

## TWENTY-FIFTH DAY

Wednesday, February 28, 1979

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Bishop Hosen Fukuhara of the Higashi Hongwanji Mission of Hawaii, after which the Roll was called showing all Senators present.

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

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

Senator Yee introduced twenty-three seniors from St. Louis High School, with their teacher, Mr. Rod Santos.

Senator Chong then introduced twelve seniors from the Hawaii School for Girls, with their teacher, Mr. Jack Gilmar.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 92 to 95) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 92), transmitting the Annual Report of the Kauai Task Force which was prepared by the Department of Agriculture pursuant to Act 227, SLH 1974, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 93), transmitting the Annual Report of the Kohala Task Force which was prepared by the Department of Agriculture in consultation with the County of Hawaii, in compliance with Act 226, SLH 1974, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 94), transmitting a report entitled, "Impact of Beverage Container Deposit Legislation in Hawaii", which was prepared for the Office of Environmental Quality Control by the Director of Research and Development of the College of Business Administration, University of Hawaii, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov.

Msg. No. 95), transmitting a report entitled, "A Procedural Guide for the Application of Carrying Capacity Analytical Methodology for Growth Management", which was prepared for the Office of Environmental Quality Control, in the course of the State of Hawaii Carrying Capacity Study, which was conducted in response to House Resolution No. 62 (1974) and Senate Concurrent Resolution Nos. 26, 27 and 53 (1974), was referred to the Committee on Ecology, Environment and Recreation.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 17 to 22) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 17), transmitting House Concurrent Resolution No. 9, which was adopted by the House of Representatives on February 27, 1979, was placed on file.

By unanimous consent, H.C.R. No. 9, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TEN MILLION BARREL CAPACITY STRATEGIC PETROLEUM RESERVE FOR HAWAII", was referred to the Committee on Ecology, Environment and Recreation.

A communication from the House (Hse. Com. No. 18), transmitting House Concurrent Resolution No. 35, which was adopted by the House of Representatives on February 27, 1979, was placed on file.

By unanimous consent, H.C.R. No. 35, entitled: HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A JOINT INTERIM COMMITTEE TO FORMULATE OR REFORMULATE STANDARDS AND PROCEDURES FOR MAKING APPROPRIATIONS TO PRIVATE ORGANIZATIONS", was referred to the Committee on Government Operations and Efficiency, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 19), transmitting House Bill No. 3, H.D. 1, which passed Third Reading in the House of Representatives on February 27, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 3, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", passed First Reading by

title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 20), transmitting House Bill No. 21, H.D. 1, which passed Third Reading in the House of Representatives on February 27, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 21, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 21), transmitting House Bill No. 544, which passed Third Reading in the House of Representatives on February 27, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 544, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL CARCINOGENS", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 22), transmitting House Bill No. 738, which passed Third Reading in the House of Representatives on February 27, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 738, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE AND ESTATE TAXES", 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. 33 to 36) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 33), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON METHODS TO PREVENT ESCALATING TRAFFIC ACCIDENTS", was jointly referred by Senators Carpenter, Saiki, Mizuguchi, Yamasaki, Kawasaki and Carroll.

By unanimous consent, S.C.R. No. 33 was referred to the Committee on Transportation.

A concurrent resolution (S.C.R.

No. 34), entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING APRIL, 1979 AS CANCER CONTROL MONTH", was jointly offered by Senators Carpenter, Chong, Campbell, Saiki, Ajifu, Abercrombie, Yamasaki, Takitani, Kuroda, Hara, George, Kawasaki, Mizuguchi and Carroll.

On motion by Senator Carpenter, seconded by Senator Chong and carried, S.C.R. No. 34 was adopted.

A concurrent resolution (S.C.R. No. 35), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE LOAN STRUCTURE AND ALTERNATIVE MEANS OF FINANCING PROGRAMS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS", was jointly offered by Senators Young, Hara, Kuroda, Cayetano, Saiki, Soares, Ajifu, Toyofuku, Carpenter, Mizuguchi and Abercrombie.

By unanimous consent, S.C.R. No. 35 was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Legislative Management.

A concurrent resolution (S.C.R. No. 36), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO SUBMIT A WRITTEN REPORT TO THE SENATE OF THE TENTH LEGISLATURE, PRIOR TO THE END OF THE 1979 SESSION, REGARDING THE INADEQUATE TEXTBOOK SUPPLY IN HAWAII'S PUBLIC INTERMEDIATE SCHOOLS", was jointly offered by Senators Chong, Yim, Ajifu, Cobb, Carpenter, Takitani, Abercrombie, Yamasaki, Ushijima and Mizuguchi.

By unanimous consent, S.C.R. No. 36 was referred to the Committee on Education.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 173 to 185) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 173), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF THE PLACEMENT OF NONPAY, EMERGENCY TELEPHONES ON THE H-2 AND PALI HIGHWAYS", was jointly offered by Senators Chong, Kuroda, Carpenter, Takitani, Yamasaki, Ushijima, Cayetano, Cobb, Young, Abercrombie, Yim and Ajifu.

By unanimous consent, S.R. No. 173 was referred to the Committee on Transportation.

A resolution (S.R. No. 174), entitled: "SENATE RESOLUTION REQUESTING THE HAWAII VISITORS BUREAU TO PROVIDE

MEANS FOR ASSESSMENT OF ITS MEMBERS TO FUND ITS OPERATIONS AND TO GRADUALLY PHASE OUT MEMBERS' RELIANCE ON STATE APPROPRIATIONS", was jointly offered by Senators Chong, Abercrombie, Kawasaki and Yim.

By unanimous consent, S.R. No. 174 was referred to the Committee on Tourism, then to the Committee on Ways and Means.

A resolution (S.R. No. 175), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING A FAMILY AWARENESS PROGRAM", was jointly offered by Senators Carpenter, Saiki, Mizuguchi, Yamasaki and Carroll.

By unanimous consent, S.R. No. 175 was referred to the Committee on Human Resources, then to the Committee on Higher Education.

A resolution (S.R. No. 176), entitled: "SENATE RESOLUTION REQUESTING A REVIEW AND STUDY OF HEMOPHILIA CARRIER TESTING OPTIONS AND THE NEED FOR RELATED COUNSELING", was jointly offered by Senators Carpenter, Saiki, Mizuguchi, Yamasaki, Kawasaki and Carroll.

By unanimous consent, S.R. No. 176 was referred to the Committee on Higher Education.

A resolution (S.R. No. 177), entitled: "SENATE RESOLUTION DESIGNATING APRIL, 1979 AS CANCER CONTROL MONTH", was jointly offered by Senators Carpenter, Chong, Campbell, Saiki, Hara, Ajifu, Abercrombie, Yamasaki, Takitani, Kuroda, George, Kawasaki, Mizuguchi and Carroll.

On motion by Senator Carpenter, seconded by Senator Chong and carried, S.R. No. 177 was adopted.

A resolution (S.R. No. 178), entitled: "SENATE RESOLUTION CONGRATULATING LAWRENCE 'LARRY' H. GINOZA UPON HIS SELECTION AS THE HULA BOWL'S 1978 SPORTSMAN OF THE YEAR", was jointly offered by Senators Mizuguchi, Kuroda, Cayetano, Kawasaki, Young, Yamasaki, Hara, Cobb, Chong, Takitani, Carpenter, Saiki, Yim, Toyofuku and Abercrombie.

On motion by Senator Mizuguchi, seconded by Senator Kuroda and carried, S.R. No. 178 was adopted.

A resolution (S.R. No. 179), entitled: "SENATE RESOLUTION CONGRATULATING THE SEARIDERS OF WAIANAE HIGH SCHOOL UPON WINNING THE 1978-79

OIA VARSITY FOOTBALL CHAMPIONSHIP AND THE 1978 PREP BOWL CHAMPIONSHIP", was jointly offered by Senators Mizuguchi, Cayetano, Chong, Kuroda, Carpenter, Hara, Toyofuku, Yamasaki, Takitani, Kawasaki, Saiki, Cobb and Abercrombie.

On motion by Senator Mizuguchi, seconded by Senator Cayetano and carried, S.R. No. 179 was adopted.

A resolution (S.R. No. 180), entitled: "SENATE RESOLUTION CONGRATULATING THE JUNIOR VARSITY SEARIDERS OF WAIANAE HIGH SCHOOL ON WINNING THE OIA JUNIOR VARSITY CHAMPIONSHIP FOR THE THIRD CONSECUTIVE SEASON", was jointly offered by Senators Mizuguchi, Kuroda, Cayetano, Yamasaki, Chong, Takitani, Kawasaki, Carpenter, Hara, Toyofuku, Cobb, Saiki and Abercrombie.

On motion by Senator Mizuguchi, seconded by Senator Young and carried, S.R. No. 180 was adopted.

Senator Mizuguchi then introduced to the members of the Senate the following from Waianae High School: Mr. Larry Ginoza, Head Football Coach and Co-Athletic Director; Mr. Michio Shishido, Principal; Mr. Glenn Higa, Jr. Varsity Coach; Ernesto Lacaden and Fred Mahuka, Varsity Captains; and John Ancog, Joe Cruz, Byron Barbosa and Moreli Toilolo, Junior Varsity Captains.

Senators Young, George and Saiki then presented leis and Senators Kuroda and Cayetano presented certified copies of the resolutions to the above named.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

A resolution (S.R. No. 181), entitled: "SENATE RESOLUTION REQUESTING REVIEW OF FEMALE STATUS OFFENDERS IN THE JUSTICE SYSTEM", was jointly offered by Senators Young, Saiki, George, Kuroda, Mizuguchi, Chong, Yamasaki, Carroll, Cayetano, Soares, Ajifu, Toyofuku, Carpenter and Abercrombie.

By unanimous consent, S.R. No. 181 was referred to the Committee on Judiciary, then to the Committee on Legislative Management.

A resolution (S.R. No. 182), entitled: "SENATE RESOLUTION COMMENDING THE WOMEN'S STUDIES PROGRAM OF THE UNIVERSITY OF HAWAII AND REQUESTING PERMANENT STATUS FOR THE PROGRAM", was jointly offered by Senators Young, Kuroda, Mizuguchi, George, Chong, Yamasaki,

Carroll, Cayetano, Saiki, Soares, Ajifu, Toyofuku, Carpenter and Abercrombie.

By unanimous consent, S.R. No. 182 was referred to the Committee on Higher Education.

A resolution (S.R. No. 183), entitled: "SENATE RESOLUTION CONGRATULATING AND COMMENDING WAYNE TRAVILLION, HAWAII'S TEACHER OF THE YEAR FOR 1979", was jointly offered by Senators Young, Chong, Mizuguchi, Campbell, Cobb, Hara, Yamasaki, Cayetano, Ajifu, Kuroda, Carpenter, Takitani, Toyofuku, Kawasaki, Soares, Carroll, Ushijima, Saiki, George and O'Connor.

On motion by Senator Young, seconded by Senator Chong and carried, S.R. No. 183 was adopted.

Senator Young then introduced to the members of the Senate Mr. Wayne Travillion, the honoree of the resolution, and those who accompanied him, his wife Arleen, his daughters, Karen and Lisa, Mr. Bill Cupit, Principal of Barbers Point Elementary School, and Karen Loomis, a family friend.

Senator Young presented Mr. Travillion with a lei and a certified copy of the resolution.

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:25 o'clock p.m.

A resolution (S.R. No. 184), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON REHABILITATIVE THERAPY PROGRAMS FOR SEX OFFENDERS", was jointly offered by Senators Chong, Abercrombie, Yim, Ajifu, Cobb, Carpenter, Takitani, Hara, Ushijima, Yamasaki and Mizuguchi.

By unanimous consent, S.R. No. 184 was referred to the Committee on Judiciary, then to the Committee on Legislative Management.

A resolution (S.R. No. 185), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO SUBMIT A WRITTEN REPORT TO THE SENATE OF THE TENTH LEGISLATURE, PRIOR TO THE END OF THE 1979 SESSION, REGARDING THE INADEQUATE TEXTBOOK SUPPLY IN HAWAII'S PUBLIC INTERMEDIATE SCHOOLS", was jointly offered by Senators Chong, Ajifu, Cobb, Carpenter, Takitani, Abercrombie, Yamasaki and Mizuguchi.

By unanimous consent, S.R. No. 185 was referred to the Committee on Education.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 42), informing the Senate that Senate Concurrent Resolution Nos. 31 and 32, Senate Resolution Nos. 160 to 172 and Standing Committee Report Nos. 21 to 41 have been printed and are ready for distribution.

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

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 43), recommending that Senate Bill No. 1370, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Campbell and carried, the report of the Committee was adopted and S.B. No. 1370, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION LAW", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 44), recommending that Senate Bill Nos. 153, 154 and 155 pass First Reading by title and be recommitted to the Committee on Housing and Hawaiian Homes.

On motion by Senator Young, seconded by Senator Cobb and carried, the report of the Committee was adopted and

S.B. No. 153, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED";

S.B. No. 154, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL AND CUSTOMARY RIGHTS"; and

S.B. No. 155, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED",

passed First Reading by title and were recommitted to the Committee on Housing and Hawaiian Homes.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 45), recommending that Senate Bill No. 52, as amended in S.D. 1, pass Second Reading and

be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Campbell and carried, the report of the Committee was adopted and S.B. No. 52, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON JUDICIAL DISCIPLINE AND RETIREMENT (CONSTITUTIONAL AMENDMENT OF ARTICLE VI)", passed Second Reading and was referred to the Committee on Ways and Means.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 46), recommending that Senate Bill No. 50, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Campbell and carried, the report of the Committee was adopted and S.B. No. 50, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT JUDGES (CONSTITUTIONAL AMENDMENTS OF ARTICLES VI AND XVIII)", passed Second Reading and was placed on the calendar for Third Reading on Friday, March 2, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 50, S.D. 1.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 47), recommending that Senate Bill No. 1122, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Ways and Means.

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.B. No. 1122, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE RETIREMENT SYSTEM", passed First Reading and was recommitted to the Committee on Ways and Means.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 48), recommending that Senate Bill No. 106, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 106, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AN APPROPRIATION FOR ALTERNATE ENERGY SOURCES FOR HAWAII", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 49), recommending that Senate Bill No. 108, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 108, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATURAL ENERGY INSTITUTE", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 50), recommending that Senate Bill No. 540 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 540, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII LARGE FISHING VESSEL PURCHASE, CONSTRUCTION, RENOVATION, MAINTENANCE AND REPAIR LOAN REVOLVING FUND", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 51), recommending that Senate Bill No. 624, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

Senator Yim moved that Stand. Com. Rep. No. 51 be received and placed on file, seconded by Senator Carpenter and carried.

Senator Yim then moved that S.B. No. 624, S.D. 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Senator Carpenter.

Senator Abercrombie then offered the following amendment to S.B. No. 624, S.D. 1:

"Amend the bill by amending SECTION 1 on lines 9 through 16 on page 2 to read:

'Monthly catch reports, except for coral, shall not be considered a "public record" as defined in section

92-50. Upon request by any person the department shall compile and make available for inspection by the public information derived from an aggregate of a sufficient number of commercial fishermen such that the monthly fish catch reports pertaining to the amount of fish caught, the type of fish caught, and the primary producer values for such catches sold shall not reveal the identity of an individual fisherman."

Senator Abercrombie moved that the amendment be adopted, seconded by Senator Kawasaki.

Senator Abercrombie then spoke in favor of the motion as follows:

"Mr. President, this was an inadvertent situation. Coral is not normally thought of to be in the same category as fish, in terms of definition; but for purposes of licensure and regulation, both in our Hawaii Revised Statutes and in the federal government, coral comes under the definition of fish along with all the other kinds of fish that are normally thought of as being part of the catch.

"The bill is directed toward protecting the legitimate trade secrets and confidential information of licensed individual commercial fisherman and, inasmuch as the coral catch, if you will, in the state, is also regulated and involves only one business person or business group in one particular area specifically defined, there is nothing that would be inhibited in terms of their continuing their business activities by the adoption of the amendment.

"Mr. President, if we fail to adopt the amendment, what would happen is that, inadvertently, what is now public information would become secret. It would become as if it was a trade secret, and it is obviously well within the acknowledged interest of the state to pay particular attention as to what is happening with and to and for the coral industry. Inasmuch as there's such an abiding and commanding public interest involved in that, we would not want to, by inadvertence, make that information secret information.

"So, Mr. President, all this amendment does is see that the intent of the bill is carried through in its totality, without mistakenly exempting one particular aspect--to wit, coral, which was not intended in the first place when the bill was drafted.

"Thank you, Mr. President."

At 12:29 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.

The motion to adopt the amendment was put by the Chair and carried.

On motion by Senator Yim, seconded by Senator Carpenter and carried, S.B. No. 624, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF COMMERCIAL FISH CATCH REPORTS", passed Second Reading and was placed on the calendar for Third Reading on Friday, March 2, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 624, S.D. 2.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 52), recommending that Senate Bill No. 625, 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 Carpenter and carried, the report of the Committee was adopted and S.B. No. 625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL FISHING", passed Second Reading and was placed on the calendar for Third Reading on Friday, March 2, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 625, S.D. 1.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 53), recommending that Senate Bill No. 626, 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 Carpenter and carried, the report of the Committee was adopted and S.B. No. 626, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DESIGNATION OF AGENTS TO SELL FRESHWATER GAME FISH LICENSES", passed Second Reading and was placed on the calendar for Third Reading on Friday, March 2, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 626, S.D. 1.

Senator Yim, for the majority of

the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 54), recommending that Senate Bill No. 627, 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 Carpenter and carried, the report of the majority of the Committee was adopted and S.B. No. 627, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM SIZES OF FISH", passed Second Reading and was placed on the calendar for Third Reading on Friday, March 2, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 627, S.D. 1.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 55), recommending that Senate Bill No. 629, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 629, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL LOAN PROGRAM", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 56), recommending that Senate Bill No. 529, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 529, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FISH AGGREGATING BUOY PROGRAM", passed Second Reading and was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

#### RE-REFERRAL OF SENATE BILLS

The President made the following re-referral of a bill which was introduced on Friday, January 26, 1979:

Senate Bill Referred to:  
No. 233 Committee on Judiciary

The President made the following re-referral of a bill which was introduced on Thursday, February 1, 1979:

Senate Bill Referred to:  
No. 390 Committee on Judiciary

The President made the following re-referral of a bill which was introduced on Friday, February 2, 1979:

Senate Bill Referred to:  
No. 450 Committee on Judiciary

The President then made the following re-referral of a bill which was introduced on Tuesday, February 13, 1979:

Senate Bill Referred to:  
No. 1731 Committee on Judiciary, then to the Committee on Ways and Means

At 12:37 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate stood in recess until 5:00 o'clock p.m., this afternoon.

#### AFTERNOON SESSION

The Senate reconvened at 5:10 o'clock p.m..

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 23 to 25) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 23), returning Senate Concurrent Resolution No. 31 which was adopted by the House of Representatives on February 28, 1979, was placed on file.

A communication from the House (Hse. Com. No. 24), transmitting House Concurrent Resolution No. 40, H.D. 1, which was adopted by the House of Representatives on February 28, 1979, was placed on file.

By unanimous consent, H.C.R. No. 40, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING THE DESIGNATION OF THE MCKINLEY HIGH SCHOOL 'FAIRGROUNDS' AS THE PERMANENT SITE OF THE ANNUAL STATE FARM FAIR AND COMMENDING MCKINLEY HIGH SCHOOL FOR SUPPORTING THE STATE FARM FAIR", was referred to the Committee on Agriculture.

A communication from the House (Hse. Com. No. 25), transmitting House Concurrent Resolution No. 44, which

was adopted by the House of Representatives on February 28, 1979, was placed on file.

By unanimous consent, H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION RESPECTFULLY REQUESTING HAWAII'S DELEGATION TO THE UNITED STATES CONGRESS TO SPONSOR AND SUPPORT LEGISLATION RELATING TO THE FARM OWNERSHIP PROGRAM LOANS OF THE FEDERAL FARMERS HOME ADMINISTRATION", was referred to the Committee on Agriculture.

#### STANDING COMMITTEE REPORTS

Senator Campbell, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 57), recommending that Senate Bill No. 117, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Campbell, seconded by Senator Young and carried, the report of the majority of the Committee was adopted and S.B. No. 117, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION", passed Second Reading and was referred to the Committee on Judiciary.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 58), recommending that Senate Bill No. 250 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Mizuguchi, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 250, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VARIOUS COMMUNITY ACTION AGENCIES", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the majority of the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 59), recommending that Senate Bill No. 375, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Mizuguchi, seconded by Senator Yamasaki and carried, the report of the majority of the Committee was adopted and S.B. No. 375, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the majority of the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 60), recommending that Senate Bill No. 1722 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Mizuguchi, seconded by Senator Yamasaki and carried, the report of the majority of the Committee was adopted and, Roll Call vote having been requested, S.B. No. 1722, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS", passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Abercrombie).  
Excused, 4 (Anderson, Chong, George and Toyofuku).

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 61), recommending that Senate Bill No. 1742 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Mizuguchi, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 1742, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR ADJUSTMENT AUTHORIZED BY CHAPTER 89C, HAWAII REVISED STATUTES", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Carpenter, for the Committee on Health, presented a report (Stand. Com. Rep. No. 62), recommending that Senate Bill No. 137, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Carpenter, seconded by Senator Campbell and carried, the report of the Committee was adopted and S.B. No. 137, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE", passed Second Reading and was referred to the Committee on Judiciary.

Senators Campbell and Young, for the Committee on Education and the Committee on Housing and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 63), recommending that Senate Bill No. 151, as amended in S.D. 1, pass First Reading and be referred to the Committee on Judiciary.

On motion by Senator Campbell, seconded by Senator Young and carried, the joint report of the Committees



was adopted and S.B. No. 151, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN EDUCATION PROGRAM", passed First Reading and was referred to the Committee on Judiciary.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 64), recommending that Senate Bill No. 152, as amended in S.D. 1, pass First Reading and be referred to the Committee on Judiciary.

On motion by Senator Young, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.B. No. 152, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS", passed First Reading and was referred to the Committee on Judiciary.

Senator Carpenter, for the Committee on Health, presented a report (Stand. Com. Rep. No. 65), recommending that Senate Bill No. 295, as amended in S.D. 1, pass First Reading and be referred to the Committee on Judiciary.

On motion by Senator Carpenter, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.B. No. 295, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE", passed First Reading and was referred to the Committee on Judiciary.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 66), recommending that Senate Bill No. 330, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Senator Young, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.B. No. 330, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLD COOPERATIVES", passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Senator Carpenter, for the Committee on Health, presented a report (Stand. Com. Rep. No. 67), recommending that Senate Bill No. 339 pass Second Reading and be referred to the Committee on Human Resources.

On motion by Senator Carpenter, seconded by Senator Campbell and carried, the report of the Committee was adopted and S.B. No. 339, entitled: "A BILL FOR AN ACT RELATING TO

DEPARTMENT OF HEALTH EMPLOYEES' ANNUITY CONTRACTS", passed Second Reading and was referred to the Committee on Human Resources.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 68), recommending that Senate Bill No. 517, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Young, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.B. No. 517, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS", was referred to the Committee on Legislative Management.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 69), recommending that Senate Bill No. 690 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Senator Young, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.B. No. 690, entitled: "A BILL FOR AN ACT RELATING TO THE CREATION OF THE CONDOMINIUM COMMISSION", passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 70), recommending that Senate Bill No. 1032, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Senator Young, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.B. No. 1032, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONDOMINIUMS", passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 71), recommending that Senate Bill No. 1487, as amended in S.D. 1, pass First Reading and be referred to the Committee on Judiciary.

On motion by Senator Young, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.B. No. 1487, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTION OF THE BOARD OF

TRUSTEES FOR THE OFFICE OF HAWAIIAN AFFAIRS", passed First Reading and was referred to the Committee on Judiciary.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 72), recommending that Senate Bill No. 641 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 641, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF KAHOMA STREAM FLOOD CONTROL PROJECT, LAHAINA, COUNTY OF MAUI", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 73), recommending that Senate Bill No. 687, as amended in S.D. 1, be referred to the Committee on Judiciary.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 687, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR RIGHTS", was referred to the Committee on Judiciary.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 74), recommending that Senate Bill No. 1369, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Ways and Means.

On motion by Senator Kawasaki, seconded by Senator Mizuguchi 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 THE INDEMNIFICATION OF TEACHERS, COUNSELORS, AND SCHOOL ADMINISTRATORS IN THE DEPARTMENT OF EDUCATION", passed First Reading and was recommitted to the Committee on Ways and Means.

Senators Carpenter and Abercrombie, for the Committee on Health and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 75), recommending that Senate Bill No. 495, as amended in S.D. 1, pass First Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Senator Carpenter,

seconded by Senator Abercrombie and carried, the joint report of the Committees was adopted and S.B. No. 495, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CREATION OF A NURSING CONTINUING EDUCATION FUND", passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

Senator Ushijima, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 76), recommending that Senate Bill No. 26 be referred to the Committee on Judiciary.

On motion by Senator Ushijima, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.B. No. 26, entitled: "A BILL FOR AN ACT RELATING TO STATE MANDATES (CONSTITUTIONAL AMENDMENTS OF ARTICLE VIII, SECTION 5)", was referred to the Committee on Judiciary.

Senator Ushijima, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 77), recommending that Senate Bill No. 289, be referred to the Committee on Judiciary.

On motion by Senator Ushijima, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.B. No. 289, entitled: "A BILL FOR AN ACT RELATING TO STATE MANDATES", was referred to the Committee on Judiciary.

Senator Ushijima, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 78), recommending that Senate Bill No. 292 be referred to the Committee on Judiciary.

On motion by Senator Ushijima, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.B. No. 292, entitled: "A BILL FOR AN ACT RELATING TO COUNTY BONDS", was referred to the Committee on Judiciary.

Senator Ushijima, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 79), recommending that Senate Bill No. 25 be referred to the Committee on Judiciary.

On motion by Senator Ushijima, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.B. No. 25, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX ASSESSMENT (CONSTITUTIONAL AMENDMENTS OF ARTICLE XVIII)", was referred to the Committee on Judiciary.

Senator Ushijima, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 80), recommending that Senate Bill No. 293 be referred to the Committee on Judiciary.

On motion by Senator Ushijima, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.B. No. 293, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES", was referred to the Committee on Judiciary.

Senator Ushijima, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 81), recommending that Senate Bill No. 290, pass First Reading and be referred to the Committee on Judiciary.

On motion by Senator Ushijima, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.B. No. 290, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXATION", passed First Reading and was referred to the Committee on Judiciary.

At 5:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:18 o'clock p.m.

#### ADJOURNMENT

At 5:20 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Yee and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 1, 1979.