

TWENTY-NINTH DAY

Tuesday, March 1, 1977

The Senate of the Ninth Legislature, 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 the Reverend Joe Morgan of the Hawaii Baptist Convention, after which the Roll was called showing all Senators present.

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

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

Senator Taira introduced a group of sixth grade students from Kalihi Elementary Student Council, accompanied by their teacher, Mrs. Jane Pang.

Senator King introduced a group from the Government Class at Hawaiian Mission Academy, with their teacher, Mr. Tetsu Hirayama. She then introduced seven members of the Beta Sigma Phi Sorority, Pi Chapter from Schofield and Iroquois Point.

Senator Young then introduced fifty students from the Student Council at Palisades Elementary School, with their teachers, Mrs. Charlotte Shinsato and Mrs. Lois Yasui and the principal, Mr. Dickie Hamasaki.

Senator Chong then introduced Mr. Griffith J. Davis of the State Department Office of Population, Agency for International Development at Washington, D.C. He is attending the East West Communication Institute Conference on Population Communications. Accompanying Mr. Davis was Mrs. Ramona McCarthy, who is with the Bureau of Drugs, Office of New Drug Evaluation Branch of the Food and Drug Administration in Washington, D.C.

Senator Anderson introduced the Student Government Officers of Castle High School, Kahuku High School, Kailua High School and Kalaheo High School.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 31 to 41), were read by the Clerk and were disposed of as follows:

A communication from the House

(Hse. Com. No. 31), transmitting House Bill No. 152, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 152, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING", passed First Reading by title and were referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 32), transmitting House Bill No. 239, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 239, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TERRORISTIC THREATENING", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 33), transmitting House Bill No. 240, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 240, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 34), transmitting House Bill No. 249, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 249, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RAPE", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 35), transmitting House Bill No. 256, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 256, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

MOTOR VEHICLE SAFETY RESPONSIBILITY", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 36), transmitting House Bill No. 263, which passed Third Reading in the House of Representatives on February 28, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 263, entitled: "A BILL FOR AN ACT RELATING TO RECKLESS ENDANGERING WITH A FIREARM", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 37), transmitting House Bill No. 313, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 313, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 38), transmitting House Bill No. 447, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 447, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 39), transmitting House Bill No. 453, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 453, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND HIGHWAY SAFETY", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 40), transmitting House Bill No. 471, H.D. 1, which passed Third Reading in the House of Representatives on February 28,

1977, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 471, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLES LEFT UNATTENDED ON PRIVATE PROPERTY", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 41), transmitting House Bill No. 511, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 511, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", passed First Reading by title and was referred to the Committee on Economic Development.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 104 to 106) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 104), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO ADMINISTRATIVE PROCEDURAL RULES AND REGULATIONS", was jointly offered by Senators Kawasaki, King, R. Wong, Saiki, Henderson, Toyofuku, Yamasaki, Takitani, Chong, Taira, George, Leopold, F. Wong, Ching and Young.

By unanimous consent, S.C.R. No. 104 was referred to the Committee on Judiciary.

A concurrent resolution (S.C.R. No. 105), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO REGULATORY BOARDS AND COMMISSIONS", was jointly offered by Senators Kawasaki, King, R. Wong, Saiki, Chong, Henderson, Toyofuku, Yamasaki, Takitani, Taira, Leopold, Young, George, F. Wong and Ching.

By unanimous consent, S.C.R. No. 105 was referred to the Committee on Ways and Means.

A concurrent resolution (S.C.R. No. 106), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A FOUR-YEAR COLLEGE ON MAUI", was jointly offered by Senators Yamasaki, Takitani, F. Wong, Taira, Hara, Hulten, Kuroda, Young, Chong and King.

By unanimous consent, S.C.R. No. 106 was jointly referred to the Committee on Higher Education and

the Committee on Ways and Means.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 285 to 288) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 285), entitled: "SENATE RESOLUTION HONORING DR. MARJORIE BELL CHAMBERS, PRESIDENT OF THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN, DURING HER VISIT TO HAWAII", was jointly offered by Senators George, King, Hulten, Young, R. Wong, Henderson, Soares, Saiki, Leopold, Yee, Chong, Yim, Kawasaki, Taira, Kuroda, Nishimura and O'Connor.

On motion by Senator George, seconded by Senator King and carried, S.R. No. 285 was adopted.

Senator George introduced to the members of the Senate Dr. Marjorie Bell Chambers, President of the American Association of University Women, and those who accompanied her, Ms. Jo Ann Lundberg, AAUW President, Hawaii Division, and Ms. Betty Hemphill, First Vice President of the AAUW, Hawaii Division.

A resolution (S.R. No. 286), entitled: "SENATE RESOLUTION CONGRATULATING JENSEN OKAGAWA ON HIS RECORD-BREAKING SWIMMING PERFORMANCES", was jointly offered by Senators Ching, F. Wong, Young, Kuroda, Hulten, Takitani, Kawasaki, Taira, Yamasaki, Nishimura, R. Wong, Chong, King, Toyofuku, O'Connor and Hara.

On motion by Senator Ching, seconded by Senator Kuroda and carried, S.R. No. 286 was adopted.

A resolution (S.R. No. 287), entitled: "SENATE RESOLUTION CONGRATULATING HAUNANI ASING ON BEING CHOSEN MISS HAWAII", was offered by Senator Anderson.

On motion by Senator Anderson, seconded by Senator George and carried, S.R. No. 287 was adopted.

A resolution (S.R. No. 288), entitled: "SENATE RESOLUTION REQUESTING ESTABLISHMENT OF A FOUR-YEAR COLLEGE ON MAUI", was jointly offered by Senators Yamasaki, Takitani, F. Wong, Taira, Hara, Hulten, Kuroda, Young, Chong and King.

By unanimous consent, S.R. No. 288 was jointly referred to the Committee on Higher Education and the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 43), informing the Senate that Senate Concurrent Resolution Nos. 103 to 105, Senate Resolution Nos. 284 to 287 and Standing Committee Report Nos. 44 to 48 have been printed and are ready for distribution.

On motion by Senator Yamasaki, seconded by Senator Henderson and carried, the report of the Committee was adopted.

Senator Yim, for the Committee on Energy/Natural Resources, presented a report (Stand. Com. Rep. No. 44), recommending that Senate Bill No. 7, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Senator King and carried, the report of the Committee was adopted and S.B. No. 7, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TESTING OF NEW ECO-TYPES OF PRAWN", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 45), recommending that Senate Bill No. 108 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Young and carried, the report of the Committee was adopted and S.B. No. 108, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER CONTRIBUTIONS TO THE EMPLOYEES' RETIREMENT SYSTEM AND PROVIDING FOR SEPARATE CONTRIBUTIONS TO THE PENSION ACCUMULATION FUND AND TO THE POST RETIREMENT FUND FOR POLICEMEN, FIREMEN AND CORRECTIONS OFFICERS", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 46), recommending that Senate Bill No. 111 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Young and carried, the report of the Committee was adopted and S.B. No. 111, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 47), recommending that Senate Bill No. 4, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.B. No. 4, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY AND MAKING APPROPRIATIONS THEREFOR", passed First Reading and was recommitted to the Committee on Judiciary.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 48), recommending that Senate Bill Nos. 25, 26, 27, 28, 29, 31, 32, 171, 172, 173, 500, 501, 1062, 1063, 1064, and 1418 pass First Reading by title and be recommitted to the Committee on Judiciary.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and

S.B. No. 25, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PROBATE CODE";

S.B. No. 26, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES";

S.B. No. 27, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE";

S.B. No. 28, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION AND MAKING AN APPROPRIATION THEREFOR";

S.B. No. 29, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTION TO LIABILITY";

S.B. No. 31, entitled: "A BILL FOR AN ACT RELATING TO MINORS";

S.B. No. 32, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS";

S.B. No. 171, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION";

S.B. No. 172, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION";

S.B. No. 173, entitled: "A BILL FOR AN ACT RELATING TO A DEFINITION OF DEATH";

S.B. No. 500, entitled: "A BILL FOR AN ACT RELATING TO JUDICIARY";

S.B. No. 501, entitled: "A BILL FOR AN ACT RELATING TO PENAL CODE";

S.B. No. 1062, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIAL BRANCH OF STATE GOVERNMENT";

S.B. No. 1063, entitled: "A BILL FOR AN ACT RELATING TO LAND COURT";

S.B. No. 1064, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES", and

S.B. No. 1418, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS",

passed First Reading by title and were recommitted to the Committee on Judiciary.

At 11:42 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 o'clock a.m.

ADJOURNMENT

At 11:50 o'clock a.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 2, 1977.