

## FIFTY-FOURTH DAY

Thursday, April 6, 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 Mr. Sam Sherrard of the Hawaii Youth for Christ, after which the Roll was called showing all Senators present with the exception of Senator Saiki, who was excused.

The President announced that he had read and approved the Journal of the Fifty-Third Day.

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

Senator Anderson introduced 25 members of the Golden Age Serenaders group.

Senator Taira introduced a group of 4th grade students from the Island Paradise School, accompanied by their teacher Ken Kuraya.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 222 and 223) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 222), transmitting copies of a report by the Executive Office on Aging, entitled: "Annual Report - July 1, 1976 September 30, 1977", was referred to the Committee on Human Resources.

A communication from the Governor (Gov. Msg. No. 223), transmitting copies of the Report of Achievements of Programs for the Aging for Fiscal Year 1976-77, prepared by the Executive Office on Aging, was referred to the Committee on Human Resources.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 448 to 492) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 448), returning Senate Concurrent Resolution No. 2, S.D. 1, which was adopted by the House of Representatives on April 5, 1978, was placed on file.

A communication from the House

(Hse. Com. No. 449), returning Senate Concurrent Resolution No. 128, which was adopted by the House of Representatives on April 5, 1978, was placed on file.

A communication from the House (Hse. Com. No. 450), transmitting House Concurrent Resolution No. 44, H.D. 1, which was adopted by the House of Representatives on April 5, 1978, was placed on file.

By unanimous consent, H.C.R. No. 44, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONTINUATION OF THE 'FOLLOW THROUGH' PROGRAM", was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 451), transmitting House Concurrent Resolution No. 88, which was adopted by the House of Representatives on April 5, 1978, was placed on file.

By unanimous consent, H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT AND DEPARTMENT OF BUDGET AND FINANCE TO STUDY AND PROPOSE THE ESTABLISHMENT OF A STATE ECONOMIC PLANNING SYSTEM", was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 452), transmitting House Concurrent Resolution No. 93, which was adopted by the House of Representatives on April 5, 1978, was placed on file.

By unanimous consent, H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE ENDORSEMENT FOR THE ESTABLISHMENT AND OPERATION OF MASS FRUIT FLY REARING LABORATORY ON OAHU FOR RESEARCH RELATING TO THE ERADICATION OF FRUIT FLIES AND IMPLEMENTATION OF AN ERADICATION PROGRAM", was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 453), transmitting House Concurrent Resolution No. 106, which was adopted by the House of Representatives on April 5, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM THE WEEK OF APRIL 16 THROUGH 23 AS 'HAWAII GIFTED AND TALENTED CHILDREN'S WEEK'", was adopted.

A communication from the House (Hse. Com. No. 454), informing the Senate that the House has reconsidered its action

taken on April 3, 1978, in disagreeing to the amendments made by the Senate to House Bill Nos. 559 and 1075, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 455), informing the Senate that the House has reconsidered its action taken on April 3, 1978, in disagreeing to the amendments made by the Senate and the Speaker on April 5, 1978 discharged the conferees on the part of the House on House Bill No. 1771-78, was placed on file.

A communication from the House (Hse. Com. No. 456), returning House Bill Nos. 559, S.D. 1, 1075, H.D. 1, S.D. 2, and 1771-78, S.D. 1, on April 5, 1978, was placed on file.

At this time, the President stated:

"The communication is received and placed on file, however, I would like to expressly state that it is the position of the Senate that these bills will not be accepted from the House on the grounds that they have not been properly considered in accordance with the Constitution of the State of Hawaii."

The President then directed the Clerk of the Senate to return H.B. No. 559, S.D. 1; H.B. No. 1075, H.D. 1, S.D. 2; and H.B. No. 1771-78, S.D. 1, to the House of Representatives.

A communication from the House (Hse. Com. No. 457), informing the Senate that the House has requested a conference on House Bill No. 227, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Cobb, Ueoka, K. Yamada and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 458), informing the Senate that the House has requested a conference on House Bill No. 425, H.D. 1, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Cobb, Naito, Uwayne and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 459), informing the Senate that the House has requested a conference on House Bill No. 429, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Baker, Cobb, Uwayne and Fong as Managers

on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 460), informing the Senate that the House has requested a conference on House Bill No. 514, in consequence of which, on April 5, 1978, the Speaker appointed Representatives Cayetano, Chairman, Dods, Machida, Say and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 461), informing the Senate that the House has requested a conference on House Bill No. 992, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada and Suwa, Co-Chairmen, and Fong as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 462), informing the Senate that the House has requested a conference on House Bill No. 1920-78, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Blair, Cobb, Ueoka and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 463), informing the Senate that the House has requested a conference on House Bill No. 1937-78, H.D. 1, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Blair, Uechi, K. Yamada and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 464), informing the Senate that the House has requested a conference on House Bill No. 1938-78, H.D. 1, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Blair, Uechi, K. Yamada and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 465), informing the Senate that the House has requested a conference on House Bill No. 1939-78, H.D. 1, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Blair, Uechi, K. Yamada and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 466), informing the Senate

that the House has requested a conference on House Bill No. 2102-78, H.D. 2, in consequence of which, on April 5, 1978, the Speaker appointed Representatives Cayetano, Chairman, Mina, Peters, Say, Takamura and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 467), informing the Senate that the House has requested a conference on House Bill No. 2085-78, H.D. 1, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Cobb, Nakamura, K. Yamada and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 468), informing the Senate that the House has requested a conference on House Bill No. 2403-78, H.D. 1, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Cobb, Naito, Ueoka and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 469), informing the Senate that the House has requested a conference on House Bill No. 2611-78, H.D. 1, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Naito, Nakamura, Ueoka and Fong as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 470), informing the Senate that the House has requested a conference on House Bill No. 2895-78, H.D. 1, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Blair, Cobb, Garcia, Nakamura and Fong as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 471), informing the Senate that the House has requested a conference on House Bill No. 3046-78, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Baker, Cobb, Uwayne and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 472), informing the Senate that the House has requested a conference on House Bill No. 3049-78, H.D. 1, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Cobb, Ueoka, K. Yamada and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 473), informing the Senate that the House has requested a conference on House Bill No. 3060-78, in consequence of which, on April 5, 1978, the Speaker appointed Representatives D. Yamada, Chairman, Baker, Ueoka, Uwayne and Fong as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 474), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 782, S.D. 1, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives Cayetano, Chairman, Abercrombie, Blair, Cobb, Dods, Takamura and Evans as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 475), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 893, S.D. 2, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives Suwa, Chairman, Peters and Sutton as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 476), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1622-78, S.D. 1, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives Suwa, Chairman, Kunimura and Narvaes as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 477), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1643-78, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives Segawa, Chairman, Baker, Campbell and Narvaes as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 478), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1752-78, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives Segawa and Peters, Co-Chairmen, Aki, Nakamura and Narvaes as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 479), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1811-78, S.D. 2, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives Cayetano, Chairman, Cobb, Kiyabu, Kunimura, Uwaine and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 480), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1855-78, S.D. 1, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives Garcia, Chairman, Blair, Cobb, Naito, K. Yamada and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 481), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1950-78, S.D. 1, and the request for a conference, the Speaker on April 5, 1978, appointed Representatives Shito, Chairman, Campbell, Ueoka, Ushijima and Narvaes as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 482), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2202-78, S.D. 1, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives Suwa, Chairman, Peters, Caldito, Dods, Inaba, Kunimura, Larsen, Lunasco, Mina, Morioka, Takamura, Narvaes and Sutton as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House

(Hse. Com. No. 483), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2332-78, S.D. 1, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives D. Yamada, Chairman, Uechi, Ueoka, K. Yamada and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 484), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2386-78, S.D. 2, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives Segawa and Peters, Co-Chairmen, Aki, Nakamura and Narvaes as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 485), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2436-78, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives Blair, Chairman, Caldito, Larsen and Poepeo as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 486), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2464-78, S.D. 2, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives Blair, Chairman, Caldito, Larsen and Fong as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 487), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2581-78, S.D. 2, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives D. Yamada, Chairman, Blair, Ueoka, Uwaine and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 488), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2595-78, S.D. 1, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives Garcia, Chairman, Blair, Uwaine, K. Yamada and Medeiros as Managers on the part of the House for the consideration of said amendments,

was placed on file.

A communication from the House (Hse. Com. No. 489), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 389, S.D. 1, and the request for a conference, the Speaker on April 5, 1978 appointed Representatives Shito, Chairman, Aki, Larsen, Ueoka, Ushijima and Sutton as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 490), informing the Senate that the Speaker, on April 5, 1978, added Representatives Ueoka and Medeiros as Managers on the part of the House at the conference on House Bill No. 2239-78, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 491), informing the Senate that the amendments proposed by the Senate to House Bill No. 2447-78, H.D. 1, were agreed to by the House; and H.B. No. 2447-78, H.D. 1, S.D. 2, passed Final Reading in the House of Representatives on April 5, 1978, was placed on file.

A communication from the House (Hse. Com. No. 492), informing the Senate that the amendments proposed by the Senate to House Bill No. 2465-78, H.D. 1, were agreed to by the House; and H.B. No. 2465-78, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 5, 1978, was placed on file.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 432 to 435) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 432), entitled: "SENATE RESOLUTION CONGRATULATING QUEEN ZOE ANN ROACH AND HER COURT IN THE 1978 MISS LEEWARD SCHOLARSHIP PAGEANT", was jointly offered by Senators Ching, Kuroda, Young, F. Wong, Yamasaki, Hulten, Takitani, R. Wong, Taira, Kawasaki, Soares, Anderson, Toyofuku, Chong, George, Saiki, Hara, Yee, Henderson, Leopold, Ushijima, Nishimura, King and O'Connor.

On motion by Senator Ching, seconded by Senator Young and carried, S.R. No. 432 was adopted.

At this time, Senator Ching introduced to the members of the Senate the 1978 Miss Leeward, Queen Zoe Ann Roach and her Court, Miss Rose Marie Gomes and Miss Laurie Anne Chatleton, accompanied by Mr. Derek Kimura, Chairman

of the 1978 Miss Leeward Scholarship Pageant. The Queen and her Court were presented with certified copies of the resolution and leis. Also introduced were Miss Popularity Jeanne Mercado and Mr. Chester Obara, President of the Leeward Oahu Jaycees.

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 o'clock a.m.

A resolution (S.R. No. 433), entitled: "SENATE RESOLUTION CONGRATULATING THE PUNAHOU GIRLS TENNIS TEAM FOR WINNING THE GIRLS TEAM TITLE AND TERI LINN FOR WINNING THE GIRLS SINGLES TITLE OF THE HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION TENNIS CHAMPIONSHIPS", was jointly offered by Senators Soares, Yee, Henderson, Saiki, George, Young, F. Wong, Nishimura, O'Connor, Hulten, Takitani, Yamasaki, R. Wong, Kuroda, Leopold, Chong and King.

On motion by Senator Soares, seconded by Senator O'Connor and carried, S.R. No. 433 was adopted.

A resolution (S.R. No. 434), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO RANDY KASAMOTO FOR CAPTURING THE STATE SINGLES TITLE IN THE HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION TENNIS CHAMPIONSHIPS", was jointly offered by Senators Hara, Henderson, Ushijima, Toyofuku, Soares, Chong, King, Yee, Kuroda, Saiki, Yamasaki, Young, Yim, Takitani, Hulten, O'Connor, Taira, Anderson, Ching, George and Leopold.

On motion by Senator Hara, seconded by Senator Henderson and carried, S.R. No. 434 was adopted.

A resolution (S.R. No. 435), entitled: "SENATE RESOLUTION CONGRATULATING JIMMY YAGI, HILO COLLEGE BASKETBALL COACH, FOR BEING CHOSEN NAIA DISTRICT II, COACH OF THE YEAR", was jointly offered by Senators Hara, Henderson, Ushijima, Kuroda, Chong, King, Anderson, Young, Yee, Takitani, Saiki, Ching, George, Hulten, Leopold, Soares and Taira.

On motion by Senator Hara, seconded by Senator Henderson and carried, S.R. No. 435 was adopted.

At this time, Senator R. Wong introduced to the members of the Senate 35 students from Kamehameha Schools, U.S. History Class, accompanied by their teacher Mrs. Virginia Bail.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 803-78) informing the Senate that Senate Concurrent Resolution No. 129, Senate Resolution Nos. 432 and 433 and Standing Committee Report Nos. 804-78 to 826-78 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 Takitani, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 804-78) recommending that Senate Concurrent Resolution No. 3 be referred to the Committee on Judiciary.

On motion by Senator Takitani, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.C.R. No. 3, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE 1978 CONSTITUTIONAL CONVENTION TO PROVIDE FOR HAWAII'S CONTINUED PARTICIPATION IN THE STATE STUDENT INCENTIVE GRANT PROGRAM", was referred to the Committee on Judiciary.

Senator Takitani, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 805-78) recommending that Senate Resolution No. 12 be referred to the Committee on Judiciary.

On motion by Senator Takitani, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.R. No. 12, entitled: "SENATE RESOLUTION REQUESTING THE 1978 CONSTITUTIONAL CONVENTION TO PROVIDE FOR HAWAII'S CONTINUED PARTICIPATION IN THE STATE STUDENT INCENTIVE GRANT PROGRAM", was referred to the Committee on Judiciary.

Senator Takitani, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 806-78) recommending that Senate Concurrent Resolution No. 101 be referred to the Committee on Legislative Management.

On motion by Senator Takitani, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.C.R. No. 101, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FINANCIAL AND MANAGEMENT AUDIT OF THE UNIVERSITY OF HAWAII BOOKSTORE", was referred to the Committee on Legislative Management.

Senator Takitani, for the Committee

on Higher Education, presented a report (Stand. Com. Rep. No. 807-78) recommending that Senate Resolution No. 350 be referred to the Committee on Legislative Management.

On motion by Senator Takitani, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.R. No. 350, entitled: "SENATE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE UNIVERSITY OF HAWAII BOOKSTORE", was referred to the Committee on Legislative Management.

Senator Hulten, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 808-78) recommending that Senate Concurrent Resolution No. 97 be adopted.

On motion by Senator Hulten, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.C.R. No. 97, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE POSSIBLE TRANSFER OF CERTAIN STATE PARKS TO COUNTY JURISDICTION BY EXECUTIVE ORDER", was adopted.

Senator Hulten, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 809-78) recommending that Senate Resolution No. 345 be adopted.

On motion by Senator Hulten, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.R. No. 345, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE POSSIBLE TRANSFER OF CERTAIN STATE PARKS TO COUNTY JURISDICTION BY EXECUTIVE ORDER", was adopted.

Senator Hulten, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 810-78) recommending that Senate Concurrent Resolution No. 98, as amended in S.D. 1, be adopted.

On motion by Senator Hulten, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.C.R. No. 98, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO CHANGE THE TITLE OF HEALTH DEPARTMENT TO REFLECT ITS PRESENT FUNCTION OF AMBULANCE SERVICES AND MEDICAL EXAMINATIONS", was adopted.

Senator Hulten, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 811-78) recommending that Senate Resolution No. 346, as amended in S.D. 1, be adopted.

On motion by Senator Hulten, seconded

by Senator Kawasaki and carried, the report of the Committee was adopted and S.R. No. 346, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO CHANGE THE TITLE OF HEALTH DEPARTMENT TO REFLECT ITS PRESENT FUNCTION OF AMBULANCE SERVICES AND MEDICAL EXAMINATIONS", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 812-78) recommending that House Bill No. 145, H.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 H.B. No. 145, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 7, 1978.

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. 145, H.D. 1.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 813-78) recommending that House Bill No. 1923-78, H.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 H.B. No. 1923-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNCLAIMED PROPERTY ACT", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 7, 1978.

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. 1923-78, H.D. 1.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 814-78) recommending that House Bill No. 2416-78, H.D. 2, 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 H.B. No. 2416-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII AGRICULTURAL COOPERATIVE

ASSOCIATIONS LAW", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 7, 1978.

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. 2416-78, H.D. 2.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 815-78) recommending that House Bill No. 2570-78 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 H.B. No. 2570-78, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF VETERANS CEMETERIES", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 7, 1978.

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. 2570-78.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 816-78) recommending that House Bill No. 2837-78 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 H.B. No. 2837-78, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 7, 1978.

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. 2837-78.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 817-78) recommending that Senate Resolution No. 60 be adopted.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and S.R. No. 60, entitled: "SENATE RESOLUTION URGING FURTHER DEVELOPMENT OF THE ALTERNATIVES FOR WOMEN PROGRAM", was adopted.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 818-78) recommending that Senate Concurrent Resolution No. 114, as amended in S.D. 1, be adopted.

On motion by Senator Toyofuku, seconded by Senator Young and carried, the report of the Committee was adopted and S.C.R. No. 114, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO COMPENSATION OF SECRETARIAL CLASSES WITHIN THE STATE CIVIL SERVICE", was adopted.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 819-78) recommending that Senate Concurrent Resolution No. 88 be adopted.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and S.C.R. No. 88, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE CONTINUANCE OF THE ACT IV EDUCATION PROGRAMS FOR CHILDREN OF NATIVE HAWAIIANS", was adopted.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 820-78) recommending that Senate Resolution No. 324 be adopted.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and S.R. No. 324, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR THE CONTINUANCE OF THE ACT IV EDUCATION PROGRAMS FOR CHILDREN OF NATIVE HAWAIIANS", was adopted.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 821-78) recommending that Senate Concurrent Resolution No. 100, as amended in S.D. 1, be adopted.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and S.C.R. No. 100, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE MARINE AFFAIRS COORDINATOR TO DEVELOP A COMPREHENSIVE MARINE EDUCATION PLAN", was adopted.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 822-78) recommending that Senate Resolution No. 349, as amended in S.D. 1, be adopted.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and S.R. No. 349, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE MARINE AFFAIRS COORDINATOR TO DEVELOP A COMPREHENSIVE MARINE EDUCATION PLAN", was adopted.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 823-78) recommending that House Concurrent Resolution No. 43 be adopted.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO CONSIDER FAVORABLY THE HAWAII DEPARTMENT OF EDUCATION APPLICATION FOR A FISCAL YEAR 1978-79 COMMUNITY EDUCATION FEDERAL GRANT UNDER THE COMMUNITY EDUCATION ACT", was adopted.

Senators Hara and Chong, for the Committees on Education and Health, presented a joint report (Stand. Com. Rep. No. 824-78) recommending that Senate Concurrent Resolution No. 93, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Hara, seconded by Senator Chong and carried, the joint report of the Committees was adopted and S.C.R. No. 93, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN ORTHOPEDIC UNIT TO SERVE ORTHOPEDICALLY HANDICAPPED AND OTHER HEALTH IMPAIRED CHILDREN IN THE KAUAI, MAUI, HAWAII, WINDWARD, LEEWARD, AND CENTRAL SCHOOL DISTRICTS", was referred to the Committee on Ways and Means.

Senators Hara and Chong, for the Committees on Education and Health, presented a joint report (Stand. Com. Rep. No. 825-78) recommending that Senate Resolution No. 340, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Hara, seconded by Senator Chong and carried, the joint report of the Committees was adopted and S.R. No. 340, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF AN ORTHOPEDIC UNIT TO SERVE ORTHOPEDICALLY HANDICAPPED AND OTHER HEALTH IMPAIRED CHILDREN IN THE KAUAI, MAUI, HAWAII, WINDWARD, LEEWARD, AND CENTRAL SCHOOL DISTRICTS", was referred to the Committee on Ways and Means.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 826-78) recommending that Senate Concurrent Resolution No. 32, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator F. Wong, seconded by Senator Hara and carried, the report



of the Committee was adopted and S.C.R. No. 32, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO PRIORITY DIRECTIONS", was adopted.

#### ORDER OF THE DAY

#### MATTERS DEFERRED FROM APRIL 5, 1978

Standing Committee Report No. 783-78 (S.C.R. No. 91, S.D. 1):

Senator Yim moved that Stand. Com. Rep. No. 783-78 be adopted and S.C.R. No. 91, S.D. 1, be adopted, seconded by Senator King.

At this time, Senator Yim rose to speak on the Senate resolutions relating to the manganese nodule processing industry in Hawaii:

"Mr. President, for several years, we have been hearing reports that Hawaii might benefit from these deep sea manganese nodules containing valuable metals such as copper, nickel, and cobalt in addition to manganese. This opportunity has arisen because of the location of vast beds of high grade nodule deposits 600 to 1,000 miles southeast of Hawaii. Hawaii's strategic location close to the rich deposits, its vast potential alternate energy sources in the form of geothermal and biomass power, and suitable seaport capabilities make Hawaii a logical contender for the location of manganese nodule processing plants.

A recent report of the State Department of Planning and Economic Development (DPED) noted that the State could enjoy tremendous economic benefits should processing plants be established here. Just one processing plant would annually generate \$262 million in gross state revenues, create over 2,400 new jobs, and thereby greatly strengthen Hawaii's economic health and tax base. In addition, in view of the fact that virtually all of our nation's manganese, nickel, and cobalt supplies currently come from foreign sources, the development of this new industry would also contribute significantly to the security of our nation's mineral supplies.

The DPED report also indicates that there are many steps that must be taken if Hawaii is to participate and benefit in this multimillion dollar industry. There are also many cautions, particularly as relate to our environment that must be observed. There is the need, therefore, to conduct further studies to gain a full understanding of all the various ramifications of the manganese industry.

There also remain several critical questions which must be addressed before active implementation of a project will be undertaken: What are the provisions of international law concerning ownership of the nodules? Who is authorized to mine them? Who is to share in the expected royalties?

As many of us know, the United Nations 'Law of the Sea Conference' is currently meeting on these issues. Assuming the conference fails to yield acceptable solutions to these questions, and such appears likely, there is a strong possibility that the Congress of the United States and other industrialized nations may enter into mini-treaties to support private industry development of manganese nodules with proper environmental and other safeguards.

Thus, regardless of the outcome of the United Nations 'Law of the Sea Conference,' it appears fairly certain that major mining operations will be established near Hawaii in the next few years.

Recent developments have indicated that immediate action by our state government must be taken if Hawaii intends to be an active participant in this industry.

First, as most of you know, last week, one of the major consortia which has been working out of Hawaii announced that its 3-mile deep ocean mining tests were very successful. The consortia has also indicated that in a few months, it will return to Hawaii to seriously discuss possible locations for a processing plant and other concerns for Hawaii.

Secondly, I met with a representative from another consortia last week. This consortia is considering the possibility of building a pilot processing plant in Hawaii, valued at several million dollars, capable of processing approximately 50,000 tons of manganese nodules a year. The anticipated target date for the start-up operations is 1980--just 2 years away!

Thirdly, still another consortia was contacted through my office. Its representative indicated that Hawaii is 'definitely in the running' for being chosen as a nodule mining site. A chief concern of this consortia however, is assurance that the location of a processing plant in Hawaii would be welcomed by the State and the affected local community. A key representative of this consortia will be visiting Hawaii in a few weeks to further discuss some of the factors that the consortia will consider in selecting a site for its processing plant.

As seen by the foregoing, some important industry decisions are going to be made

soon. The various consortia have already invested many millions of dollars to establish prototype mining operations. The consortia are working from a definite timetable and must therefore render certain key decisions regarding the siting of processing plants soon.

Hawaii has the opportunity to participate in this growth industry, but we must act now! The manganese resolutions before this Honorable Body represent affirmative steps that must be taken if the development of a manganese industry in Hawaii is to become a reality.

Senate Resolution No. 316 requests the DPED to conduct a feasibility study on the establishment of a foreign trade zone on the island of Hawaii for locating manganese nodule processing plants and related industry.

Senate Resolution No. 337 and Senate Concurrent Resolution No. 91 request the Legislative Reference Bureau to conduct a study to determine state/county actions necessary to encourage the location of a processing plant in Hawaii, including: (1) identifying major factors the consortia will consider in plant siting; (2) identifying the consortia timetable for selecting a plant site; (3) recommending specific legislative actions; and (4) developing the legislation to implement the necessary state/county actions.

The resolutions further request:

The University of Hawaii Department of Oceanography to secure needed base line data on environmental issues;

The University of Hawaii to develop a possible program of courses which could provide needed skills;

The College of Tropical Agriculture to analyze the tailings or waste products of manganese processing for possible use and commercial applications;

The DPED to complete analysis of state, county and local industry infrastructure and develop a program to strengthen the required infrastructure to meet the needs of the manganese processing industry; coordinate the ongoing effort on behalf of the state to attract the manganese processing industry to Hawaii; provide a public information program; maintain communication with the interested consortia members; and provide a clearinghouse of information.

Senate Resolution No. 363 and Senate Concurrent Resolution No. 113 express legislative support for the development of a manganese nodule industry for Hawaii; invites various consortia to seriously consider the establishment of their respective manganese processing plant in Hawaii; and request the Hawaii delegation in the Congress of the United States to actively support the passage of legislation which will provide viable economic incentives . . . including the financial protection necessary . . . to enhance the establishment of a manganese industry in Hawaii.

Senate Resolution No. 370 and Senate Concurrent Resolution No. 117 request the Governor to create a broad based manganese nodule task force of public and private representatives to guide and help coordinate the required actions to attract a manganese nodule processing industry to Hawaii.

Fellow Senators, we are now at the crossroads of what could be the most important decision in recent Hawaiian economic history. The establishment of a manganese industry in Hawaii would be a tremendous stimulus to our shaky economy. There are still some questions that need to be answered concerning the various ramifications of a manganese industry. However, because of the rapid development of this industry, we cannot wait until all the answers are in before we take affirmative action. We cannot allow this opportunity to slip by because we did not act in time and discover later that a manganese industry would be good for Hawaii.

In conclusion, I strongly urge for your support of all the senate resolutions which outline the programs and action needed now to attract this promising industry to Hawaii.

Thank you, Mr. President."

The motion was put by the Chair and carried, and S.C. R. No. 91, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO ACTIONS REQUIRED BY PUBLIC AGENCIES AND PRIVATE INDUSTRY TO ENHANCE HAWAII'S POTENTIAL ROLE IN THE MANGANESE NODULE INDUSTRY", was adopted.

Standing Committee Report No. 784-78 (S.R. No. 337, S.D. 1):

On motion by Senator Yim, seconded by Senator King and carried, Stand. Com. Rep. No. 784-78 was adopted and S.R. No. 337, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO ACTIONS REQUIRED BY PUBLIC AGENCIES AND PRIVATE INDUSTRY TO ENHANCE HAWAII'S POTENTIAL ROLE IN THE MANGANESE

NODULE INDUSTRY", was adopted.

Standing Committee Report No. 785-78 (S.C.R. No. 113, S.D. 1):

On motion by Senator Yim, seconded by Senator King and carried, Stand. Com. Rep. No. 785-78 was adopted and S.C. R. No. 113, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE DEVELOPMENT OF A MANGANESE NODULE PROCESSING INDUSTRY FOR HAWAII", was adopted.

Standing Committee Report No. 786-78 (S.R. No. 363, S.D. 1):

On motion by Senator Yim, seconded by Senator King and carried, Stand. Com. Rep. No. 786-78 was adopted and S.R. No. 363, S.D. 1, entitled: "SENATE RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE DEVELOPMENT OF A MANGANESE NODULE PROCESSING INDUSTRY FOR HAWAII", was adopted.

Standing Committee Report No. 787-78 (S.C.R. No. 117, S.D. 1):

On motion by Senator Yim, seconded by Senator King and carried, Stand. Com. Rep. No. 787-78 was adopted and S.C.R. No. 117, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A MANGANESE NODULE TASK FORCE TO WORK TO ENHANCE HAWAII'S SELECTION AS A SITE FOR A MANGANESE NODULE PROCESSING PLANT", was adopted.

Standing Committee Report No. 788-78 (S.R. No. 370, S.D. 1):

On motion by Senator Yim, seconded by Senator King and carried, Stand. Com. Rep. No. 788-78 was adopted and S.R. No. 370, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE CREATION OF A MANGANESE NODULE TASK FORCE TO WORK TO ENHANCE HAWAII'S SELECTION AS A SITE FOR A MANGANESE NODULE PROCESSING PLANT", was adopted.

Standing Committee Report No. 789-78 (S.R. No. 316, S.D. 1):

On motion by Senator Yim, seconded by Senator King and carried, Stand. Com. Rep. No. 789-78 was adopted and S.R. No. 316, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE ESTABLISHMENT OF A FOREIGN TRADE ZONE ON THE ISLAND OF HAWAII FOR LOCATING MANGANESE NODULE PROCESSING PLANTS", was adopted.

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

#### FINAL READING

Senate Bill No. 350, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 350, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT FOR MANDATORY CERTIFICATION OF OPERATING PERSONNEL IN WASTEWATER TREATMENT FACILITIES", was deferred until Friday, April 7, 1978.

#### THIRD READING

Standing Committee Report No. 769-78 (H.B. No. 3042-78, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 769-78 and H.B. No. 3042-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS FOR WITNESS EXPENSE IN CRIMINAL PROCEEDINGS", was deferred until Friday, April 7, 1978.

House Bill No. 3041-78:

By unanimous consent, action on H.B. No. 3041-78, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING; MAKING SUPPLEMENTARY APPROPRIATIONS OUT OF GENERAL REVENUES TO COVER CERTAIN DEFICIENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 1978", was deferred until Friday, April 7, 1978.

#### MATTER DEFERRED FROM APRIL 5, 1978

Standing Committee Report No. 790-78 (Gov. Msg. No. 1):

Senator O'Connor moved that Stand. Com. Rep. No. 790-78 be received and placed on file, seconded by Senator Ching and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Ryokichi Higashionna, Ph.D, as Director of Transportation, term to expire December 4, 1978, seconded by Senator Ching.

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

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

## MISCELLANEOUS COMMUNICATION

A communication from the Honorable Daniel K. Akaka, Member of the U.S. Congress, (Misc. Com. No. 27), acknowledging receipt of Senate Resolution No. 41, adopted February 3, 1978; Senate Resolution No. 40, adopted February 6, 1978; Senate Resolution No. 214, adopted February 21, 1978; Senate Resolution 92, adopted February 22, 1978; and Senate Resolution No. 28, adopted March 20, 1978, was read by the Clerk and was placed on file.

At 12:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:32 o'clock p.m.

At this time, Senator King rose on a point of personal privilege and stated:

"Mr. President, it's no big thing, but when somebody sets you up as a sitting duck, then I think you ought to squawk or at least quack a bit.

I'm referring to John Connell's latest column, 'Straight from CILO,' the latest issue of the paper in which I feel I've been unfairly maligned. It's on park dedication and it's a series of claims and facts.

Mr. Connell claims such things as 'if this bill is approved there will be no more parks or what the people, who are supporting it are claiming.'

I won't go into that, I haven't heard anybody claiming that at all.

I'd like to comment just briefly on his personal comments about me. I don't think that I would bother if my friend John Connell were a befuddled type so that I felt that he didn't know what he was doing, but John is sharp. He knows what's going on and he knows what's said, and he's articulate, so he says what he means.

He says in his column, 'She', after referring to me, 'was against the bill' in referring to my floor speech. In the floor speech, I made it very clear I wasn't speaking about the bill itself but about the procedure that was used. He said that I said that 'those who supported it were underhanded and sneaky.' I didn't do that at all. I said, 'the procedure was...', and he concludes that paragraph by saying, 'it is unfortunate that someone in public office cannot exercise enough self-control to confine the debate to the merits of the issue and not delve into personalities.' I didn't delve into personalities at all, Mr. President. I quoted Mr. Connell and Mr. Elroy Chun from their paper commending the House on what they had done there.

Thank you."

## ADJOURNMENT

At 12:35 o'clock p.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 7, 1978.