

FORTIETH DAY

Wednesday, March 21, 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 Ms. Healani Hamilton, Koolau Poko Bahai Community, after which the Roll was called showing all Senators present, with the exception of Senator Anderson, who was excused.

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

Senator Chong, then introduced to the members of the Senate Mr. Elliot Char, a student of Far Eastern philosophies and religions, who is here today as a legislative observer.

HOUSE COMMUNICATIONS

The following communications (Hse. Com. Nos. 309 to 312) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 309) transmitting House Concurrent Resolution No. 22, H.D. 1, which was adopted in the House of Representatives on March 20, 1979, was placed on file.

By unanimous consent, H.C.R. No. 22, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO EXEMPT HAWAII'S BANKS FROM THE RESERVE REQUIREMENT PROVISION OF ANY FEDERAL RESERVE MEMBERSHIP LEGISLATION WHICH IT SHOULD PASS", was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 310) transmitting House Concurrent Resolution No. 23, which was adopted in the House of Representatives on March 20, 1979, was placed on file.

By unanimous consent, H.C.R. No. 23, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESSIONAL ACTION TO ESTABLISH REEMPLOYMENT RIGHTS FOR FEDERAL EMPLOYEES WHO ARE ORDERED TO NATIONAL GUARD DUTY BY THEIR STATE GOVERNOR", was referred to the Committee on Intergovernmental Relations.

A communication from the House (Hse. Com. No. 311) transmitting House Concurrent Resolution No. 49, H.D. 1, which was adopted in the House of Representatives on March 20, 1979, was placed on file.

By unanimous consent, H.C.R. No. 49, H.D. 1, entitled: "HOUSE CONCURRENT

RESOLUTION REQUESTING THE HAWAII STATE OCCUPATIONAL INFORMATION COORDINATING COMMITTEE (HSOICC) TO UTILIZE AN ADVISORY COMMITTEE STRUCTURE FOR THE PURPOSE OF INCREASING THE INPUT AND PARTICIPATION IN THE INFORMATION SYSTEM", was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 312) transmitting House Concurrent Resolution No. 61, H.D. 1, which was adopted in the House of Representatives on March 20, 1979, was placed on file.

By unanimous consent, H.C.R. No. 61, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PEACESAT STUDY", was referred to the Committee on Higher Education.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 55 to 60) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 55), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE DEVELOPMENTALLY DELAYED CITIZEN IN HAWAII", was jointly offered by Senators Carpenter, Kuroda, Chong, Mizuguchi, Cayetano, Cobb and Campbell.

By unanimous consent, S.C.R. No. 55 was referred to the Committee on Health.

A concurrent resolution (S.C.R. No. 56), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON PAYMENTS FOR MEDICAL CARE, SERVICES, AND SUPPLIES IN WORKERS' COMPENSATION CASES", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Yamasaki, Hara, Young, Carpenter, Soares, Campbell, Ajifu and Kuroda.

By unanimous consent, S.C.R. No. 56 was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

A concurrent resolution (S.C.R. No. 57), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF PERSONNEL SERVICES TO REVIEW COMPENSATION PLANS OF SECRETARIAL CLASSES OF THE CIVIL SERVICE", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Yamasaki, Hara, Young, Saiki, Carpenter, Soares, Cobb, Ajifu and Kuroda.

By unanimous consent, S.C.R. No. 57 was referred to the Committee on Human Resources.

A concurrent resolution (S.C.R. No. 58), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING REVIEW AND STUDY OF HAWAII'S FEE REIMBURSEMENT PROVISION FOR PROFESSIONAL HEALTH CARE SERVICES OF THE STATE'S MEDICAL ASSISTANCE PROGRAMS ADMINISTERED BY THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Yamasaki, Young, Carpenter, Soares and Hara.

By unanimous consent, S.C.R. No. 58 was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

A concurrent resolution (S.C.R. No. 59), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE EFFECTIVENESS OF THE COORDINATION OF EMPLOYMENT TRAINING, VOCATIONAL-TECHNICAL EDUCATION, AND RELATED MANPOWER TRAINING PROGRAMS WITH ECONOMIC DEVELOPMENT ACTIVITIES", was jointly offered by Senators Toyofuku, Takitani, Carpenter, Soares, Cobb, Ajifu and Kuroda.

By unanimous consent, S.C.R. No. 59 was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

A concurrent resolution (S.C.R. No. 60), entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING A TEMPORARY FEDERAL INTERGOVERNMENTAL PLANNING COMMISSION FOR HAWAII", was jointly offered by Senators Ushijima, Kuroda, Cobb, Saiki, Yee, Carpenter, Yamasaki, Young, Takitani and Carroll.

By unanimous consent, S.C.R. No. 60 was referred to the Committee on Intergovernmental Relations.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 275 to 288) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 275), entitled: "SENATE RESOLUTION COMMENDING THE TWENTY-SECOND HAWAIIAN SCIENCE AND ENGINEERING FAIR", was jointly offered by Senators Kuroda, Chong, Yamasaki, Campbell, Kawasaki, Ushijima, Carpenter, Abercrombie, Takitani, Toyofuku, George, Hara, Ajifu, Soares, Saiki, Young, Wong, Cobb and Mizuguchi.

On motion by Senator Carpenter, seconded by Senator Chong and carried, S.C.R. No. 275 was adopted.

At this time, Senator Kuroda introduced to the members of the Senate Professor Robert Campbell, Director of the 22nd Hawaiian Science and Engineering Fair, and Professor John Kotrady, Coordinator-in-Charge of Public and Chemical Relations, who were then presented with certified copies of the resolution and leis by Senators Young and Saiki.

At 11:43 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.

Senator Kuroda then introduced to the members Mr. Jerry Norris, Director of the Council of State Governments, who was sitting in the gallery.

A resolution (S.R. No. 276), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE DEVELOPMENTALLY DELAYED CITIZEN IN HAWAII", was jointly offered by Senators Carpenter, Kuroda, Chong, Mizuguchi, Cayetano, Cobb and Campbell.

By unanimous consent, S.R. No. 276 was referred to the Committee on Health.

A resolution (S.R. No. 277), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON ALTERNATE CROPS WHICH CAN REPLACE SUGAR IF THE SUGAR INDUSTRY CAN NOT SURVIVE IN HAWAII", was jointly offered by Senators Carpenter, Hara, Yim, Yamasaki, Chong, Mizuguchi, Campbell and Cayetano.

By unanimous consent, S.C.R. No. 277 was referred to the Committee on Agriculture.

A resolution (S.R. No. 278), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF PATIENT RIGHTS AND INFORMED CONSENT TO HEALTH CARE TREATMENT", was jointly offered by Senators Carpenter, Hara, Kuroda, Chong, Mizuguchi, Cayetano and Campbell.

By unanimous consent, S.R. No. 278 was referred to the Committee on Health, then to the Committee on Legislative Management.

A resolution (S.R. No. 279), entitled: "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE ALLEGED VIOLATIONS OF SECTION 480, HAWAII REVISED STATUTES AND TO OBTAIN FROM THE FEDERAL JUSTICE DEPARTMENT A DETERMINATION OF THE EXTENT OF FEDERAL PREEMPTION IN THE AREA OF ANTITRUST EXEMPTIONS FOR JOINT NEWSPAPER OPERATIONS", was jointly offered by Senators Kawasaki, Abercrombie, Wong, Kuroda, Yim, Chong,

Carpenter, Campbell, Toyofuku, Ajifu, Young, Cobb, Cayetano, Yee, Mizuguchi and Takitani.

By unanimous consent, S.R. No. 279 was referred to the Committee on Judiciary.

A resolution (S.R. No. 280), entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE STABILITY AND VIABILITY OF EXISTING BUSINESS ENTERPRISES AND INDUSTRIES IN HAWAII WITH PRIORITY CONSIDERATION TO THOSE ENTITIES WITH HISTORICAL SIGNIFICANCE", was jointly offered by Senators Mizuguchi, Ajifu, Abercrombie, Takitani, Saiki, Cobb, Hara, Cayetano, Kawasaki, Young, Yee and Carroll.

By unanimous consent, S.R. No. 280 was referred to the Committee on Economic Development, then to the Committee on Legislative Management.

A resolution (S.R. No. 281), entitled: "SENATE RESOLUTION REQUESTING A STUDY TO DETERMINE THE EFFECTIVENESS OF THE COORDINATION OF EMPLOYMENT TRAINING, VOCATIONAL-TECHNICAL EDUCATION, AND RELATED MANPOWER TRAINING PROGRAMS WITH ECONOMIC DEVELOPMENT ACTIVITIES", was jointly offered by Senators Toyofuku, Takitani, Saiki, Carpenter, Soares, Cobb, Kuroda, Campbell and Ajifu.

By unanimous consent, S.R. No. 281 was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

A resolution (S.R. No. 282), entitled: "SENATE RESOLUTION REQUESTING REVIEW AND STUDY OF HAWAII'S FEE REIMBURSEMENT PROVISION FOR PROFESSIONAL HEALTH CARE SERVICES OF THE STATE'S MEDICAL ASSISTANCE PROGRAMS ADMINISTERED BY THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Yamasaki, Young, Carpenter, Soares, Kuroda, Hara, Campbell and Ajifu.

By unanimous consent, S.R. No. 282 was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

A resolution (S.R. No. 283), entitled: "SENATE RESOLUTION REQUESTING THE DIRECTOR OF PERSONNEL SERVICES TO REVIEW COMPENSATION PLANS OF SECRETARIAL CLASSES OF THE CIVIL SERVICE", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Yamasaki, Hara, Young, Saiki, Carpenter, Soares, Cobb, Kuroda, Campbell and Ajifu.

By unanimous consent, S.R. No. 283 was referred to the Committee on Human Resources.

A resolution (S.R. No. 284), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON PAYMENTS FOR MEDICAL CARE, SERVICES, AND SUPPLIES IN WORKERS' COMPENSATION CASES", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Young, Carpenter, Soares, Ajifu and Kuroda.

By unanimous consent, S.R. No. 284 was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

A resolution (S.R. No. 285), entitled: "SENATE RESOLUTION CONGRATULATING THE CASTLE HIGH SCHOOL THEATRE GUILD ON ITS 1979 PRODUCTION OF 'OKLAHOMA'", was jointly offered by Senators Ajifu, George, Soares, Takitani, Toyofuku, Young, Yamasaki, Kawasaki, Carpenter, Carroll, Chong, O'Connor, Wong, Hara, Cayetano, Cobb, Abercrombie, Yee, Mizuguchi, Campbell, Kuroda, Saiki and Ushijima.

On motion by Senator Ajifu, seconded by Senator George and carried, S.R. No. 285 was adopted.

A resolution (S.R. No. 286), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT, DEPARTMENT OF TRANSPORTATION, AND UNIVERSITY OF HAWAII TO DETERMINE THE FEASIBILITY OF THE RELOCATION OF THE WAIKIKI AQUARIUM IN THE 1995 MASTER PLAN FOR HONOLULU HARBOR", was jointly offered by Senators Hara and Abercrombie.

By unanimous consent, S.R. No. 286 was referred to the Committee on Ecology, Environment and Recreation.

A resolution (S.R. No. 287), entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON INTERGOVERNMENTAL RELATIONS TO STUDY AND REVIEW THE PROPOSED UNIFORM CODE OF MILITARY JUSTICE", was jointly offered by Senators Ushijima, Kuroda, Saiki, Carpenter, Yee, Yamasaki, Young, Takitani, and Carroll.

By unanimous consent, S.R. No. 287 was referred to the Committee on Intergovernmental Relations, then to the Committee on Legislative Management.

A resolution (S.R. No. 288), entitled: "SENATE RESOLUTION EXTENDING HAWAII'S ALOHA TO AND CONGRATULATING THE SHINSEI MUSICAL GROUP FOR ITS CURRENT CONCERT TOUR OF THE STATE OF HAWAII", was jointly offered by Senators Wong, Cobb, Kuroda, Kawasaki, Young, Chong, Toyofuku, George, Hara, Cayetano, Campbell, Yim, Takitani, O'Connor, Mizuguchi, Carroll and Yamasaki.

On motion by Senator Kawasaki, seconded by Senator Cobb and carried, S.R. No. 288 was adopted.

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

The Senate reconvened at 11:48 o'clock a.m.

At this time, Senator Kawasaki introduced to the members of the Senate the Shinsei Musical Group, who then honored the members with their musical talent by a performance of a number of songs. Certified copies of the resolution were presented to Mrs. Chieko Akiyama and to each member of the group by Senator Kawasaki.

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

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

At this time, Senator Kuroda thanked the Shinsei Musical Group for the entertainment and their visit to the Senate with a musical reciprocation in Japanese. The members of the Senate and the audience thereafter joined in singing "Aloha Oe".

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 653), informing the Senate that Senate Concurrent Resolution Nos. 52 to 54, Senate Resolution Nos. 260 to 274 and Standing Committee Report Nos. 643 to 652 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 Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 654) recommending that House Bill No. 1505, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kuroda, seconded by Senator Takitani and carried, the report of the Committee was adopted and H.B. No. 1505, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", passed Second Reading and was referred to the Committee on Ways and Means.

Senators Toyofuku and Carpenter, for the Committee on Human Resources and Health, presented a joint report (Stand. Com. Rep. No. 655) recommending that Senate Resolution No. 45, as amended in S.D. 1, be adopted.

On motion by Senator Toyofuku, seconded

by Senator Carpenter and carried, the joint report of the Committees was adopted and S.R. No. 45, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REPORT ON THE NECESSITY OF INCREASING VARIOUS EMERGENCY TREATMENT SERVICES, ON THE FEASIBILITY OF COORDINATING THESE SERVICES, AND ON ANY ATTEMPTS IN PROGRESS", was adopted.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 656) recommending that House Concurrent Resolution No. 30 be adopted.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING RENEWED EFFORTS BY HAWAII'S CONGRESSIONAL DELEGATION FOR LEGISLATION TO ASSIST HAWAII'S IMMIGRANT POPULATION", was adopted.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 657) recommending that Senate Resolution No. 134 be adopted.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.R. No. 134, entitled: "SENATE RESOLUTION REQUESTING CONGRESS TO RAISE SOCIAL SECURITY LUMP-SUM DEATH BENEFITS", was adopted.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 658) recommending that Senate Resolution No. 135 be adopted.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.R. No. 135, entitled: "A SENATE RESOLUTION REQUESTING CONGRESS TO PROVIDE FINANCIAL ASSISTANCE TO STATES DISPROPORTIONATELY AFFECTED BY IMMIGRATION", was adopted.

Senators Toyofuku and O'Connor, for the majority of the Committees on Human Resources and Judiciary, presented a joint report (Stand. Com. Rep. No. 659) recommending that House Bill No. 588, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator O'Connor and carried, the joint report of the majority of the Committees was adopted and, Roll Call having been requested, H.B. No. 588, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYMENT SECURITY

LAW", passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Abercrombie).
Excused, 2 (Anderson and Yee).

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 660) recommending that House Bill No. 340, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.B. No. 340, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FACILITIES FOR THE ELDERLY", passed Second Reading and was placed on the calendar for Third Reading on Friday, March 23, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 340, H.D. 1.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 661) recommending that House Bill No. 357, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.B. No. 357, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NON-COMPETITIVE PROMOTIONS OF PUBLIC OFFICERS AND EMPLOYEES", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 662) recommending that House Bill No. 544, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.B. No. 544, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL CARCINOGENS", passed Second Reading and was placed on the calendar for Third Reading on Friday, March 23, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 544, S.D. 1.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 663) recommending that House Bill No. 1607, as amended in

S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.B. No. 1607, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES' HEALTH FUND", passed Second Reading and was referred to the Committee on Ways and Means.

Senator O'Connor, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 664) recommending that Senate Concurrent Resolution No. 6 be 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.

Senator O'Connor then moved that the report of the majority of the Committee be adopted and S.C.R. No. 6 be adopted, seconded by Senator Campbell.

Senator Campbell then rose to speak in favor of the resolution and stated as follows:

"Mr. President, I rise to speak in favor of the resolution but first of all, I would like to express my thanks to the chairmen of the subject matter committees for the expeditious manner in which they dealt with S.C.R. No. 6. I refer to Senator John Ushijima and Senator Dennis O'Connor and, of course, to you, Mr. President, for joining us in introducing this resolution.

"Mr. President and members of the Senate, some 20 years ago, March 18, 1959 to be exact, President Dwight D. Eisenhower signed a legislation which gave the citizens of Hawaii two senators and a representative in the U.S. Congress. Today, it seems fitting that this upper chamber of Hawaii's legislature vote to ratify an amendment which will give to the citizens of Washington, D.C. two senators and a representative in the U.S. Congress.

"Mr. President, I guess I'm trying to say that today could be a very significant day in Hawaii's legislative history. We could be the only state in the union to unanimously ratify Joint House Resolution No. 554.

"The best system of government in the world today is a democracy. Now, if the people of the world are going to believe this then democracy must be practiced at home. The living room

of the showcase, if you please, of American democracy is Washington, D.C.

"It is strange--indeed, that the United States of America is the leading democracy in the world and at the same time, the only democratic nation who has not accorded full representation in its national government to the citizens of its nation's capital.

"There was a time that our American government denied women, minorities and people without property--the right to vote. Today, these people can vote for their representatives in the national government. I trust that our action here today will aid in the struggle of the people of the District of Columbia to finally get representation in their national government.

"Because one of the basic principles which has ingrained itself into the fiber of American democratic tradition is representation in the government that has the power and the right to tax--the movement that freed this country from England was precisely this issue--taxation without representation. Annually, the citizens of Washington, D.C. pay over one billion dollars to the federal government, but they have no voice in the halls of Congress. They pay more federal taxes per capita than 49 other states.

"It is a point of interest and concern that the citizens of the District of Columbia fought in every American war since the Boston Tea Party and had more casualties in the Vietnam War than 10 other states--but, they have no voice in foreign policy.

"Mr. President, I know that Senator Kennedy wrote to many of our legislators and I received a letter from him and I want to at least read a portion of that letter to this Body.

"He says, 'I am hopeful that the State of Hawaii will act to ratify the amendment at the earliest opportunity. I look forward to the day when it will become part of our Constitution, so that the people of the District of Columbia may at last enjoy their rightful voice in the proceedings of Congress.'

"Mr. President, your Committee on Intergovernmental Relations found 'that the citizens of the District of Columbia have all of the obligations of citizenship including the payment of federal taxes, but are without a vote in the deliberations of the national government.' The committee, without an opposing vote, recommended the passage of this resolution.

"Mr. President, your Judiciary Committee, which had no testimony against the measure, had some notable things to say and here are some excerpts from the committee report:

'The people of Hawaii remember the lengthy struggle and the heartfelt longing for adequate representation in the halls of Congress.

'Only with the support of other states did Hawaii achieve the full benefits of first-class citizenship demanded by the basic democratic principle of "one-person-one-vote."

'Your Committee believes that simple justice also calls for equal representation for the people of the District of Columbia.

'As Hawaii is the last state to achieve such privileges, your Committee feels that it must support the District of Columbia in its bid for full representation, and strongly recommends the ratification of this amendment to the Constitution of the United States.'

"So, Mr. President and members of the Senate, the President of the United States supports giving the citizens of Washington, D.C. representation in Congress. The Congress of the United States, both the Senate and the House support it. The Republican and Democratic Parties support it. Our Governor supports it. Without an exception, the Hawaii Congressional Delegation voted for it. I urge each of you to do the same.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and, Roll Call having been requested, S.C.R. No. 6, entitled: "SENATE CONCURRENT RESOLUTION RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROVIDING FOR REPRESENTATION OF THE DISTRICT OF COLUMBIA IN CONGRESS", was adopted on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Carroll and Cayetano). Excused, 2 (Anderson and Yee).

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.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 665) recommending that House Bill No. 402 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and H.B. No. 402, entitled: "A BILL FOR AN ACT

RELATING TO FIREARMS AND AMMUNITION", passed Second Reading and was placed on the calendar for Third Reading on Friday, March 23, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 402.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 666) recommending that House Bill No. 404 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and H.B. No. 404, entitled: "A BILL FOR AN ACT RELATING TO PROMPT COMPLAINT", passed Second Reading and was placed on the calendar for Third Reading on Friday, March 23, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 404.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 667) recommending that House Bill No. 585, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and H.B. No. 585, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE", passed Second Reading and was placed on the calendar for Third Reading on Friday, March 23, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 585, H.D. 1.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 668) recommending that House Bill No. 1341 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Young, seconded by Senator Cayetano and carried, the report of the Committee was adopted and H.B. No. 1341, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASE-HOLD", passed Second 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. 669) recommending that House Bill No. 1687 pass Second

Reading and be referred to the Committee on Judiciary.

On motion by Senator Young, seconded by Senator Cayetano and carried, the report of the Committee was adopted and H.B. No. 1687, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX", passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

RE-REFERRAL OF HOUSE BILLS

The President made the following re-referral of bills that were received on March 16, 1979:

House Bill Referred to:

No. 25,
H.D. 1 Committee on Health, then to the Committee on Judiciary, then to the Committee on Ways and Means

No. 553,
H.D. 1 Committee on Health, then to the Committee on Judiciary, then to the Committee on Ways and Means

No. 1222,
H.D. 1 Committee on Public Utilities, then to the Committee on Judiciary, then to the Committee on Ways and Means

No. 1223,
H.D. 1 Committee on Public Utilities, then to the Committee on Judiciary, then to the Committee on Ways and Means

No. 1528,
H.D. 1 Committee on Ecology, Environment and Recreation

The President made the following re-referral of bills that were received on March 12, 1979:

House Bill Referred to:

No. 1637,
H.D. 1 Committee on Economic Development, then to the Committee on Ways and Means

No. 1686,
H.D. 2 Committee on Housing and Hawaiian Homes, then to the Committee on Judiciary, then to the Committee on Ways and Means

At 12:14 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:16

o'clock p.m.

THIRD READING

House Bill No. 1232, S.D. 1:

On motion by Senator Yim, seconded by Senator Carpenter and carried, H.B. No. 1232, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Chong and Cobb).
Excused, 2 (Anderson and Yee).

MISCELLANEOUS COMMUNICATION

A communication from the 1978 Commission on Legislative Salary (Misc. Com. No. 18), transmitting a report of a salary plan for the members of the Hawaii State Legislature, was read by the Clerk and was referred to the Committee on Ways and Means.

Senator Abercrombie then rose on a point of personal privilege in respect to Misc. Com. No. 18 and stated as follows:

"Mr. President, I think that the arrival of this communication is an insult to this Body and an insult to the intelligence of the people of the State of Hawaii. I don't know how in God's name, it must have been in God's name and not the people of the state's name, that this report was drafted.

"We have just heard an eloquent commentary by the chairman of the education committee in respect of what the meaning of democracy is and then have arrive on our desk the very same day, a communication from a commission established under the Constitution in this democracy, which proceeds to outline a plan which has every indication of taking us right back to the very elements of not being able to participate in government unless you own property, that the chairman of education alluded to in his remarks.

"What this guarantees is that there will be little or no participation, in terms of election to the legislature, of people who would desire to give full or majority of their time to the legislative functions as they see them, when they take their oath of office.

"Referring to a total attendance of 69 people representing some 14 persons and/or organizations and every county of the state, this report indicates that it shall be the policy of the people of the state that only those who are well-off enough to be able to afford being in the legislature, run for the legislature. To come to any other conclusion than this, it seems to me, is to defy any reasonable interpretation of the English language.

"In addition, it indicates to me, it indicates rather that we have a voluntary and optional plan called the optional incentive portion, which is a cynical a device as I have ever witnessed for legislative largesse, which actually encourages the legislature to save money in its legislative budgetary expenses so that the legislators can take the money home with them. It is unbelievable to me, as to where this optional incentive portion arose. It must have come like a phoenix. Someone had a nightmare and decided to put it in words the next day.

"Mr. President, I would gladly see savings made in the legislative budgetary appropriations and see every single penny of that put back into staff for the legislators. I would gladly see my own staff paid twice what I'm paid, in order to have a staff.

"To indicate, as this report does, that this is to promote the concept of the citizen legislature is akin to the idea that unless one owns property, unless one has the leisure time and financial capacity to serve, that you will be discouraged from doing so. The salaries at a level which can attract qualified candidates from all sectors and not limit elective office to those who can well afford to run without receiving any compensation-- this is Orwellian logic. It amounts to a kind of newspeak, double think, that is more appropriate to 1984 and I understand that in 1984, or by 1985, we're supposed to have all of this in so we will pass through 1984; this is one of the more appropriate documents I've seen to that period. The commission recognizes the salary received by the legislators is the principal part of their total compensation. It does not do that; in fact, the exact opposite is the truth. The principal part of their compensation would be from the other jobs that they'll hold.

"Very few, if any, legislators will be able to hold out in today's situation, hold out against the necessities of paying rent and food, let alone clothing or other essentials to existence. The accoutrements of public office, I love this, the accoutrements of public office include per diem payments, expense allowances. I put more than a thousand dollars of my own salary into my office every year.

"We get \$1500 in here that doesn't remotely cover the expenses of the office; and that's charged as income against us and we have to account for every single penny to the state tax department and to the IRS.

"I keep books that show that we pay everything by check in my office, including

getting stamps, so that on any given day, any citizen or any tax official can walk into the office and have an accounting right up to the moment as to where that so-called expense allowance is going.

"Transportation allowances, health and retirement benefits, we pay into those things. My retirement benefits in 19--, whenever the h--- it's going to be that I would retire unless the voters retire me in 1982 so that I don't get a shot at any of it, will not be what I consider some princely sum that will allow me to live in some Sybaritic fashion.

"In addition, the commission formulated to fix some \$3500 per session etc. and then, whenever the h--- it is after that, based on the department of the executive branch of government which equals \$42,000. Now that should give you some brief idea of where the people are being considered. It's entirely a managerial orientation of this committee.

"I knew what I was getting when I came into the legislature. I was not dragged kicking and screaming in here. I knew what the compensation was and it's no different than any other situation where if you want to do something you take what goes along with it. In other words, you take what comes with the territory. But, I will not be insulted by saying that this kind of a report remotely addresses the question of whether or not you can encourage citizens to try and take their chances at the poll and still have at least a possibility of being able to support themselves and their families, should they choose to take up public service.

"What this bill (report) does is penalize voters who wish to vote for people who would like to devote fuller majority time or a major portion of their time to the legislature and to its interim work.

"For myself, I refer to the incentive part on page 7, the ceiling of \$4000 per year of incentive payments that was included to meet any concern on the part of the public that there might be undue curtailment of services. We have no services. When we end on April 20th you know, Mr. President, as well as every member here, that if we're lucky, we'll have eight hours a week for somebody to answer the phone with the minimum wage. We have no services for our people even though we are called upon full-time. We have no one and nothing available in our offices.

"The report speaks of the Legislative Reference Bureau and the Legislative Auditor, they are carrying out much of the work that we are putting together right now and we should be in constant contact with them.

"There are questions right now before us as to how the various departments of the state function and operate. We are turning the government over to an executive. We are creating our own Caesarism. We are creating and are on the edge right now of an American facism, and we're going to define it as freedom. I am not going to go along with this.

"I understand that there has to be a resolution; that the salary plans submitted shall become effective, as provided in the plan, unless the legislature disapproves the plan by adoption of a concurrent resolution prior to the adjournment sine die of the legislative session in which the plan is submitted and the governor disapproves the plan, by a message of disapproval transmitted to the legislature prior to such an adjournment.

"Well, I'm going to put in such a concurrent resolution to turn this down, because I would rather stay at the salary that I'm at and go and get another job, because I earn every single penny of the \$12,000 gross that is provided me by the taxpayers of this state. I have never been ashamed to cash a single paycheck that I've earned here. And I would dearly love to have the two or three thousand or three or four thousand of whatever amount of extra money there is in here. But, as a result of the way this plan is put together, what that means is that that will come on top of other compensation from another job, unless I or someone similar in views to what I have is fortunate enough to have a personal income, family fortunes, some other methodology for having an income available to them.

"I would rather turn it down to shove this hypocrisy back in the face of the people who put it forward. I earn my living honestly and I'm not going to take two or three thousand dollars bonus money by trying to see how I can cut down on the services available to the people of this state or to my own constituents in order to put money in my pocket.

"I've never been so disappointed in receiving or in reading or in participating in an activity extensively in the public purpose in the entire time that I have participated in government, whether as a citizen petitioning the Governor making his views known or as a legislator, as I am in this so-called report.

"This is for the rich, by the rich, to keep the rich in power. This is to keep the citizens of this state collared before the almighty dollar to keep them fearful of running for the legislature,

to disenfranchise them. This is a movement.

"This report constitutes in my opinion, in my judgment, a ringing message to the people of this state that if you're not on the inside, if you're not wealthy, if you don't have insider friends, if you can't make it with those who count in power, you're not going to have the opportunity to run because that's what the effect is going to be.

"This is the most single shameful piece of information, officially presented to the state, that I have ever witnessed."

Senator Cobb then added his remarks as follows:

"Mr. President, in line with the previous remarks, I'd just like to say, personally, I hope we're given an opportunity to vote on that resolution."

Senator Kawasaki added as follows:

"Mr. President, on our reaction to the Legislative Salary Commission's report to us, less Senator Abercrombie's remarks be construed as being an isolated reaction, I just want to go on record to say that it's quite interesting to me that he used the word 'insulting' because when Emerald Yeh of Channel 4 and June Watanabe of the press asked me for my reaction, the exact words I used were 'it's an insult

to the intelligence of both the people and the members of the legislature.'"

Senator Carroll then stated as follows:

"Mr. President, I didn't intend to raise any questions with regard to the matter which was raised by my learned colleague from Manoa but I would like to ask that his remarks, as they relate to this so-called incentive plan, which I really agree is an insult to the rich and the poor, that that portion of his remarks which relate to that plan be recorded for the Journal and made my own by adoption. Thank you."

At this time, Senator Hara, Chairman of the Committee on Ecology, Environment and Recreation, requested a waiver of the 48-hour notice of Public Hearing on the following measure:

H.B. No. 1528, H.D. 1, entitled:
"A BILL FOR AN ACT RELATING TO
DISPOSAL OF SOLID WASTES",

and the President granted the waiver.

ADJOURNMENT

At 12:35 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator George and carried, the Senate adjourned until 11:00 o'clock a.m., Thursday, March 22, 1979.