

TWENTY-NINTH DAY

Tuesday, February 28, 1978

The Senate of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend David Saludez of the Kalihi Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators Kawasaki and R. Wong, who were excused.

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

The following introductions were then made to the members of the Senate:

Senator Yee introduced 56 students from the sixth grade at Hawaii Baptist Academy, with their teachers, Mrs. Darlene Kaneshiro and Mr. Tim Kaneshiro.

Senator Anderson introduced two groups of senior citizens--twenty members from Ka Lima Hana o'Lono in Kaimuki and twenty members of Hui Neneu from Nanakuli.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 138) transmitting a report entitled, "Vocational Education in Hawaii", prepared by the State Commission on Manpower and Full Employment to fulfill the requirements of Public Law 90-576, the Vocational Education Amendments of 1968, was read by the Clerk and was referred to the Committee on Human Resources.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 35 to 38) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 35), transmitting House Bill No. 1915-78, H.D. 1, which passed Third Reading in the House of Representatives on February 27, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1915-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REQUIREMENTS OF RETAIL INSTALLMENT

CONTRACTS", 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. 36), transmitting House Bill No. 1920-78, which passed Third Reading in the House of Representatives on February 27, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1920-78, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS", 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. 2022-78, H.D. 2, which passed Third Reading in the House of Representatives on February 27, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2022-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE", passed First Reading by title and was referred to the Committee on Intergovernmental Relations, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 38), transmitting House Bill No. 2099-78, which passed Third Reading in the House of Representatives on February 27, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2099-78, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL FISHING", passed First Reading by title and was referred to the Committee on Economic Development.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 63), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE ETHICS COMMISSION TO DETERMINE POSSIBLE CONFLICTS OF INTEREST OF REGULATORY BOARDS AND COMMISSIONS", was jointly offered by Senators Kawasaki, Hulten, Chong, King, Toyofuku, Taira, Kuroda, Saiki, Leopold, Anderson, Nishimura, Young, Soares, Yee, Ushijima, O'Connor and R. Wong and was read by the Clerk.

By unanimous consent, S.C.R. No. 63 was referred to the Committee

on Judiciary.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 247 and 248) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 247), entitled: "SENATE RESOLUTION REQUESTING THE STATE ETHICS COMMISSION TO DETERMINE POSSIBLE CONFLICTS OF INTEREST OF REGULATORY BOARDS AND COMMISSIONS", was jointly offered by Senators Kawasaki, Hulten, Chong, King, Toyofuku, Taira, Kuroda, Saiki, Leopold, Anderson, Nishimura, Young, Soares, Yee, Ushijima, O'Connor and R. Wong.

By unanimous consent, S.R. No. 247 was referred to the Committee on Judiciary.

A resolution (S.R. No. 248), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO KALAHEO HIGH SCHOOL BASKETBALL TEAM OF KAILUA, OAHU UPON WINNING THE OIA EASTERN DIVISION BASKETBALL CHAMPIONSHIP", was jointly offered by Senators Hulten, George, Anderson, Ushijima, Takitani, Chong, Toyofuku, Soares, Leopold, Henderson, Nishimura, Young, King, F. Wong, Kuroda, Ching, Yamasaki, Hara and Taira.

On motion by Senator Hulten, seconded by Senator Anderson and carried, S.R. No. 248 was adopted.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 374-78), informing the Senate that Senate Concurrent Resolution No. 63, Senate Resolution Nos. 245 to 248 and Standing Committee Report Nos. 375-78 to 378-78 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 Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 375-78), recommending that Senate Bill No. 2515-78, as amended in S.D. 1, 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. 2515-78,

S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAND JURY PROCEEDINGS", passed First Reading by title and was recommitted to the Committee on Judiciary.

Senator Hulten, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 376-78), recommending that Senate Bill No. 36, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hulten, seconded by Senator Taira and carried, the report of the Committee was adopted and S.B. No. 36, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTER-GOVERNMENTAL TRANSFER OF EMPLOYEES", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 1, 1978.

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. 36, S.D. 1.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 377-78), recommending that Senate Bill No. 1772-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Taira and carried, the report of the Committee was adopted and S.B. No. 1772-78, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 1, 1978.

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. 1772-78.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 378-78), recommending that Senate Bill No. 2612-78, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Taira and carried, the report of the Committee was adopted and S.B. No. 2612-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS ISSUED BY THE STATE OF HAWAII", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 1, 1978.

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. 2612-78, S.D. 1.

ORDER OF THE DAY

MATTERS DEFERRED
FROM FEBRUARY 27, 1978

Senate Bill No. 1704-78, S.D. 1:

Senator Nishimura moved that S.B. No. 1704-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII SUPREME COURT CONCERNING A FULL COURT, ORAL ARGUMENTS, AND SUBSTITUTE JUSTICES", be recommitted to the Committee on Judiciary, and the President noting that there was no objection, so ordered.

Senate Bill No. 1804-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 1804-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNLAWFUL SUSPENSION OR DISCHARGE FROM EMPLOYMENT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Anderson, Henderson, Soares and Yee). Excused, 2 (Kawasaki and R. Wong).

Standing Committee Report No. 246-78 (S.B. No. 1590-78, S.D. 2):

Senator Hulten moved that Stand. Com. Rep. No. 246-78 on S.B. No. 1590-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION IN BUILDINGS", be recommitted to the Committee on Intergovernmental Relations, and

the President noting that there was no objection, so ordered.

Senate Bill No. 2409-78, S.D. 1:

By unanimous consent, consideration of S.B. No. 2409-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", was deferred until Wednesday, March 1, 1978.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 9 and 10) were read by the Clerk and were disposed of as follows:

A communication from the Director of Public Affairs, Trust Territory of the Pacific Islands, (Misc. Com. No. 9), acknowledging receipt of Senate Resolution No. 139 (1978), was placed on file.

A communication from the Honorable Elmer F. Cravalho, Mayor of the County of Maui, (Misc. Com. No. 10), acknowledging receipt of and expressing appreciation for Senate Resolution No. 214 (1978), was placed on file.

Senator F. Wong then requested a waiver of the 48-hour notice for decision-making on Senate Bill No. 1897-78, entitled: "A BILL FOR AN ACT AMENDING SECTION 205-5, HAWAII REVISED STATUTES, RELATING TO CONSERVATION DISTRICT USES", and the President granted the waiver.

ADJOURNMENT

At 11:46 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 1, 1978.