consideration and confirmation to the Fish and Wildlife Advisory Committee, County of Maui, the nomination of Carmen Hulu Nakasone, term to expire December 31, 1976, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 189), submitting for consideration and confirmation to the Fish and Wildlife Advisory Committee, County of Maui, the nomination of Henry T. S. Lau, term to expire December 31, 1977, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 190), submitting for consideration and confirmation to the Fish and Wildlife Advisory Committee, County of Maui, the nomination of John Perreira, Jr., term to expire December 31, 1977, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 191), submitting for consideration and confirmation to the Commission on Aging, the nomination of James T. Nishi, term to expire December 31, 1979, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 192), submitting for consideration and confirmation to the Commission on Aging, the nomination of Reverend

Franco Manuel, term to expire December 31, 1979, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 193), submitting for consideration and confirmation to the Commission on Aging, the nomination of Albert K. Sing, term to expire December 31, 1979, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 194), submitting for consideration and confirmation to the Commission on Aging, the nomination of Jane F. Takamine, term to expire December 31, 1979, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 195), submitting for consideration and confirmation to the Commission on Aging, the nomination on Sung Dai Seu, term to expire December 31, 1979, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 196), submitting for consideration and confirmation to the Commission on Aging, the nomination of Larry Ronson, term to expire December 31, 1979, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 197), submitting for consideration and confirmation to the Commission on Aging, the nomination of Rabbi Julius J. Nodell, term to expire December 31, 1979, was referred to the Committee on Human Resources.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 197 to 233) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 197), transmitting House Bill No. 682, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 682, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CERTAIN FUNDS", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 198), transmitting House Bill No. 2040-76, H.D. 1, which passed Third Reading in

the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2040-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPUS PLANNING FOR THE UNIVERSITY OF HAWAII SYSTEM", passed First Reading by title and was referred to the Committee on Higher Education.

A communication from the House (Hse. Com. No. 199), transmitting House Bill No. 2062-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2062-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION AGAINST THE PHYSICALLY HANDICAPPED", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 200), transmitting House Bill No. 2090-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2090-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD AND THE HAWAII STATE GUARD", passed First Reading by title and was referred to the Committee on Military and Civil Defense.

A communication from the House (Hse. Com. No. 201), transmitting House Bill No. 2115-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2115-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, AND SEPARATION", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 202), transmitting House Bill No. 2169-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2169-76, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES", passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 203), transmitting House Bill No. 2171-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2171-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 204), transmitting House Bill No. 2194-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2194-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 205), transmitting House Bill No. 2259-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2259-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED DUPLICATION OF KEYS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 206), transmitting House Bill No. 2593-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2593-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FORECLOSURE OF REAL PROPERTY TAX LIENS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 207), transmitting

House Bill No. 2713-76, H.D. 2, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2713-76, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 208), transmitting House Bill No. 2782-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2782-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 209), transmitting House Bill No. 2833-76, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2833-76, entitled: "A BILL FOR AN ACT RELATING TO CONSENT TO ADOPTION", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 210), transmitting House Bill No. 2909-76, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2909-76, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 211), transmitting House Bill No. 2919-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2919-76, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO A PILOT PROJECT FOR A CAREER OPPORTUNITIES PROGRAM AND MAKING AN APPROPRIATION THEREFOR", 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. 212), transmitting House Bill No. 2933-76, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2933-76, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 213), transmitting House Bill No. 2987-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2987-76, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS AND FOR SALARY ADJUSTMENTS OF EMPLOYEES EXCLUDED FROM CERTAIN BARGAINING UNITS", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 214), transmitting House Bill No. 3043-76, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3043-76, entitled: "A BILL FOR AN ACT RELATING TO CIVIL ACTIONS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 215), transmitting House Bill No. 3107-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3107-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOTEL RESERVATIONS", passed First Reading by title and was referred

to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 216), transmitting House Bill No. 3117-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3117-76, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PUBLICATION AND DISTRIBUTION OF A REVISED BOOKLET EXPLAINING THE FUNCTIONS AND PROCEDURES OF THE SMALL CLAIMS COURT", 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. 217), transmitting House Bill No. 3129-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3129-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS CONTRACTS", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 218), transmitting House Bill No. 3141-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3141-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX APPEALS", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 219), transmitting House Bill No. 3196-76, H.D. 2, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3196-76, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF FIREARMS IN CERTAIN OFFENSES", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House

(Hse. Com. No. 220), transmitting House Bill No. 3217-76, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3217-76, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION OF CHILDREN", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 221), transmitting House Bill No. 3247-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3247-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD, DRUGS, AND COSMETICS", passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 222), transmitting House Bill No. 3262-76, H.D. 2, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3262-76, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS", passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 223), transmitting House Bill No. 3333-76, H.D. 2, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3333-76, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT", passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 224), transmitting House Bill No. 3456-76, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1976, was placed on file.

On motion by Senator Taira, seconded

by Senator Anderson and carried, H.B. No. 3456-76, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A COORDINATING AD HOC COMMITTEE FOR A STATE WOMEN'S CONFERENCE", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 225), returning Senate Concurrent Resolution No. 81, which was adopted by the House of Representatives on March 18, 1976, was placed on file.

A communication from the House (Hse. Com. No. 226), transmitting House Concurrent Resolution No. 75, which was adopted by the House of Representatives on March 18, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING APPRECIATION AND SUPPORT FOR HAWAII YOUTH ART MONTH", was adopted.

A communication from the House (Hse. Com. No. 227), transmitting House Bill No. 2386-76, H.D. 2, which passed Third Reading in the House of Representatives on March 18, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2386-76, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROGRAM FOR THE UNEMPLOYED", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 228), transmitting House Bill No. 2241-76, which passed Third Reading in the House of Representatives on March 18, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2241-76, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES", passed First Reading by title and was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 229), transmitting House Bill No. 2598-76, H.D. 3, which passed Third Reading in the House of Representatives on March 18, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2598-76, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION AND THE ELDERLY", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 230), transmitting House Bill No. 3458-76, H.D. 2, which passed Third Reading in the House of Representatives on March 18, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3458-76, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A CRIME COMMISSION", 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. 231), transmitting House Bill No. 3387-76, H.D. 1, which passed Third Reading in the House of Representatives on March 18, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3387-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", passed First Reading by title, and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 232), transmitting House Bill No. 3020-76, H.D. 1, which passed Third Reading in the House of Representatives on March 18, 1976, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3020-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERSONNEL", passed First Reading by title and was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 233), transmitting House Bill No. 2100-76, H.D. 1, which passed Third Reading in the House of Representatives on March 18, 1976, by not less than two-thirds vote of all the members to which the House is entitled, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2100-76, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIIUM JULY 1, 1975, TO JUNE 30, 1977,

AND AUTHORIZING THE ISSUANCE OF BONDS", passed First Reading by title and was referred to the Committee on Ways and Means.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 82 and 83) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 82), entitled: "SENATE CONCURRENT RESOLUTION CONGRATULATING WESTERN AIRLINES, INCORPORATED; UPON THE AWARD OF THE HAWAII-VANCOUVER PASSENGER ROUTE", was jointly offered by Senators Kawasaki, Chong, Young, Hulten, Toyofuku, Taira, Hara, Takitani, Yamasaki, Ching, O'Connor, Nishimura, Yim, Leopold, Soares, Saiki, George, Kuroda, Yee, Henderson, King, Ushijima and Anderson.

On motion by Senator Kawasaki, seconded by Senator Yee and carried, S.C.R. No. 82 was adopted.

A concurrent resolution (S.C.R. No. 83), entitled: "SENATE CONCURRENT RESOLUTION CONGRATULATING HONOLULU ACTOR RANDALL DUK KIM", was jointly offered by Senators King, Young, Nishimura, Takitani, Chong, Toyofuku, Ching, Hara, Kuroda, Anderson, Soares, Yee, Henderson, Saiki, George, Yim, Leopold, Hulten, Taira and Ushijima.

On motion by Senator King, seconded by Senator Chong and carried, S.C.R. No. 83 was adopted.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 344 and 345) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 344), entitled: "SENATE RESOLUTION CONGRATULATING WESTERN AIRLINES INCORPORATED; UPON THE AWARD OF THE HAWAII-VANCOUVER PASSENGER ROUTE", was jointly offered by Senators Kawasaki, Young, Hulten, Toyofuku, Taira, Hara, Takitani, Yamasaki, Ching, O'Connor, Nishimura, Chong, Yim, Leopold, Soares, Saiki, George, Kuroda, Yee, Henderson, King, Ushijima and Anderson.

On motion by Senator Kawasaki, seconded by Senator Yee and carried, S.R. No. 344 was adopted.

A resolution (S.R. No. 345), entitled: "SENATE RESOLUTION CONGRATULATING HONOLULU ACTOR



RANDALL DUK KIM", was jointly offered by Senators King, Chong, Young, Nishimura, Takitani, Toyofuku, Ching, Hara, Kuroda, Anderson, Soares, Yee, Henderson, Saiki, Ushijima, Yim, George, Leopold, Hulten and Taira.

On motion by Senator King, seconded by Senator Chong and carried, S.R. No. 345 was adopted.

#### STANDING COMMITTEE REPORT

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 503-76), recommending that House Bill No. 2247-76 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 H.B. No. 2247-76, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS", passed Second Reading and was placed on the calendar for Third Reading on Friday, March 19, 1976.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 2247-76.

#### ORDER OF THE DAY

##### RE-REFERRAL OF A HOUSE BILL

The President made the following re-referral of a House Bill that was received earlier in the day:

House Bill	Referred to:
No. 3113-76	Committee on Ways and Means

#### THIRD READING

Standing Committee Report No. 485-76 (S.B. No. 2923-76, S.D. 1):

Senator Hara moved that Stand. Com. Rep. No. 485-76 be adopted and that S.B. No. 2923-76, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Yim.

Senator Chong then spoke against the motion as follows:

"Mr. President, this bill would repeal the section of law which automatically sets aside 1% of the original cost of any State building for the acquisition of works of art. I would prefer that

the original intent of Section 103-8 of the Hawaii Revised Statutes be maintained and that funds continue to be automatically and mandatorily set aside for art works for the State buildings.

I'm generally against special funds but in this case, because of the extreme importance of culture and the arts in the daily lives of all of us, I believe that it is correct to set policy for money to be automatically set aside for this purpose.

Mr. President, I urge members of this honorable Body to vote no on this bill."

Senator Leopold then spoke against this bill as follows:

"Mr. President, the 1% law should not be repealed. If it is, there would be no guarantee that the Legislature would ever appropriate money for art. Repeal of the existing law would cast the Legislature into the role of art critic, a role for which it is not well suited. It would reduce, if not eliminate, the public's opportunity to appreciate beautiful works of art in our new government buildings.

Equally important, this bill would reduce our patronism of local artists and decrease the number of artists who would be able to live and produce in Hawaii. This would reduce the availability of private as well as public art.

If the supporters of this bill are dissatisfied with the Director of the Foundation or with the way in which pieces of art are selected, or with the Foundation's \$1 million surplus, these concerns can be dealt with by modifying the system rather than eliminating it.

For instance, I favor the continued funding of 1% but it may be advisable to reduce this figure to 1/2% temporarily to see if this is adequate to supply our buildings with art.

Another reform could be changing the selection procedure so that there could be a more broad base decision-making process. With all of this controversy over 1% and the \$1 million surplus, we have overlooked the fact that the State Comptroller already has the authority to limit the amount of art money spent on public buildings, as he feels, to spend less than 1% on particular buildings.

Along with this, we have overlooked

the fact that the Foundation has not spent 1% on every building. The Foundation has demonstrated its maturity and fiscal responsibility by spending less than 1% in many cases.

Mr. President, the proposed bill, if enacted, would substantially reduce public contact with art and seriously erode our support of local art community."

Senator Hara, in speaking for the bill, stated as follows:

"Mr. President, I'd like to urge this honorable Body to pass this bill, for what this bill does is bring about accountability back in terms of funding accordingly and its practice of reporting year round activity back to this honorable Body.

This bill, Mr. President, repeals the 1% that has been automatically going into this fund from the CIP fund. The last finding of your Committee indicated that we would have approximately \$2.1 million available for further expending in the work of arts and commissions to be granted. They would also present to us an approximate budgetary spending plan of \$790,000 that they expect to spend in the coming 1976-77 fiscal year, and \$1.032 million for 1977-78.

What this bill does in these respective items, Mr. President, is that the \$2 million items will be left as is for the Foundation to continue to expend and carry on to function just as it has done in the past. We do hope the Foundation would look at this fund under this bill, in its granting of commissions and the purchasing of art work that they will be reporting back to this Body at the next budget cycle through the Administration's budget.

What we in essence have done is repeal the special fund practices and went back to the general fund practices as my good colleague across the way pointed out this morning.

If this bill is enacted, the Foundation will be asked to submit amounts required for the commissions and art work acquisition in the next budget cycle to the Governor to be inserted in his budget and submitted to the Legislature. For this, I believe would be one way we will be insuring the continued existence of the Foundation of the Culture and the Arts.

Incidentally, I'd like to say that some of the opposition's comments regarding the concern about the selection practices is well taken

and I will see to it that as we review their budget throughout the next two years, we will be mindful of their selection practices.

Thank you."

Senator Kawasaki then spoke in favor of the bill as follows:

"The opponents of this bill would have you believe that we are in the process of completely eliminating the Foundation of the Culture and the Arts and nothing could be more erroneous and false. I agree with my colleague on my right here that we have adequate funds to carry on the program of art object acquisition for several years.

At the time when we enacted this bill with good reason, we were lacking art objects on the premises of some of the new building structures being constructed by the State. Now, some eight years later, we have acquired a sizeable collection of art objects. Since 1967 up until today, we find that building costs have escalated immensely."

Senator Kawasaki went on to cite the costs of the various State buildings recently constructed and then continued,

"My point here is that 1% set aside for the acquisition of art objects is a tremendous amount at a time that we could well use that money. We already have \$2 million accumulated in the fund that will last us about five years, and the amount of money set aside on this 1% law that we have, could well be used for the human, social needs that we are not meeting today.

I would like to think that perhaps in consonance with the intent of this bill right now to do away with this 1% set aside, that perhaps a portion of this 1% be set aside to improve the quality of transmission programs on Channel 11, our KHET, educational television station.

Mr. President, I urge everyone to vote for this bill.

Thank you."

Senator Anderson spoke against the bill as follows:

"Mr. President, all people are entitled to appreciate the culture and the arts, the hangings in the various State buildings, the landscaping and sculpture around the City. Years ago we noted that we were lacking

the art work and we recognized the need for it and now we're lacking the appreciation for it.

In discussions in committee, the funding would be wiped out completely and I did not note any support for cutting it from 1% to 1/2%.

The funding of it, Mr. President, falls under the CIP which is part of the program where a building is projected and anticipated revenue is part of the actual construction. When it comes to us next year before the Governor or thereafter, it is going to come under the general fund. Now if we were to pick between art work versus a collective bargaining contract or a health plan or something for government employees, I don't have to tell you where you're going to go.

A couple of days ago, we passed a Waikiki bill and the argument that the Chairman at that time gave was the importance of establishing the two areas--the parks that we need so desperately and the importance of Waikiki areas and the tourist destination areas.

The Committee report notes an unallocated amount of \$2 million and I think that figure is closer to \$1.3 million. There is \$2 million that may be available someday if the projects are let, but today on the books, ready to be spent, is only \$1.3 million and they have been spending about \$700,000 a year in these art works and sculptures throughout the State.

Every argument given was explored at the hearings and your Committee Chairman and members sat for over two hours the other day with some of the people on the Commission and various other people from the Administration, and every single argument that was given was proven to be false.

There is accountability in this program today, Mr. President, as there is in any other department.

I read in the paper that the Chairman in the other house is going to kill this bill and it is a fitting end for a lousy bill."

Senator Hara then rose to clarify some points made and noted that as of this date, there is a potential available amount of \$2.1 million if the remaining projects are allotted and construction is begun. He added that the amount available today for use by the Foundation is \$1.3 million.

Senator King stated that she is against the bill and that all of the points she had planned to raise had already been given. She added how much pleasure the tapestry in the Chambers has given to the members of the Senate and visitors to the capitol and emphasized that if the State can put millions of dollars into concrete, they can set aside 1% for art work such as the tapestry.

The motion to adopt Stand. Com. Rep. No. 485-76 and to pass S.B. No. 2923-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS", having been read throughout, on Third Reading was put by the Chair and failed to carry on the following showing of Ayes and Noes:

Ayes, 9. Noes, 15 (Anderson, Chong, George, Henderson, King, Kuroda, Leopold, Nishimura, O'Connor, Saiki, Soares, Yamasaki, Yee, Young and Ushijima). Excused, 1 (F. Wong).

At 5:32 o'clock p.m., the Senate stood in recess, subject to the call of the Chair.

The Senate reconvened at 5:38 o'clock p.m.

Senate Bill No. 2501-76, S.D. 2:

By unanimous consent, action on S.B. No. 2501-76, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 487-76 (S.B. No. 1838-76, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 487-76 was adopted and S.B. No. 1838-76, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPAIRMENTS ACT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 488-76 (S.B. No. 2019-76, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 488-76 and S.B. No. 2019-76, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 489-76 (S.B. No. 2703-76, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 489-76 was adopted and S.B. No. 2703-76, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 490-76 (S.B. No. 2909-76):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 490-76 was adopted and S.B. No. 2909-76, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 491-76 (S.B. No. 2986-76, S.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 491-76 was adopted and S.B. No. 2986-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 492-76 (S.B. No. 2801-76, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 492-76 and S.B. No. 2801-76, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 493-76 (S.B. No. 1758-76, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 493-76 was adopted and S.B. No. 1758-76, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 494-76 (S.B. No. 2320-76, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 494-76 was adopted and S.B. No. 2320-76, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1278:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 1278, entitled: "A BILL FOR AN ACT RELATING TO REPORTS AND PUBLICATION OF THE LEGISLATIVE REFERENCE BUREAU", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Anderson). Excused, 1 (F. Wong).

Standing Committee Report No. 496-76 (S.B. No. 849):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 496-76 was adopted and S.B. No. 849, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2285-76, S.D. 1:

By unanimous consent, action on S.B. No. 2285-76, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1994-76, S.D. 1:

Senator R. Wong moved that H.B. No. 1994-76, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator R. Wong then spoke for the passage of the bill as follows:

"Mr. President, for the information of the members of this honorable Body, this bill and the two following bills listed on the calendar, S.B. No. 1874-76, S.D. 1 and S.B. No. 2274-76, S.D. 1, represents a total package aimed at resolving some of the problems

in the real property tax area.

Mr. President, during the last interim and also during the early part of this session, the Ways and Means Committee held extensive hearings on the real property tax question. We learned about many of the problems and inequities in the assessment program and about how these have led to financial difficulties to many homeowners, particularly the elderly and those on fixed incomes.

In reviewing the supplemental budget request of the Tax Department, we are considering ways to beef up the department so as to update and strengthen the assessment program. This should go a long way towards correcting many of the administrative problems and inequities.

The three bills now before us are intended to provide real property tax relief to homeowners and other landowners and also to pinpoint more accurately the unit of government responsible for our real property tax levels.

House Bill No. 1994-76, S.D. 1, provides for changing the homeowner's exemption to \$12,000 from the current \$8,000. This increased exemption is especially valuable to our older homeowners since those over 60 receive a multiple of 2 for a \$24,000 exemption and those over 70 receive a multiple 2.5 for a \$30,000 exemption.

In addition to the homeowners exemption being provided in H.B. No. 1994-76, S.D. 1, the second bill in our package, S.B. No. 1874-76, S.D. 1, provides additional relief not only to homeowners but to all property owners by setting a statutory assessment ratio of 60% of fair market value. This is 10% below the current official 70% level. While many parcels of land are actually under-assessed at this time, the Tax Department proposes to reassess all parcels in the State this year and to bring them all up to an equal level. S.B. No. 1874-76, S.D. 1, will fix that level at 60% thus reducing the increased potential tax liability of property owners in the State as their properties get reassessed.

Mr. President, the final bill in this package is a version of the so-called 'Florida Law'. Beginning with the 1977-78 fiscal period, this bill will provide that when a county wants to raise its real property tax revenue from the previous year, it will have to go through a public hearing process

to formally raise its rates. Heretofore, the counties have held their rates constant or have even lowered them while relying on increasing property values to bring them more revenues. Thus, the counties were able to disclaim responsibility for the rising real property tax levels while the State which administers and collects the tax received all the blame and criticism. The purpose of S.B. No. 2274-76, S.D. 1, is to clearly and publicly identify the counties as the units of government responsible for setting real property tax levels and for receiving the proceeds therefrom. This will result in greater public knowledge and understanding.

Mr. President, I believe this three-bill package is a reasonable and responsible one. It provides tax relief to homeowners and other property owners and it clarifies governmental responsibility.

Mr. President, I urge all the members of this honorable Body to vote in favor of this bill and the subsequent two bills.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 1994-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REAL PROPERTY HOME EXEMPTION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1874-76, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 1874-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF REAL PROPERTY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2274-76, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 2274-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

MATTERS DEFERRED  
FROM MARCH 17, 1976

Senate Resolution No. 336:

On motion by Senator Taira, seconded by Senator Anderson and carried, S.R. No. 336, entitled: "SENATE RESOLUTION RECALLING SENATE BILL NO. 2403-76 FROM THE COMMITTEE ON JUDICIARY", was recommitted to the Office of the Vice-President.

Senate Bill No. 511:

By unanimous consent, action on S.B. No. 511 was deferred to the end of the calendar.

Standing Committee Report No. 468-76 (S.B. No. 1822-76, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 468-76 and S.B. No. 1822-76, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION DISTRICTS", were recommitted to the Committee on Economic Development.

Standing Committee Report No. 469-76 (S.B. No. 466, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 469-76 and S.B. No. 466, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 472-76 (S.B. No. 2493-76, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 472-76 and S.B. No. 2493-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS", were recommitted to the Committee on Judiciary.

At 5:50 o'clock p.m., the Senate stood in recess, subject to the call of the Chair.

The Senate reconvened at 6:32 o'clock p.m.

MATTERS DEFERRED FROM  
EARLIER ON THE CALENDAR

Senate Bill No. 2501-76, S.D. 2:

Senator Kuroda moved that S.B. No. 2501-76, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator O'Connor.

Senator Kuroda then rose to speak

for the bill as follows:

"Mr. President, I rise to speak in support of this measure in explanation that this is an anti-burglary bill and not a secondhand dealers bill.

The purpose of this bill is to clean up and strengthen two sections of the Hawaii Revised Statutes which relate to secondhand dealers. It will not put any coin collectors, stamp collectors, antique dealers or any other secondhand dealers out of a job.

There is existing in our statutes, a secondhand dealer law since 1905 and in the attempt by interested members of our community to deal with the non-ferrous metals being taken away from construction sites and also where the Board of Water Supply has experienced a loss of large quantities of copper, the interested parties have requested that the secondhand dealer law be amended and this is what we have attempted to do. In the course of events, the secondhand dealers who were not aware that this law existed, all of a sudden became aware that a bill existed to regulate them and this is in error and I want to assure these concerned people that this will not put them out of a job.

I would like to call the members' attention to page 2, line 23 of the bill which reads, 'or any other location the articles are kept'. This statement is of great concern to secondhand dealers and we have an agreement with members of the House that this is going to be deleted from this bill when it moves over there.

There is another section that secondhand dealers have found objectionable--a statement that is already in the existing law. This is on page 3, line 15, which relates to minors, and there is consideration for this statement to be removed from the law.

Mr. President, I urge all members to vote for this bill."

Senator Anderson speaking against the bill, stated as follows:

"Mr. President, I rise to speak against this bill because it is not as the good Senator claims it is.

This bill covers secondhand dealers in Section 445-171. For instance, Anderson's Camera House is not a secondhand dealer. It is a retail

store, but they do sell and trade used cameras as does every television store in the State, also the radio shops, furniture, appliance and jewelry stores. Even used car dealers aren't exempt from this law.

Now the statement that this has been on the books for a long time may be true as it pertains to secondhand dealers. The changes as proposed by this bill in the section on fees and conditions will mean that every person who sells or buys a secondhand camera will in fact now have to go and get a license under this particular law.

If I'm a secondhand dealer, trading and buying in the secondhand category, that's fine and what the Senator said is true. But this bill will impose on every single person in this State in business, buying or selling a particular camera, car, piece of jewelry or antique, coins or stamps to obtain a license.

Mr. President, I don't think it was the intention of the Chairman of the Committee on Consumer Protection to include all these people."

The motion was put by the Chair and carried, and S.B. No. 2501-76, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SECONDHAND DEALERS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 9 (Anderson, George, Henderson, King, Leopold, Soares, Takitani, Yamasaki and Yee). Excused, 2 (Nishimura and F. Wong).

Standing Committee Report No. 488-76 (S.B. No. 2019-76, S.D. 1):

On motion by Senator O'Connor, seconded by Senator Taira and carried, Stand. Com. Rep. No. 488-76 was adopted and S.B. No. 2019-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Nishimura and F. Wong).

Standing Committee Report No. 492-76 (S.B. No. 2801-76, S.D. 2):

On motion by Senator R. Wong,

seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 492-76 was adopted and S.B. No. 2801-76, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AN APPROPRIATION FOR AGRICULTURAL PARKS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Nishimura and F. Wong).

At 6:41 o'clock p.m., the Senate stood in recess, subject to the call of the Chair.

The Senate reconvened at 6:43 o'clock p.m.

Senate Bill No. 2285-76, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 2285-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 7 (Anderson, George, Henderson, Leopold, Saiki, Soares and Yee). Excused, 3 (Hara, Nishimura and F. Wong).

Senate Bill No. 511:

On motion by Senator O'Connor, seconded by Senator Taira and carried, S.B. No. 511, entitled: "A BILL FOR AN ACT RELATING TO OBSCENITY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Nishimura and F. Wong).

Standing Committee Report No. 469-76 (S.B. No. 466, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 469-76 and S.B. No. 466, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKMEN'S COMPENSATION", were recommitted to the Committee on Ways and Means.

#### ADJOURNMENT

At 6:45 o'clock p.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 11:00 o'clock a.m., on Friday, March 19, 1976.