

## THIRTIETH DAY

Wednesday, March 1, 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 Dr. Curtis Askew of the Olivet Baptist Church, after which the Roll was called showing all Senators present, with the exception of Senator Henderson, who was excused.

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

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

Senator Yee introduced Mrs. Jane Chrisbaum of Washington, D.C., accompanied by her parents, Elizabeth and Ludwig Armerding, of Honolulu.

Senator Ching introduced Mrs. John Foley and sons, John, Charles and James (family of Mr. John Foley who is the Regional Managing Director, Central Pacific Area of Pan Am), Mr. Ryuzo Nishikawa, President and Owner of Kintaro Nishiki of Japan, accompanied by Mrs. Michi Sasai, Superintendent of Reservations, Pan Am, Honolulu.

Senator Anderson introduced 20 students of Kamehameha Schools.

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 139) transmitting a copy of the "Statewide Transportation," prepared by the Department of Transportation with the advice and assistance of the Statewide Transportation Council, pursuant to Chapter 279A, H.R.S. was read by the Clerk and was referred to the Committee on Transportation.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 39 to 43) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 39), transmitting House Bill No. 1771-78, which passed Third Reading in the House of Representatives on February 28, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1771-78, entitled: "A BILL

FOR AN ACT RELATING TO REAL PROPERTY TAX CREDIT", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 40), transmitting House Bill No. 1773-78, which passed Third Reading in the House of Representatives on February 28, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1773-78, entitled: "A BILL FOR AN ACT RELATING TO THE INVESTMENTS OF FIDUCIARIES", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 41), transmitting House Bill No. 1904-78, which passed Third Reading in the House of Representatives on February 28, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1904-78, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM LOT SIZE FOR AGRICULTURAL USE", passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 42), transmitting House Bill No. 1963-78, which passed Third Reading in the House of Representatives on February 28, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1963-78, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 43), transmitting House Bill No. 2480-78, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2480-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS", passed First Reading by title and was referred to the Committee on Ways and Means.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C. R. Nos. 64 and 65) were read by the Clerk and were disposed of as

follows:

A concurrent resolution (S.C.R. No. 64), entitled: "SENATE CONCURRENT RESOLUTION OPPOSING ENACTMENT OF A FEDERAL NO-FAULT AUTOMOBILE INSURANCE LAW", was jointly offered by Senators Ching, George, Young, Kuroda, Hulten, Takitani, Hara, Saiki, Ushijima, Taira, Toyofuku, F. Wong, Anderson, Henderson and R. Wong.

By unanimous consent, S.C.R. No. 64 was referred to the Committee on Judiciary.

A concurrent resolution (S.C.R. No. 65), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY OF TRANSFERRING THE REAL PROPERTY ACQUISITION FUNCTION OF THE DEPARTMENT OF TRANSPORTATION TO EITHER THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES OR THE DEPARTMENT OF LAND AND NATURAL RESOURCES", was jointly offered by Senators Hulten, Ching, F. Wong, Kawasaki, Kuroda, Chong, Yee, Leopold, Anderson, George, O'Connor, Taira, Yamasaki, King, Ushijima and Young.

By unanimous consent, S.C.R. No. 65 was jointly referred to the Committee on Government Operations and Efficiency and to the Committee on Intergovernmental Relations.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 249 to 254) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 249), entitled: "SENATE RESOLUTION CONGRATULATING LYLE L. GUSLANDER, GRACE BUSCHER GUSLANDER, AND MYRTLE LEE ON THE 25TH ANNIVERSARY OF THEIR COCO PALMS HOTEL", was jointly offered by Senators Saiki, Yee, George, Leopold, Henderson, Takitani, Chong, Yamasaki, Taira, Soares, Young, Kuroda, R. Wong, Hulten, Anderson, Hara, O'Connor, King, Toyofuku, Ching, Nishimura and Kawasaki.

On motion by Senator Saiki, seconded by Senator George and carried, S.R. No. 249 was adopted.

A resolution (S.R. No. 250), entitled: "SENATE RESOLUTION CONGRATULATING THE KAISER HIGH SCHOOL WRESTLING TEAM ON WINNING THE OIA WRESTLING CHAMPIONSHIP", was jointly offered by Senators Nishimura, Soares, O'Connor, Toyofuku, Takitani, Anderson, King, Ushijima, R. Wong, Taira, Chong, Young, Saiki, Ching, Hulten, Kawasaki, Yamasaki, George, Henderson, F.

Wong, Yee, Leopold, Kuroda and Hara.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.R. No. 250 was adopted.

At this time, Senator Nishimura read portions of the resolution and stated as follows:

"Mr. President, in the Judiciary Committee this Session, we have considered several bills pertaining to problems caused by minors and high school students. . . . bills concerning drinking by high school students, shoplifting by minors and a variety of offenses by minors.

This morning, it gives me extremely great pleasure to recognize and have this Body pay tribute and to congratulate outstanding students for a change. To show to the people of the State, in this small way, that we recognize that most of the students are good teenagers, good students. They are outstanding people and we recognize and take pride in the fact that the good students in the State deserve recognition as much as the attention this Legislature has focused on some of the problems caused by a few."

Senator Nishimura then introduced to the members of the Senate, the Kaiser High School Wrestling Team: Mike Kim, Brian Muranaka, Kent Nakachi, Derreck Hong, Paul Yamamoto, Duane Agena, Kevin Agena, Michael Dias (not present), Ron Johnson, Derreck Kaneshiro, Troy Bryam, Robert Johnson and Willie Kamakana (not present), accompanied by their Principal Margaret Oda, Coach Stephen Kim and Athletic Director Ted Fukushima, who were presented with leis.

At 11:45 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.

A resolution (S.R. No. 251), entitled: "SENATE RESOLUTION OPPOSING ENACTMENT OF A FEDERAL NO-FAULT AUTOMOBILE INSURANCE LAW", was jointly offered by Senators Ching, George, Young, Kuroda, Hulten, Takitani, Hara, Saiki, Ushijima, Taira, Toyofuku, F. Wong, Anderson, Henderson and R. Wong.

By unanimous consent, S.R. No. 251 was referred to the Committee on Judiciary.

A resolution (S.R. No. 252), entitled: "SENATE RESOLUTION COMMENDING THE BISHOP MUSEUM FOR ITS DILIGENT EFFORTS IN COLLECTING AND ASSEMBLING THE 'ARTIFICIAL CURIOSITIES', AN EXHIBITION AND EXPOSITION OF NATIVE

MANUFACTURES COLLECTED ON THE THREE PACIFIC VOYAGES OF CAPTAIN JAMES COOK, AND URGING FULL COMMUNITY PARTICIPATION IN THE VIEWING THEREOF", was jointly offered by Senators Hara, Ushijima, Henderson, F. Wong, Hulten, Toyofuku, Kawasaki, Kuroda, Takitani and Saiki.

On motion by Senator Hara, seconded by Senator Yim and carried, S.R. No. 252 was adopted.

A resolution (S.R. No. 253), entitled: "SENATE RESOLUTION REQUESTING THE SENATE OF THE UNITED STATES TO TEMPORARILY DELAY RATIFICATION OF THE NEW PANAMA CANAL TREATIES", was jointly offered by Senators Hara, Kuroda and F. Wong.

By unanimous consent, S.R. No. 253 was referred to the Committee on Judiciary.

A resolution (S.R. No. 254), entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY OF TRANSFERRING THE REAL PROPERTY ACQUISITION FUNCTION OF THE DEPARTMENT OF TRANSPORTATION TO EITHER THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES OR THE DEPARTMENT OF LAND AND NATURAL RESOURCES", was jointly offered by Senators Hulten, Ching, F. Wong, Kawasaki, Kuroda, Chong, Yee, Leopold, Anderson, George, O'Connor, Taira, Yamasaki, King, Young and Ushijima.

By unanimous consent, S.R. No. 254 was jointly referred to the Committee on Government Operations and Efficiency and to the Committee on Intergovernmental Relations.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 379-78), informing the Senate that Senate Resolution No. 249 and Standing Committee Report Nos. 380-78 and 381-78 have been printed and are ready for distribution.

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

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 380-78) recommending that Senate Bill No. 2114-78 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. 2114-78, entitled: "A BILL FOR AN ACT RELATING TO A JOB-SHARING PROJECT IN THE DEPARTMENT OF EDUCATION", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 2, 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. 2114-78.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 381-78) recommending that House Bill No. 77, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and H.B. No. 77, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEANINGFUL PUBLIC PARTICIPATION IN THE SCHOOL SYSTEM THROUGH THE ESTABLISHMENT OF SCHOOL COUNCILS", passed Second Reading and was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

##### MATTERS DEFERRED FROM FEBRUARY 28, 1978

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

By unanimous consent, action on S.B. No. 2409, S.D. 1, was deferred to the end of the calendar.

#### THIRD READING

Senate Bill No. 36, S.D. 1:

On motion by Senator Hulten, seconded by Senator Kawasaki and carried, S.B. No. 36, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERGOVERNMENTAL TRANSFER OF EMPLOYEES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Henderson).

Senate Bill No. 1772-78:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 1772-78, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Kawasaki). Excused, 1 (Henderson).

Senate Bill No. 2612-78, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 2612-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS ISSUED BY THE STATE OF HAWAII", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Henderson).

#### MISCELLANEOUS COMMUNICATION

A communication from the Citizens Advisory Committee on Basic Skills and Real-Life Skills (Misc. Com. No. 11) transmitting a copy of a report, dated February 27, 1978, on the Committee findings and conclusions pursuant to performance expectations for students relative to requirements for graduation certificates, in accordance with Act 187, SLH 1977, was read by the Clerk and was referred to the Committee on Education.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

#### MATTER DEFERRED FROM EARLIER ON THE CALENDAR

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

By unanimous consent, action on S.B. No. 2409, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", was deferred until Thursday, March 2, 1978.

At this time, Senator Ching rose on a point of personal privilege and stated as follows:

"Mr. President, I wish to clear the record on some statements that were made in a Star-Bulletin article of last night (February 28, 1978). I think that it is quite proper that the record be cleared.

As you and the other members of this Body know, I am one that believes in Harry Truman's statement: 'If you can't stand the heat, get out of

the kitchen.' very seldom react to public statements that are made either for or against me but I have been asked by other members of this Body to clarify some statements that were questionable in the article.

In the article, a State Health Official was quoted as the source of admittedly 'intemperate' remarks aimed at me particularly, but, also aimed at a majority of the members of your Health Committee.

This official singled me out as the key person who torpedoed a bill 'without justification'.

He characterized my position on the Rubella Bill as 'bone-headed resistance.'

Mr. President, I think his remarks are not only 'intemperate' but totally out of line and are an insult to this entire Body.

This self-styled critic is a Federal Health Adviser on loan to our Health Department and he is here primarily to coordinate the Hawaii Immunization Project. He's been here for three years and considers himself an expert on our local problems;

For my part, I believe he's been here three years too long and that the sooner he returns to his federal job on the mainland the better off we'll be.

He may have hoodwinked some members of the Health Committee, but the majority of us are not convinced that all the problems inherent in rubella testing have been worked out.

To impugn the integrity of the members of the Senate, especially the majority of the members of the Health Committee, is hardly the rational way to develop an acceptable testing program.

We have legitimate concerns and, as it has turned out, perhaps the main concern now is that this so-called 'adviser' is not the best source of advice for our Health Department.

Thank you, Mr. President."

#### ADJOURNMENT

At 12:40 o'clock p.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 10:00 o'clock a.m., Thursday, March 2, 1978.