

THIRTY-EIGHTH DAY

Monday, March 14, 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 Jerry Appleby of the First Church of the Nazarene, after which the Roll was called showing all Senators present, with the exception of Senator Anderson who was excused.

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

At this time, Senator Yee introduced to the members of the Senate a group of senior citizens from Laimi Senior Citizens.

Senator Kuroda then introduced to the members of the Senate the following trainees for the ministry in the Church of World Messianity: Messrs. Jeff Williamson, Neal Aoki, Royce Taba, Mike Belamy, Rudy Manuel and Kenneth Inouye. They were accompanied by their teacher, Reverend Ralph Hirota, former Chairman, Kauai County Council.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 208 to 211) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 208), transmitting copies of Commission on Aging, Annual Report, July 1, 1975-June 30, 1976, prepared pursuant to Section 349-2 (13), Hawaii Revised Statutes, as amended, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 209), transmitting copies of Kohala, Report of the Kohala Task Force, March 1977, prepared by the Department of Agriculture in compliance with Act 226, Session Laws of Hawaii 1974, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 210), amending previously submitted nominations to the Public Utilities Commission, new positions under Act 165, Session Laws of Hawaii 1976, as follows:

Sunao Kido, under Governor's Message No. 122, term to expire amended to June 1, 1978;

Robert H. Rath, Sr. under Governor's Message No. 123, term to expire amended to June 1, 1980; and

Albert Q.Y. Tom, under Governor's Message No. 124, term to expire amended to June 1, 1982,

was referred to the Committee on Public Utilities.

A message from the Governor (Gov. Msg. No. 211), transmitting copies of a report prepared by the Department of Agriculture in response to House Resolution No. 187, Regular Session of 1976, Requesting an Evaluation of Farm Loan Procedures, was referred to the Committee on Economic Development.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 125 to 138) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 125), transmitting House Bill No. 101, H.D. 2, which passed Third Reading in the House of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 101, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF PUBLIC LANDS FOR RESIDENTIAL PURPOSES", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 126), transmitting House Bill No. 131, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 131, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COORDINATION OF MARINE AFFAIRS", passed First Reading by title and was referred to the Committee on Energy/Natural Resources.

A communication from the House (Hse. Com. No. 127), transmitting House Bill No. 151, which passed Third Reading in the House of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 151, entitled: "A BILL FOR AN ACT RELATING TO POLICY PLANNING",

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. 128), transmitting House Bill No. 161, which passed Third Reading in the House of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 161, entitled: "A BILL FOR AN ACT RELATING TO AN INTERISLAND FERRY SYSTEM", passed First Reading by title and was referred to the Committee on Transportation, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 129), transmitting House Bill No. 235, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 235, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 130), transmitting House Bill No. 325, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 325, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 131), transmitting House Bill No. 598, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 598, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS UNDER THE WORKERS' COMPENSATION LAW", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 132), transmitting House Bill No. 674, H.D. 1, which passed Third Reading in the House

of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 674, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST AND WATER RESERVE ZONES", passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 133), transmitting House Bill No. 870, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 870, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISH AND GAME", passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 134), transmitting House Bill No. 1113, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 1113, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY LICENSING", 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. 135), transmitting House Bill No. 1143, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 1143, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MONEY AND PUBLIC CONTRACTS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 136), transmitting House Bill No. 1153, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 1153, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIFE INSURANCE", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 137), transmitting House Bill

No. 1224, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 1224, 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. 138), transmitting House Bill No. 1602, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Yee and carried, H.B. No. 1602, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FOUNDATION ON CULTURE AND THE ARTS", passed First Reading by title and was referred to the Committee on Education.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 122 and 123) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 122), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO OFFICIATING OF ATHLETIC EVENTS FOR HIGH SCHOOLS AND THE UNIVERSITY OF HAWAII SYSTEM", was offered by Senator Taira.

By unanimous consent, S.C.R. No. 122 was jointly referred to the Committee on Higher Education and the Committee on Education.

A concurrent resolution (S.C.R. No. 123), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONSTRUCTION OF AN ENCLOSURE FOR THE LIBERTY BELL REPLICA TO PROVIDE SECURITY AND AFFORD MAXIMUM VIEWABILITY BY HAWAII'S PEOPLE", was jointly offered by Senators Kuroda, Yim, Yamasaki, R. Wong, Soares, King, O'Connor, Hulten, F. Wong, Takitani, Anderson, Hara, Chong, Ching, Toyofuku, Nishimura, Taira, Leopold, Yee, Young, Saiki, Ushijima, Henderson and George.

By unanimous consent, S.C.R. No. 123 was referred to the Committee on Ecology, Environment and Recreation.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 318 to 320) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 318), entitled: "SENATE RESOLUTION RELATING TO OFFICIATING OF ATHLETIC EVENTS FOR HIGH SCHOOLS AND THE UNIVERSITY OF HAWAII SYSTEM", was offered by Senator Taira.

By unanimous consent, S.R. No. 318 was jointly referred to the Committee on Higher Education and the Committee on Education.

A resolution (S.R. No. 319), entitled: "SENATE RESOLUTION REQUESTING CONSTRUCTION OF AN ENCLOSURE FOR THE LIBERTY BELL REPLICA TO PROVIDE SECURITY AND AFFORD MAXIMUM VIEWABILITY BY HAWAII'S PEOPLE", was jointly offered by Senators Kuroda, Yim, Yamasaki, R. Wong, Soares, King, O'Connor, Hulten, F. Wong, Takitani, Anderson, Hara, Chong, Ching, Nishimura, Toyofuku, Kawasaki, Ushijima, Taira, Leopold, Yee, Young, Saiki, Henderson and George.

By unanimous consent, S.R. No. 319 was referred to the Committee on Ecology, Environment and Recreation.

A resolution (S.R. No. 320), entitled: "SENATE RESOLUTION CONGRATULATING THE PUNAHOU HIGH SCHOOL BASKETBALL TEAM FOR WINNING THE 1977 INTERSCHOLASTIC LEAGUE OF HONOLULU BASKETBALL CHAMPIONSHIP", was jointly offered by Senators Yee, Takitani, Taira, Soares, Henderson, Kawasaki, Anderson, Saiki, George, Toyofuku, Hara, Hulten, Kuroda, Chong, F. Wong, Leopold, King, Young, R. Wong, Yamasaki, O'Connor, Nishimura, Ching and Ushijima.

On motion by Senator Yee, seconded by Senator O'Connor and carried, S.R. No. 320 was adopted.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 365) informing the Senate that Senate Concurrent Resolution Nos. 122 and 123, Senate Resolution Nos. 318 to 320, Standing Committee Report Nos. 366 to 387, and Governor's Message No. 210 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 11:42 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

Senator Toyofuku, for the Committee

on Human Resources, presented a report (Stand. Com. Rep. No. 366) recommending that Senate Resolution No. 203 be adopted.

On motion by Senator Toyofuku, seconded by Senator Young and carried, the report of the Committee was adopted and S.R. No. 203, entitled: "SENATE RESOLUTION REQUESTING CONGRESS AND THE FEDERAL GOVERNMENT TO FACILITATE COORDINATION OF RELATED PROGRAMS AT THE STATE AND LOCAL LEVELS", was adopted.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 367) recommending that Senate Bill No. 574 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Toyofuku, seconded by Senator Young and carried, the report of the Committee was adopted and S.B. No. 574, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 574.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 368) recommending that Senate Bill No. 377 pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, Stand. Com. Rep. No. 368 and S.B. No. 377, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", were recommitted to the Committee on Human Resources.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 369) recommending that Senate Bill Nos. 1115 and 1187 pass First Reading by title and be recommitted to the Committee on Economic Development.

On motion by Senator F. Wong, seconded by Senator Hara and carried, the report of the Committee was adopted and

S.B. No. 1115, entitled: "A BILL FOR AN ACT RELATING TO LAND USE"; and

S.B. No. 1187, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PLAN",

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

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 370) recommending that House Bill No. 187 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. 187, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

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. 187.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 371) recommending that Senate Bill No. 538, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 538, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 538, S.D. 1.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 372) recommending that Senate Bill No. 589 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 589, entitled: "A BILL FOR AN ACT RELATING TO ETHNIC STUDIES", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 589.

Senator Hara, for the Committee

on Education, presented a report (Stand. Com. Rep. No. 373) recommending that Senate Bill No. 1049, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 1049, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURAL HISTORY", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 1049, S.D. 1.

Senator Hulten, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 374) recommending that Senate Bill No. 1369, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Intergovernmental Relations.

On motion by Senator Hulten, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.B. No. 1369, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES", passed Second Reading and was recommitted to the Committee on Intergovernmental Relations.

Senator Yim, for the Committee on Energy/Natural Resources, presented a report (Stand. Com. Rep. No. 375) recommending that Senate Resolution No. 65, as amended in S.D. 1, be adopted.

On motion by Senator Yim, seconded by Senator King and carried, the report of the Committee was adopted and S.R. No. 65, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE DEPARTMENT OF TRANSPORTATION TO UTILIZE EFFICIENT LIGHTING SUCH AS SODIUM LAMPS FOR LIGHTING FACILITIES AND AREAS MAINTAINED BY THE STATE", was adopted.

Senator Yim, for the Committee on Energy/Natural Resources, presented a report (Stand. Com. Rep. No. 376) recommending that Senate Resolution No. 61 be adopted.

On motion by Senator Yim, seconded by Senator King and carried, the report of the Committee was adopted and S.R. No. 61, entitled: "SENATE RESOLUTION REQUESTING THE DEVELOP-

MENT OF EDUCATIONAL PROGRAMS ON ENERGY CONSERVATION PRACTICES AND METHODS", was adopted.

Senator Yim, for the Committee on Energy/Natural Resources, presented a report (Stand. Com. Rep. No. 377) recommending that Senate Bill No. 1209, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yim, seconded by Senator King and carried, the report of the Committee was adopted and S.B. No. 1209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 1209, S.D. 1.

Senator Yim, for the Committee on Energy/Natural Resources, presented a report (Stand. Com. Rep. No. 378) recommending that Senate Bill No. 51, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yim, seconded by Senator King and carried, the report of the Committee was adopted and S.B. No. 51, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 51, S.D. 1.

Senator Yim, for the majority of the Committee on Energy/Natural Resources, presented a report (Stand. Com. Rep. No. 379) recommending that Senate Bill No. 1211, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yim, seconded by Senator Hulten and carried, the report of the majority of the Committee was adopted and S.B. No. 1211, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

In accordance with Article III, Section 16, of the Constitution of the State

of Hawaii, the 24-hour notice was given on S.B. No. 1211, S.D. 1.

Senator Kuroda, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 380) recommending that Senate Bill No. 853 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator R. Wong and carried, the report of the Committee was adopted and S.B. No. 853, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 853.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 381) recommending that Senate Bill No. 139, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator F. Wong, seconded by Senator Hara and carried, the report of the Committee was adopted and S.B. No. 139, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF PUBLIC LANDS", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 139, S.D. 1.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 382) recommending that Senate Bill No. 245, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and S.B. No. 245, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RIDING ON ROADWAYS AND BICYCLE PATHS", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 245, S.D. 1.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 383) recommending that Senate Bill No. 484 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and S.B. No. 484, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE EQUIPMENT", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 484.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 384) recommending that Senate Bill No. 563, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and S.B. No. 563, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE WEIGHT", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 563, S.D. 1.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 385) recommending that Senate Bill No. 758 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and S.B. No. 758, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER IMPROVEMENT PROGRAM", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 15, 1977.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 758.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 386) recommending

that Senate Bill No. 485, as amended in S.D. 1, pass Third Reading.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 485, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES".

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 387) recommending that Senate Bill No. 1411, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 387 and S.B. No. 1411, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREVENTING LITTER FROM TRUCKS", was deferred until Tuesday, March 15, 1977.

ORDER OF THE DAY

RE-REFERRAL OF A HOUSE BILL

The President made the following re-referral of a House Bill that was received on Thursday, March 10, 1977:

House Bill	Referred to:
No. 929, H.D. 1	Committee on Consumer Protection, then to the Committee on Judiciary

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

At this time, Senator Leopold rose on a point of personal privilege to speak as follows:

"Mr. President,

On January 26, I introduced Senate Bill No. 167, which was referred to the Senate Committee on Economic Development. It has been thirty-two legislative days since the introduction of that measure.

On February 22, a hearing was held on the bill, where it received wide support. As a matter of fact, the next morning's headline, I believe, said: 'Bureau to Assist Filming is a Must Senate is Told'.

Well, in spite of the testimony in support of the measure... in spite of the fact that you, Mr. President, in your opening day remarks, and the Governor, in his State of the State address, stressed the importance

of reaching out aggressively and broadening our economic base... the Chairman of the Senate Committee on Economic Development, a Senator for whom I have a great deal of personal admiration, has apparently decided not to report this measure out of his Committee.

I'd like to read into the record two things. One, the Purpose clause of the bill and second, a letter. The Purpose clause of the bill states as follows: 'The Legislature recognizes the importance...'

At this time, Senator Ching, rising on a point of order, requested that the former speaker state his personal privilege.

The President then directed Senator Leopold to confine his remarks to the point of personal privilege.

Senator Leopold stated that "as the arbitrary deadline for the movement of bills from this house to the other house is fast approaching, I would like to make a plea for a measure which I feel is of great importance to the people of the State".

Senator Ching replied that "under the guidelines sent out by the chairmen, this does not fall into the category of personal privilege".

Senator Yee then rose to state, "The point of personal privilege is that a bill is being 'iceboxed'. Because he feels very strongly about it, he would like to make a statement on the floor for the record".

Senator Ching then asked to renew his point of order.

The President stated, "I have to agree with the Majority Leader. The question of personal privilege is rather limited, in accordance with the memo I sent out on February 28, 1977".

At 12:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:08 o'clock p.m.

At this time, the President again directed Senator Leopold to confine his remarks to the point of personal privilege.

Senator Leopold continued as follows:

"Thank you, Mr. President. As I was stating, I felt that the bill was of such merit that it should have been reported favorably out of the Senate

Committee on Economic Development.

After the hearing, I sent a letter, dated February 24, 1977, to the Chairman of the Senate Committee on Economic Development. I'd like to read that letter for the record:

'Following up the public hearing testimony on Senate Bill No. 167, Relating to Media Production, I would like to respectfully request that you either report this measure favorably out of the Senate Economic Development Committee or, alternatively, that you put the guts of Senate Bill No. 167 into Senate Bill No. 55, the short form bill which you introduced, and report this measure out of Committee.'

Copies of the letter were sent to the Republican members of the Senate Committee on Economic Development.

I still have not received a reply to this letter of February 24. When I approached the Chairman of the Committee, he said that he had received my letter, but the Committee would not be moving the bill. He added that he had sent me a letter on the subject. Well, I've never received that letter.

I feel very strongly, as I indicated earlier, that both you, Mr. President, and the Governor of the State have expressed an interest in expanding the economic base of our State. We have to aggressively go out and--by deeds, not rhetoric--take steps to bring in the millions of dollars of revenue and provide jobs that could be provided by this measure.

We heard in the testimony of the Committee that the permit system called for in the bill is something that is needed. Right now, we have a hodge podge situation, where movie producers have to jump around from one agency to another. There is a great deal of confusion and lack of coordination.

Senate Bill No. 167, by the way, Mr. President, is part of the Senate Republican economic development package. I know that the Republican members support this bill.

I feel very strongly that this should be reported out of Committee."

Senator Leopold then stated, "I would like to ask the Chairman of the Senate Economic Development Committee why he did not respond to my letter and, secondly, why he has not reported this measure out of his Committee".

At this time, Senator O'Connor rose on a point of order to state:

"Mr. President, this last speaker, who rose on a point of personal privilege, has now twisted the procedure of this Body to a point where we are now engaging in diatribe and debate on the floor of the Senate when there is no such procedure allowed.

I would rise on a point of order and ask that the President rule on the point--the point being that the question, as posed by the last speaker, is out of order and should not be asked nor answered."

The President ruled that the previous speaker's question to the Chairman of the Committee on Economic Development was out of order.

Senator Leopold then moved that Senate Bill No. 167 be recalled from the Committee on Economic Development, seconded by Senator Yee.

At this time, Senator F. Wong rose to speak against the motion as follows:

"Mr. President,

Senate Bill No. 167 was referred to your Committees on Economic Development and Ways and Means.

At the public hearing, the State of Hawaii indicated that the bill was unnecessary and would be costly to administer. Yes, there was overwhelming testimony in favor of a system, as described by the Senator across the aisle. However, the public testimony was in the form of many generalities.

Those of us who are working on a system to cut down the red tape in the bureaucracy that we live in, know that adding another layer of bureaucracy is not going to help us.

Your Committee on Economic Development, in its letter to the Chairman of the Ways and Means Committee, recognized the problems and the potential for this industry. As a result of the budget cuts...we cut more than three percent from many of the State agencies under the jurisdiction of your Committee...with the savings realized, an additional appropriation was made to the Department of Planning and Economic Development for media production. We feel that by doing it in this manner, by incorporating it into the operating budget, the potentials of this industry can best be realized.

Mr. President, we have treated the Republican measure in our Committee

with the same fairness as the Majority package bill, also in our Committee. Neither bill was reported out. Both were treated fairly.

The State is committed to some production, and the best way that commitment can be expressed is in the Executive Budget."

At 12:16 o'clock p.m. the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:24 o'clock p.m.

The motion to recall S.B. No. 167, entitled: "A BILL FOR AN ACT RELATING TO MEDIA PRODUCTION", from the Committee on Economic Development was put by the Chair and, Roll Call having been requested, carried on the following showing of Ayes and Noes, in accordance with Article III, Section 13, of the Constitution of the State of Hawaii:

Ayes, 9. Noes, 15 (Ching, Hara, Hulten, Kawasaki, Kuroda, O'Connor, Taira, Takitani, Toyofuku, Ushijima, F. Wong, R. Wong, Yamasaki, Yim and Young). Excused, 1 (Anderson).

At 12:29 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:31 o'clock p.m.

Senator O'Connor moved that Senate Bill No. 167 be tabled, seconded by Senator Kawasaki.

The President then ruled the motion undebatable.

The motion to table S.B. No. 167, entitled: "A BILL FOR AN ACT RELATING TO MEDIA PRODUCTION", was put by the Chair and, Roll Call having been requested, carried on the following showing of Ayes and Noes:

Ayes, 14. Noes, 10 (Chong, George, Henderson, King, Leopold, Nishimura, Saiki, Soares, Yee and Yim). Excused, 1 (Anderson).

At 12:34 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:35 o'clock p.m.

Senator Nishimura moved that Senate Bill Nos. 283, 285, 370, 392, 397, 398, 400, 402, 408, 554, 557 and 559 be recalled from the Committee on

Judiciary, seconded by Senator Chong.

At this time, Senator Nishimura rose to speak as follows:

"Mr. President,

From time to time, this Chamber has echoed with periodic grumbling and bellyaching that I, as Chairman of the Judiciary Committee, have 'iceboxed' or discriminated against meritorious bills introduced by the Minority members of this Body.

Mr. President, in reviewing the three hundred plus bills referred to the Judiciary Committee, I have discovered that in addition to Senate Bill No. 184, which is scheduled for hearing by the Committee of the Whole this evening, there are other bills of equal import and far reaching consequences . . . including some bills considered by the Minority members as their main thrust this legislative session . . . which your Judiciary Committee has not had time to schedule for hearing or act on within the time schedule established by leadership.

Therefore, Mr. President, I urge that Senate Bill No. 400, introduced by Senator Anderson; Senate Bill No. 398, introduced by Senator George; Senate Bill Nos. 283, 285, 370, 397 and 408, introduced by Senator Henderson; and Senate Bill Nos. 392, 554, 557, 559 and 402, introduced by Senator Yee be recalled from your Judiciary Committee and be considered by the Committee of the Whole this evening, as time permits, following an appropriate motion to waive the 48-hour notice requirement."

Senator Yee then rose to state, "We are very delighted with the number of bills that are being brought on the floor for hearing and action. I certainly endorse the comments of the previous speaker".

At 12:39 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:42 o'clock p.m.

At this time, Senator R. Wong rose to speak against the motion as follows:

"Mr. President,

I can understand why certain pet bills have been kept locked up in other standing committees, but my particular Committee, Mr. President, has bills-- probably the most introduced in the State Senate--which deal with money.

Many of those bills will not see the light of day, whether they are Republican or Democratic measures.

The simple explanation is that these bills cost money, and we just don't have the money to cover all of them. Therefore, it is the job of my Committee to screen off those bills which we think are costly.

There are many measures in the Ways and Means Committee, which deal with monies benefiting certain special interest groups within the State, that we have attempted to keep back in Committee. If this motion is allowed to pass, then these bills can now become the property of this Body.

I think, Mr. President, what we are doing here shows that the Senate is now in almost total disorganization."

The motion to recall the following measures:

S.B. No. 283, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS";

S.B. No. 285, entitled: "A BILL FOR AN ACT RELATING TO MISCELLANEOUS RIGHTS OF THE PEOPLE";

S.B. No. 370, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SHELTER CARE";

S.B. No. 392, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL PUNISHMENT";

S.B. No. 397, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC DISCLOSURE OF PLANNED CAMPAIGN EXPENDITURES";

S.B. No. 398, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION AND MAKING APPROPRIATIONS THEREFOR";

S.B. No. 400, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCING OF ELECTIONS";

S.B. No. 402, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT AUTOMOBILE INSURANCE";

S.B. No. 408, entitled: "A BILL FOR AN ACT RELATING TO COCKFIGHTING";

S.B. No. 554, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF FORCE FOR THE PROTECTION OF PROPERTY";

S.B. No. 557, entitled: "A BILL FOR AN ACT RELATING TO THE CONDUCT OF BINGO"; and

S.B. No. 559, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE",

from the Committee on Judiciary was put by the Chair and, Roll Call having been requested, carried on the following showing of Ayes and Noes, in accordance with Article III, Section 13, of the Constitution of the State of Hawaii:

Ayes, 9. Noes, 15 (Ching, Hara, Hulten, Kawasaki, Kuroda, O'Connor, Taira, Takitani, Toyofuku, Ushijima, F. Wong, R. Wong, Yamasaki, Yim and Young). Excused, 1 (Anderson).

Senator Taira moved that Senate Bill Nos. 283, 285, 370, 397, 398, 400, 402, 408, 554, 557 and 559 be tabled, seconded by Senator Kawasaki.

The President then ruled the motion undebatable.

The motion to table the following measures:

S.B. No. 283, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS";

S.B. No. 285, entitled: "A BILL FOR AN ACT RELATING TO MISCELLANEOUS RIGHTS OF THE PEOPLE";

S.B. No. 370, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SHELTER CARE";

S.B. No. 392, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL PUNISHMENT";

S.B. No. 397, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC DISCLOSURE OF PLANNED CAMPAIGN EXPENDITURES";

S.B. No. 398, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION AND MAKING APPROPRIATIONS THEREFOR";

S.B. No. 400, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCING OF ELECTIONS";

S.B. No. 402, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT AUTOMOBILE INSURANCE";

S.B. No. 408, entitled: "A BILL FOR AN ACT RELATING TO COCKFIGHTING";

S.B. No. 554, entitled: "A BILL

FOR AN ACT RELATING TO THE USE OF FORCE FOR THE PROTECTION OF PROPERTY";

S.B. No. 557, entitled: "A BILL FOR AN ACT RELATING TO THE CONDUCT OF BINGO"; and

S.B. No. 559, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE",

was put by the Chair and, Roll Call having been requested, carried on the following showing of Ayes and Noes:

Ayes, 14. Noes, 10 (Chong, George, Henderson, King, Leopold, Nishimura, Saiki, Soares, Yee and Yim). Excused, 1 (Anderson).

Senator King moved that Senate Bill No. 393 be recalled from the Committee on Ecology, Environment and Recreation, seconded by Senator Chong.

At 12:46 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:48 o'clock p.m.

The motion to recall S.B. No. 393, entitled: "A BILL FOR AN ACT RELATING TO BEVERAGE CONTAINERS", from the Committee on Ecology, Environment and Recreation was put by the Chair and, Roll Call having been requested, carried on the following showing of Ayes and Noes, in accordance with Article III, Section 13, of the Constitution of the State of Hawaii:

Ayes, 10. Noes, 14 (Ching, Hara, Hulten, Kawasaki, Kuroda, O'Connor, Taira, Takitani, Toyofuku, Ushijima, F. Wong, R. Wong, Yamasaki and Young). Excused, 1 (Anderson).

Senator Taira moved that Senate Bill No. 393 be tabled, seconded by Senator Kawasaki.

The President then ruled the motion undebatable.

The motion to table S.B. No. 393, entitled: "A BILL FOR AN ACT RELATING TO BEVERAGE CONTAINERS", was put by the Chair and, Roll Call having been requested, carried on the following showing of Ayes and Noes:

Ayes, 14. Noes, 10 (Chong, George, Henderson, King, Leopold, Nishimura, Saiki, Soares, Yee and Yim). Excused, 1 (Anderson).

At 12:51 o'clock p.m., the Senate

stood in recess subject to the call of the Chair.

The Senate reconvened at 12:56 o'clock p.m.

Senator Chong moved that Senate Bill No. 184 be recalled from the Committee of the Whole, seconded by Senator King.

At 12:59 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:00 o'clock p.m.

At this time, Senator Kawasaki rose to state that "the framers of the State Constitution very wisely provided in Article III, Section 16, that once a bill is referred to a committee-- in this case the Committee of the Whole-- it has to lie in that committee at least twenty legislative days before a motion to recall is in order. I therefore claim that the motion is completely out of order".

The President then ruled the motion to recall S.B. No. 184 from the Committee of the Whole out of order.

Senator Leopold moved to appeal the ruling of the Chair, seconded by Senator Soares.

At 1:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:17 o'clock p.m.

At this time, Senator Leopold withdrew his motion to appeal the ruling of the Chair, and Senator Soares withdrew his second.

At 1:21 o'clock p.m., the Senate stood in recess until 7:00 o'clock p.m., this evening.

EVENING SESSION

The Senate reconvened at 7:09 o'clock p.m.

At this time, the President directed the Clerk to note the presence of Senator Anderson.

At 7:10 o'clock p.m., Senator O'Connor moved that the Senate resolve itself into a Committee of the Whole to consider Senate Bill No. 184 and for a public hearing on that matter, seconded by Senator Taira and carried. The Senate thereupon resolved itself into a Committee of the Whole with Senator O'Connor

as Chairman.

At 11:58 o'clock p.m., the Committee of the Whole rose and the Senate reconvened.

Senator O'Connor then reported to the Body as follows:

"Mr. President, The Committee of the Whole reports that testimony on Senate Bill No. 184 has been accepted

and further testimony will be heard tomorrow morning."

ADJOURNMENT

At 11:59 o'clock p.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 12:01 o'clock a.m., Tuesday, March 15, 1977.