

SIXTH DAY

Wednesday, January 26, 1977

The Senate of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Olin Pendleton of Kokokahi Church, after which the Roll was called showing all Senators present, with the exception of Senator Leopold who was excused.

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

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

Senator Saiki introduced Dr. Phillip Sirotkin, recently appointed Executive Director of Western Interstate Commission on Higher Education (WICHE), from Boulder, Colorado, who is in Hawaii to participate in WICHE Day. Accompanying him was Mr. John Connell, Chairman, Hawaii WICHE.

Senator Yee introduced the Honorable and Mrs. Richard A. Snyder, Senator, Pennsylvania State Legislature.

Senator Henderson then introduced Mrs. Pat Schaaf and members of the Newcomers Club of Hawaii.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. No. 74 to 81) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 74), transmitting copies of Department of Personnel Services, Annual Report, 1975-1976, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 75), transmitting copies of a report prepared by the Department of Health in response to House Resolution No. 581 and Senate Resolution No. 397, Regular Session of 1976, Requesting the Department of Health to Prepare a Plan for the Implementation of Social Rehabilitation Residential Facilities for the Treatment of Mental Patients, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 76), transmitting copies of Program Memorandum, submitted pursuant to Section 37-70, Executive Budget Act of 1970, as amended, for

each of the major programs of the statewide program structure as follows:

- 1) Economic Development
- 2) Employment
- 3) Transportation Facilities
- 4) Environmental Protection
- 5) Health
- 6) Social Problems
- 7) Formal Education
- 8) Culture and Recreation
- 9) Public Safety
- 10) Individual Rights
- 11) Government-Wide Support,

was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 77), transmitting copies of Hawaii Bicentennial Commission, Final Report, 1976, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 78), transmitting copies of a progress report on the Hawaii State Plan, prepared by the Department of Planning and Economic Development with advisory assistance from the State Plan Policy Council, in accordance with Chapter 225, Hawaii Revised Statutes, as amended, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 79), transmitting copies of Report of the Kauai Task Force, January 1977, prepared by the Department of Agriculture and the Department of Planning and Economic Development pursuant to Act 227, Session Laws of Hawaii 1974, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 80), transmitting copies of a report prepared by the Department of Health in response to Senate Resolution No. 53, Regular Session of 1976, Relating to Noise Control, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 81), transmitting copies of a report prepared by the Department of Budget and Finance in response to House Resolution No. 529, Regular

Session of 1976, Requesting the Department of Budget and Finance to Establish a Pseudo Program Structure for Income Maintenance and Work-Related Assistance Programs in the Planning, Programming, and Budgeting System, was referred to the Committee on Ways and Means.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 1 to 6) were read by the Clerk and were disposed of as follows:

A communication from the Department of Budget and Finance (Dept. Com. No. 1), transmitting copies of Certificate of Total Indebtedness of the State of Hawaii, as of November 1, 1976, including Statement of Disagreement of Comptroller, was referred to the Committee on Ways and Means.

A communication from Hawaii Criminal Justice Statistical Analysis Center, the Judiciary (Dept. Com. No. 2), transmitting copies of Crime Trends in Hawaii, First Three Quarters, 1976, was referred to the Committee on Judiciary.

A communication from the Office of Collective Bargaining, Executive Office of the Governor (Dept. Com. No. 3), transmitting copies of the following public employees' collective bargaining agreements:

- 1) Unit 1, Blue Collar Non-Supervisory - United Public Workers, Local 646, American Federation of State, County and Municipal Employees, AFL-CIO, September 1, 1976 to June 30, 1977;
- 2) Unit 2, Blue Collar Supervisory - Hawaii Government Employees' Association, AFSCME, Local 152, AFL-CIO, July 1, 1976 to June 30, 1977;
- 3) Unit 3, White Collar Non-Supervisory - Hawaii Government Employees' Association, AFSCME, Local 152, AFL-CIO, July 1, 1976 to June 30, 1977;
- 4) Unit 4, White Collar Supervisory - Hawaii Government Employees' Association, AFSCME, Local 152, AFL-CIO, July 1, 1976 to June 30, 1977;
- 5) Unit 9, Registered Professional Nurses - Hawaii Nurses Association, July 1, 1976 to June 30, 1977; and
- 6) Unit 13, Professional and Scientific - Hawaii Government Employees' Association, AFSCME, Local 152, AFL-CIO, July 1, 1976 to June 30, 1977,

was referred to the Committee on Human Resources.

A communication from the Department of Planning and Economic Development (Dept. Com. No. 4), transmitting copies of a report prepared by the Department of Planning and Economic Development with advisory assistance from the State Plan Policy Council, in response to Senate Concurrent Resolution No. 8, Regular Session of 1976, Requesting Study of a Planning Clearinghouse Process, was referred to the Committee on Economic Development.

A communication from the Judiciary (Dept. Com. No. 5), transmitting copies of:

- 1) The Multi-Year Program and Financial Plan and Budget, for the Period 1977-1983 (Budget Period: 1977-1979); and
- 2) Program Budget Testimony, Fiscal Biennium: 1977-1979, Appendix I - Operating and Appendix II - Capital Improvements,

prepared by the Judiciary in accordance with Act 159, Session Laws of Hawaii 1974, and Chapter 37, Hawaii Revised Statutes, the Executive Budget Act, was referred to the Committee on Judiciary.

A communication from the Office of the Ombudsman (Dept. Com. No. 6), transmitting copies of Office of the Ombudsman, State of Hawaii, Fiscal Year July 1, 1977-June 30, 1976, Report No. 7, submitted pursuant to Section 96-12, Hawaii Revised Statutes, was referred to the Committee on Legislative Management.

HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 2), returning Senate Concurrent Resolution No. 1, which was adopted by the House of Representatives on January 25, 1977, was read by the Clerk and was placed on file.

SENATE RESOLUTION

A resolution (S.R. No. 83), entitled: "SENATE RESOLUTION REQUESTING ESTABLISHMENT OF A HEART DISEASE PREVENTION PROGRAM", was jointly offered by Senators Leopold, Yee, Henderson, Kawasaki, F. Wong, Toyofuku, Soares, Taira, O'Connor and Saiki, and was read by the Clerk.

By unanimous consent, S.R. No. 83 was referred to the Committee on Health.

INTRODUCTION OF SENATE BILLS

On motion by Senator Taira, seconded by Senator Anderson and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Thursday, January 27, 1977:

Senate Bills

No. 174 "A Bill for an Act Relating to Franchises."

Introduced by: Senators Nishimura, Chong, Saiki, F. Wong, Yee, R. Wong, Toyofuku, Taira and Takitani.

No. 175 "A Bill for an Act Relating to Guaranty Corporation."

Introduced by: Nishimura, Ching, Chong, Saiki, F. Wong, King, Toyofuku, Taira and Takitani.

No. 176 "A Bill for an Act Relating to Industrial Loan Companies."

Introduced by: Senators Nishimura, Chong, Saiki, F. Wong and Takitani.

No. 177 "A Bill for an Act Relating to a Study of Financial Institutions Regulated by the State of Hawaii."

Introduced by: Senators Nishimura, Chong, Saiki, Ching, Soares, F. Wong, King, Young, Toyofuku, Taira and Takitani.

No. 178 "A Bill for an Act Relating to a Constitutional Convention and Making Appropriations Therefor."

Introduced by: Senators Nishimura, Ching, Chong, F. Wong, Yee, Young, Toyofuku, Taira and Takitani.

No. 179 "A Bill for an Act Making an Appropriation for the Repair of Kalua'aha Bridge, Molokai."

Introduced by: Senators Takitani, Yamasaki, Chong, Toyofuku, Ching, Taira and Hara.

No. 180 "A Bill for an Act Making an Appropriation for Kilohana Elementary School, Molokai."

Introduced by: Senators Takitani, Yamasaki, Chong, Toyofuku, Ching, Taira and Hara.

No. 181 "A Bill for an Act Relating to Displaced Homemakers."

Introduced by: Senators King, Young, Saiki, George, Hara, Ching, Toyofuku, Taira, Nishimura, Chong,

Henderson and Leopold.

No. 182 "A Bill for an Act Making an Appropriation to Assist in the Construction of the U.S. Army Museum Which is at Battery Randolph in the Grounds of Ft. DeRussy, Oahu."

Introduced by: Senators Taira, Toyofuku, Kawasaki, Takitani, Ushijima, Chong, Soares, Henderson, Saiki, Hara, Leopold, Ching, F. Wong and Yee.

No. 183 "A Bill for an Act Relating to Election Employees."

Introduced by: Senator Ushijima, by request.

No. 184 "A Bill for an Act Relating to Capital Crimes."

Introduced by: Senators Kawasaki, Yee, Hulten, Kuroda, Yim, Ching, Toyofuku, Soares, Taira, F. Wong, Takitani, Henderson, O'Connor and Ushijima.

No. 187 "A Bill for an Act Making an Appropriation for the Development of a Building Code Incorporating Energy Conservation Features."

Introduced by: Senators Yim, King and Nishimura.

No. 188 "A Bill for an Act Making an Appropriation for the Development of Land Use, Zoning, and Transportation Regulations and Plans Incorporating Energy Concerns."

Introduced by: Senators Yim, King and Nishimura.

No. 189 "A Bill for an Act Relating to Banning the Use of Fossil Fuels to Heat Swimming Pools."

Introduced by: Senators Yim, King and Nishimura.

No. 190 "A Bill for an Act Relating to Energy Conservation in Public Buildings and Facilities."

Introduced by: Senators Yim, King and Nishimura.

On motion by Senator Taira, seconded by Senator Anderson and carried, the following bills were referred to print and were placed on the calendar for further consideration on Thursday, January 27, 1977:

Senate Bills

No. 171 "A Bill for an Act Relating

to Adoption."

Introduced by: Senators Nishimura, Chong, Saiki, Soares, Leopold, Yee, George, R. Wong, Toyofuku, Taira and Takitani.

No. 172 "A Bill for an Act Relating to Adoption."

Introduced by: Senators Nishimura, Chong, Saiki, Soares, F. Wong, Yee, R. Wong, Toyofuku, Taira and Takitani.

No. 173 "A Bill for an Act Relating to a Definition of Death."

Introduced by: Senators Nishimura, Ching, Chong, Saiki, F. Wong, Leopold, King, Yee, George, R. Wong, Toyofuku, Taira and Takitani.

No. 185 "A Bill for an Act Relating to Energy Conservation."

Introduced by: Senators Yim, King and Nishimura.

No. 186 "A Bill for an Act Relating to Energy Conservation in Buildings."

Introduced by: Senators Yim, King and Nishimura.

STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 2) informing the Senate that Senate Bill Nos. 1 to 170; Senate Concurrent Resolution Nos. 2 to 31; and Senate Resolution Nos. 4 to 83 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.

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Tuesday, January 25, 1977:

Senate Bills Referred to:

No. 1 Committee on Ways and Means

No. 2 Committee on Ways and Means

No. 3 Committee on Ways and Means

No. 4 Committee on Judiciary, then to the Committee on Ways and Means

No. 5 Committee on Energy/Natural Resources, then to the Committee on Ways and Means

No. 6 Committee on Energy/Natural Resources, then to the Committee on Ways and Means

No. 7 Committee on Energy/Natural Resources, then to the Committee on Ways and Means

No. 8 Committee on Energy/Natural Resources, then to the Committee on Ways and Means

No. 9 Committee on Energy/Natural Resources, then to the Committee on Ways and Means

No. 10 Committee on Energy/Natural Resources, then to the Committee on Ways and Means

No. 11 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 12 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 13 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 14 Committee on Ways and Means

No. 15 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 16 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 17 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 18 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 19 Committee on Human Resources, then to the Committee on Ways and Means

No. 20 Committee on Human Resources, then to the Committee on Ways and Means

No. 21 Committee on Human Resources, then to the Committee on Ways and Means

- No. 22 Committee on Human Resources, then to the Committee on Ways and Means
- No. 23 Committee on Transportation, then to the Committee on Ways and Means
- No. 24 Committee on Judiciary
- No. 25 Committee on Judiciary
- No. 26 Committee on Judiciary
- No. 27 Committee on Judiciary
- No. 28 Committee on Judiciary, then to the Committee on Ways and Means
- No. 29 Committee on Judiciary
- No. 30 Committee on Judiciary
- No. 31 Committee on Judiciary
- No. 32 Committee on Judiciary
- No. 33 Committee on Judiciary, then to the Committee on Ways and Means
- No. 34 Committee on Health, then to the Committee on Ways and Means
- No. 35 Committee on Health, then to the Committee on Ways and Means
- No. 36 Committee on Intergovernmental Relations
- No. 37 Jointly to the Committee on Government Operations and Efficiency and the Committee on Intergovernmental Relations
- No. 38 Jointly to the Committee on Government Operations and Efficiency and the Committee on Judiciary
- No. 39 Committee on Education, then to the Committee on Ways and Means
- No. 40 Committee on Education
- No. 41 Committee on Education
- No. 42 Committee on Education
- No. 43 Committee on Education, then to the Committee on Ways and Means
- No. 44 Committee on Education
- No. 45 Committee on Education, then to the Committee on Ways and Means
- No. 46 Committee on Consumer Protection, then to the Committee on Judiciary
- No. 47 Committee on Higher Education, then to the Committee on Ways and Means
- No. 48 Committee on Economic Development, then to the Committee on Ways and Means
- No. 49 Committee on Energy/Natural Resources, then to the Committee on Ways and Means
- No. 50 Committee on Energy/Natural Resources, then to the Committee on Ways and Means
- No. 51 Committee on Energy/Natural Resources
- No. 52 Committee on Energy/Natural Resources, then to the Committee on Ways and Means
- No. 53 Committee on Energy/Natural Resources, then to the Committee on Ways and Means
- No. 54 Jointly to the Committee on Intergovernmental Relations and the Committee on Transportation
- No. 55 Committee on Economic Development, then to the Committee on Ways and Means
- No. 56 Committee on Economic Development, then to the Committee on Ways and Means
- No. 57 Committee on Economic Development, then to the Committee on Ways and Means
- No. 58 Committee on Economic Development, then to the Committee on Ways and Means
- No. 59 Committee on Economic Development
- No. 60 Committee on Economic Development, then to the Committee on Ways and Means
- No. 61 Committee on Economic Development, then to the Committee on Ways and Means
- No. 62 Committee on Economic Development, then to the Committee on Ways and Means
- No. 63 Committee on Economic Development, then to the Committee on Ways and Means
- No. 64 Committee on Economic Development, then to the Committee

- on Ways and Means
- No. 65 Committee on Economic Development, then to the Committee on Ways and Means
- No. 66 Committee on Economic Development, then to the Committee on Ways and Means
- No. 67 Committee on Economic Development, then to the Committee on Ways and Means
- No. 68 Committee on Economic Development, then to the Committee on Ways and Means
- No. 69 Committee on Housing and Hawaiian Homes
- No. 70 Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means
- No. 71 Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means
- No. 72 Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means
- No. 73 Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means
- No. 74 Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means
- No. 75 Committee on Economic Development, then to the Committee on Housing and Hawaiian Homes
- No. 76 Committee on Housing and Hawaiian Homes
- No. 77 Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means
- No. 78 Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means
- No. 79 Committee on Economic Development, then to the Committee on Judiciary
- No. 80 Committee on Economic Development, then to the Committee on Ways and Means
- No. 81 Committee on Economic Development, then to the Committee on Ways and Means
- No. 82 Committee on Consumer Protection, then to the Committee on Judiciary
- No. 83 Committee on Judiciary
- No. 84 Committee on Judiciary
- No. 85 Committee on Human Resources, then to the Committee on Judiciary
- No. 86 Committee on Human Resources, then to the Committee on Judiciary
- No. 87 Committee on Judiciary
- No. 88 Committee on Human Resources
- No. 89 Committee on Judiciary
- No. 90 Committee on Education, then to the Committee on Judiciary
- No. 91 Committee on Ways and Means
- No. 92 Committee on Intergovernmental Relations, then to the Committee on Ways and Means
- No. 93 Committee on Higher Education
- No. 94 Committee on Economic Development
- No. 95 Committee on Economic Development, then to the Committee on Ways and Means
- No. 96 Committee on Economic Development
- No. 97 Committee on Economic Development
- No. 98 Committee on Economic Development, then to the Committee on Ways and Means
- No. 99 Committee on Economic Development
- No. 100 Committee on Judiciary
- No. 101 Committee on Judiciary
- No. 102 Committee on Judiciary
- No. 103 Committee on Ways and Means
- No. 104 Committee on Ways and Means
- No. 105 Committee on Human Resources
- No. 106 Committee on Judiciary, then to the Committee on Ways and Means
- No. 107 Committee on Judiciary, then to the Committee on Ways and Means
- No. 108 Committee on Human Resources,

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| then to the Committee on Ways and Means | No. 134 | Committee on Human Resources |
| No. 109 Committee on Human Resources, then to the Committee on Ways and Means | No. 135 | Committee on Human Resources |
| No. 110 Committee on Judiciary, then to the Committee on Ways and Means | No. 136 | Committee on Human Resources |
| No. 111 Committee on Human Resources, then to the Committee on Ways and Means | No. 137 | Committee on Judiciary |
| No. 112 Committee on Ways and Means | No. 138 | Committee on Ecology, Environment and Recreation |
| No. 113 Committee on Education, then to the Committee on Ways and Means | No. 139 | Committee on Economic Development |
| No. 114 Committee on Education, then to the Committee on Human Resources | No. 140 | Committee on Human Resources |
| No. 115 Committee on Education, then to the Committee on Human Resources | No. 141 | Committee on Energy/Natural Resources |
| No. 116 Committee on Health | No. 142 | Committee on Judiciary |
| No. 117 Committee on Ecology, Environment and Recreation, then to the Committee on Judiciary | No. 143 | Committee on Judiciary, then to the Committee on Ways and Means |
| No. 118 Committee on Health, then to the Committee on Judiciary | No. 144 | Committee on Judiciary |
| No. 119 Committee on Health, then to the Committee on Judiciary | No. 145 | Committee on Judiciary |
| No. 120 Committee on Health, then to the Committee on Judiciary | No. 146 | Committee on Judiciary |
| No. 121 Committee on Health | No. 147 | Committee on Public Utilities |
| No. 122 Committee on Judiciary | No. 148 | Committee on Ways and Means |
| No. 123 Committee on Health | No. 149 | Committee on Ways and Means |
| No. 124 Committee on Health | No. 150 | Committee on Ways and Means |
| No. 125 Committee on Human Resources | No. 151 | Committee on Ways and Means |
| No. 126 Committee on Human Resources | No. 152 | Committee on Ways and Means |
| No. 127 Committee on Human Resources | No. 153 | Committee on Ways and Means |
| No. 128 Committee on Human Resources | No. 154 | Committee on Ways and Means |
| No. 129 Committee on Human Resources | No. 155 | Committee on Judiciary, then to the Committee on Ways and Means |
| No. 130 Committee on Human Resources | No. 156 | Jointly to the Committee on Consumer Protection and the Committee on Judiciary, then to the Committee on Ways and Means |
| No. 131 Committee on Human Resources | No. 157 | Committee on Judiciary, then to the Committee on Human Resources |
| No. 132 Committee on Human Resources | No. 158 | Committee on Human Resources, then to the Committee on Ways and Means |
| No. 133 Committee on Human Resources | | |

- No. 159 Committee on Economic Development
- No. 160 Committee on Ways and Means
- No. 161 Committee on Ways and Means
- No. 162 Committee on Economic Development, then to the Committee on Housing and Hawaiian Homes
- No. 163 Committee on Intergovernmental Relations
- No. 164 Committee on Energy/Natural Resources
- No. 165 Committee on Energy/Natural Resources, then to the Committee on Ways and Means
- No. 166 Committee on Economic Development
- No. 167 Committee on Economic Development, then to the Committee on Ways and Means
- No. 168 Committee on Judiciary
- No. 169 Committee on Economic Development
- No. 170 Committee on Human Resources, then to the Committee on Ways and Means

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc.

Com. Nos. 1 to 3) were read by the Clerk and were disposed of as follows:

A communication from the Honorable Eduardo E. Malapit, Mayor, County of Kauai (Misc. Com. No. 1), transmitting copies of Tentative Operating Budget, County of Kauai, Fiscal Year July 1, 1977 to June 30, 1978, submitted in compliance with the Hawaii Revised Statutes, as amended, was referred to the Committee on Ways and Means.

A communication from the Honorable Eduardo E. Malapit, Mayor, County of Kauai (Misc. Com. No. 2), transmitting copies of Capital Improvements Program, County of Kauai, Fiscal Years 1977-78 through 1982-83, submitted in compliance with the Hawaii Revised Statutes, as amended, was referred to the Committee on Ways and Means.

A communication from the Honorable Herbert T. Matayoshi, Mayor, County of Hawaii (Misc. Com. No. 3), transmitting copies of the County of Hawaii's budget for fiscal years 1977-78 and 1978-79, including various other financial information, was referred to the Committee on Ways and Means.

ADJOURNMENT

At 11:41 o'clock a.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, January 27, 1977.