

FIFTY-FIFTH DAY

Thursday, April 12, 1979

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, convened at 9:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Bruce Edwards of the Makakilo Baptist Church, after which the Roll was called showing all Senators present with the exception of Senator Abercrombie, who was excused.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 527 to 544) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 527), transmitting House Concurrent Resolution No. 10, H.D. 1, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 10, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REVIEW EXISTING FISH AND GAME REGULATIONS", was referred to the Committee on Ecology, Environment and Recreation.

A communication from the House (Hse. Com. No. 528), transmitting House Concurrent Resolution No. 13, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 13, entitled, "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO RETURN BELLOWS FIELD TO THE STATE OF HAWAII", was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 529), transmitting House Concurrent Resolution No. 36, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION REVIEW THE POTENTIAL BENEFITS OF A HIGHWAY LOAD CONDITION ADVISORY SYSTEM",

was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 530), transmitting House Concurrent Resolution No. 48, H.D. 1, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 48, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COMMISSION ON MANPOWER AND FULL EMPLOYMENT TO DEVELOP AN EMPLOYMENT FUNCTIONAL PLAN FOR HAWAII", was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 531), transmitting House Concurrent Resolution No. 62, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO WORK TOWARDS ESTABLISHING DIRECT INEXPENSIVE DATA INFORMATION AND COMMUNICATION LINKS WITH WASHINGTON, D.C.", was referred to the Committee on Intergovernmental Relations.

A communication from the House (Hse. Com. No. 532), transmitting House Concurrent Resolution No. 76, H.D. 2, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 76, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING IMMEDIATE ACTION ON THE COMPENSATION PLANS OF SECRETARIAL CLASSES WITHIN THE CIVIL SERVICE SYSTEM", was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 533), transmitting House Concurrent Resolution No. 85, H.D. 2, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 85, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY AND DESIRABILITY OF CODIFYING THE RULES OF EVIDENCE", was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 534), transmitting House Concurrent Resolution No. 86, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION A RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT

STATE-FEDERAL DATA SHARING WITH THE NATIONAL CONFERENCE OF STATE LEGISLATURES", was referred to the Committee on Intergovernmental Relations.

A communication from the House (Hse. Com. No. 535), transmitting House Concurrent Resolution No. 88, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII DELEGATION TO THE UNITED STATES CONGRESS TO SUPPORT LEGISLATION THAT WILL ALLOW THE MANGANESE NODULE INDUSTRY TO PROCEED WITH SEABED MINING OPERATIONS", was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 536), transmitting House Concurrent Resolution No. 92, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A MARINE LIFE CONSERVATION DISTRICT IN HAWAII COUNTY", was referred to the Committee on Ecology, Environment and Recreation.

A communication from the House (Hse. Com. No. 537), transmitting House Concurrent Resolution No. 98, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Campbell and carried, H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR OCEAN FAIR WEEK, APRIL 9-13, 1979, AT THE UNIVERSITY OF HAWAII, MANOA CAMPUS", was adopted.

A communication from the House (Hse. Com. No. 538), transmitting House Concurrent Resolution No. 107, H.D. 2, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 107, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE DEVELOPMENTALLY DISABLED", was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 539), transmitting

House Concurrent Resolution No. 125, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FURTHER UPGRADING AND INCREASED MAINTENANCE OF THE ALA WAI GOLF COURSE", was referred to the Committee on Ecology, Environment and Recreation.

A communication from the House (Hse. Com. No. 540), transmitting House Concurrent Resolution No. 134, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION PROVIDING FOR AN INTERIM COMMITTEE TO STUDY STATE MANDATED PROGRAMS AND SERVICES", was referred to the Committee on Legislative Management.

A communication from the House (Hse. Com. No. 541), transmitting House Concurrent Resolution No. 135, H.D. 1, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 135, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO AIRCRAFT NOISE ABATEMENT", was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 542), transmitting House Concurrent Resolution No. 149, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 149, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ADOPTING THE FEDERAL METHOD OF COMPUTING THE STANDARD DEDUCTION THROUGH ZERO BRACKET AMOUNTS", was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 543), transmitting House Concurrent Resolution No. 159, H.D. 1, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

By unanimous consent, H.C.R. No. 159, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CERTAIN WAIVERS OF LIMITATIONS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT, THE RELEASE OF FUNDS, AND OTHER LEGISLATIVE AND ADMINISTRATIVE ACTION", was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 544), transmitting House Concur-

rent Resolution No. 180, which was adopted by the House of Representatives on April 11, 1979, was placed on file.

On motion by Senator Campbell, seconded by Senator Mizuguchi and carried, H.C.R. No. 180, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING BEST WISHES TO THE DELEGATES OF THE HAWAII STATE STUDENT CONFERENCE", was adopted.

SENATE RESOLUTIONS

The following resolutions (S.R. No. 455 to 460) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 455), entitled: "SENATE RESOLUTION RECOGNIZING AND COMMENDING THE MANANA ELEMENTARY SCHOOL CHORUS OF PEARL CITY FOR ITS OUTSTANDING PERFORMANCES AND COMMUNITY SERVICES", was jointly offered by Senators Kuroda, Cayetano, Young, Mizuguchi, Carpenter, Toyofuku, Campbell, Abercrombie, Soares, O'Connor, Carroll, Yamasaki, Wong, Hara, Chong, Kawasaki, Cobb, Yee, Ushijima, George, Ajifu, Yim, Saiki and Takitani.

On motion by Senator Kuroda, seconded by Senator Cayetano and carried, S.R. No. 455 was adopted.

Senator Kuroda then introduced to the members of the Senate the following: Mrs. Carroll Robinson, the chorus director; Mrs. Minnie Morgan, accompanist; Mrs. Barbara Oshita, a parent and coordinator; Mr. John Rabanal, the Principal of Manana Elementary School and parents who accompanied the group this morning. Senators Young, Mizuguchi, Cayetano and Kuroda were presented with leis by members of the Chorus. In turn, Senators Mizuguchi and Cayetano then presented leis and certified copies of the resolution to Mrs. Robinson and Mrs. Morgan.

At 9:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair to allow the Manana Elementary School Chorus to render several selections.

The Senate reconvened at 10:00 o'clock a.m.

A resolution (S.R. No. 456), entitled: "SENATE RESOLUTION RECOGNIZING THE OBSERVANCE OF NATIONAL SECRETARIES WEEK, APRIL 22 TO 28, 1979", was jointly offered by Senators Saiki, George, Kawasaki, Young, Chong, Cobb, Ajifu, Ushijima, Hara, Yamasaki, Takitani, O'Connor, Toyofuku, Carpenter, Cayetano, Yee, Abercrombie, Campbell, Carroll, Mizuguchi, Soares, Kuroda, Yim, Wong and Anderson.

On motion by Senator Saiki, seconded by Senator George and carried, S.R. No. 456 was adopted.

A resolution (S.R. No. 457), entitled: "SENATE RESOLUTION EXPRESSING APPRECIATION TO DR. JOHN McHALE AND SYMPATHY TO MRS. MAGDA CORDELL McHALE", was jointly offered by Senators Chong, Cobb, Hara, Ajifu, Young, Saiki, Takitani, Yamasaki, Campbell, Cayetano, Yim, Soares, Kuroda, Mizuguchi, Wong, Yee, O'Connor, Abercrombie, Carpenter, Toyofuku and Kawasaki.

On motion by Senator Chong, seconded by Senator Cobb and carried, S.R. No. 457 was adopted.

A resolution (S.R. No. 458), entitled: "SENATE RESOLUTION EXPRESSING APPRECIATION TO MR. GERALD A. SUMIDA, CHAIRMAN OF THE HAWAII STATE COMMISSION ON THE YEAR 2000", was jointly offered by Senators Chong, Hara, Carpenter, Yim, Saiki, Takitani, O'Connor, Young, Yamasaki, Cobb, Kuroda, Campbell, Soares, Cayetano, Ajifu, Mizuguchi, Wong, Yee, Toyofuku and Kawasaki.

On motion by Senator Chong, seconded by Senator Hara and carried, S.R. No. 458 was adopted.

A resolution (S.R. No. 459), entitled: "SENATE RESOLUTION CONGRATULATING RICHARD DUMANCAS ON RECEIPT OF THE INTERNATIONAL GUIDING EYES AWARD FOR OUTSTANDING COMMUNITY SERVICE", was jointly offered by Senators Wong, Takitani, Mizuguchi, Abercrombie, O'Connor, Yim, Campbell, Toyofuku, Chong, Saiki, Yee, George, Carroll, Anderson, Ajifu, Soares, Ushijima, Hara, Cayetano, Yamasaki, Kuroda, Cobb, Carpenter, Young and Kawasaki.

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.R. No. 459 was adopted.

Senator Cayetano, in making the introduction, stated as follows:

"Mr. President, Richard Dumancas is the president of Local 293, International Association of Sheet Metal Workers Union, AFL-CIO and he was recently elevated to the position of International Vice-President of his international union. He is a man who has been very active in the local community and also the Filipino community. I might add that among the Filipino community, he is very, very highly respected. He is also an outstanding leader, certainly one of the foremost in our state.

"I have a personal interest in this man, Mr. President, for when I began in politics in 1974, there were very

few people who supported me, very few people who knew me, frankly. Richard Dumancas was one of them who supported me and Richard Dumancas has never asked me for anything. This is what I like about this man and this is why it gives me great pleasure to introduce him to you today. Mr. Richard Dumancas."

Senator Cayetano then introduced Mr. Van Horn Diamond, the Executive Secretary-Treasurer of the State AFL-CIO, who accompanied Mr. Dumancas. Senator Cayetano then presented a certified copy of the resolution to Mr. Dumancas.

At 10:04 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:07 o'clock a.m.

A resolution (S.R. No. 460), entitled: "SENATE RESOLUTION COMMENDING MRS. STANLEY C. KENNEDY, OUTSTANDING RED CROSS VOLUNTEER", was jointly offered by Senators George, Hara, Young, Ushijima, Carpenter, Kuroda, Yamasaki, Takitani, Campbell, Cobb, Ajifu, Yee, Chong, Anderson, Saiki, Soares, Toyofuku, Kawasaki, Cayetano and Carroll.

On motion by Senator George, seconded by Senator Hara and carried, S.R. No. 460 was adopted.

CONFERENCE COMMITTEE REPORT

Senator O'Connor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 393, S.D. 1, presented a report (Conf. Com. Rep. No. 1), recommending that S.B. N. 393, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

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. 393, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE: DEFERRED ACCEPTANCE OF GUILTY PLEA".

STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1002), informing the Senate that Senate Concurrent Resolution No. 120, Senate Resolution Nos. 449 to 454 and Standing Committee Report Nos. 999 to 1001 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.

At 10:08 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:10 o'clock a.m.

Senator Carpenter, Chairman of various Conference Committees, requested a waiver of the 48-hour notice of a Public Hearing on the following:

S.B. No. 1539, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTION TO LIABILITY";

S.B. No. 1634, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII FOOD, DRUG, AND COSMETIC ACT";

H.B. No. 166, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FOOD, DRUGS, AND COSMETICS"; and

H.B. No. 1322, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PLANNING AND DEVELOPMENT AGENCY";

and the President granted the waiver.

Senator Young, Chairman of a Conference Committee, requested a waiver of the 48-hour notice of a Public Hearing on the following bill:

H.B. No. 1341, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLD";

and the President granted the waiver.

Senator Cayetano, Chairman of various Conference Committees, requested a waiver of the 48-hour notice of a Public Hearing on the following bills:

S.B. No. 1091, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS";

S.B. No. 1096, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1097, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1098, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1099, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1100, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1101, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1102, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1103, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1104, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1105, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1106, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1108, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING";

S.B. No. 1657, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUGAR PRODUCERS CROP LOANS";

S.B. No. 1742, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR ADJUSTMENT AUTHORIZED BY CHAPTER 89C, HAWAII REVISED STATUTES";

H.B. No. 2, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY BUDGET";

H.B. No. 14, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX REVIEW COMMISSION";

H.B. No. 20, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGETARY PROCESS";

H.B. No. 1252, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS"; and

H.B. No. 1639, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR ADJUSTMENT AUTHORIZED BY CHAPTER 89C, HAWAII REVISED STATUTES";

and the President granted the waiver.

APPOINTMENT OF CONFEREES

Senate Bill No. 581, S.D. 1, H.D. 1:

The President appointed Senator Yee as a Manager and discharged Senator Ajifu as Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the House to S.B. No. 581, S.D. 1.

Senate Bill No. 664, S.D. 1, H.D. 1:

The President appointed Senator Yee as a Manager and discharged Senator Ajifu as a Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the House to S.B. No. 664, S.D. 1.

House Bill No. 95, H.D. 2, S.D. 2:

The President appointed Senator Takitani as an additional Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the Senate to H.B. No. 95, H.D. 2.

House Bill No. 98, H.D. 2, S.D. 2:

The President appointed Senator Takitani as an additional Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the Senate to H.B. No. 98, H.D. 2.

House Bill No. 99, H.D. 1, S.D. 2:

The President appointed Senator Takitani as an additional Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the Senate to H.B. No. 99, H.D. 1.

House Bill No. 890, H.D. 1, S.D. 3:

The President appointed Senator Soares as a Manager and discharged Senators Anderson and Ajifu as Managers on the part of the Senate at the conference to be held for the consideration of amendments made by the Senate to H.B. No. 890, H.D. 1.

House Bill No. 1215, H.D. 1, S.D. 3:

The President appointed Senator George as a Manager and discharged Senator Yee

as a Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the Senate to H.B. No. 1215, H.D. 1.

House Bill No. 1557, H.D. 1, S.D. 1:

The President appointed Senator Yee as a Manager and discharged Senator Ajifu as a Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the Senate to H.B. No. 1557, H.D. 1.

House Bill No. 1642, H.D. 1, S.D. 1:

The President discharged Senator Takitani as a Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the Senate to H.B. No. 1642, H.D. 1.

At 10:16 o'clock a.m., the Senate

stood in recess subject to the call of the Chair.

The Senate reconvened at 10:21 o'clock a.m.,

The President then stated as follows:

"This is the time for the conference committees to meet. The Chair would like to urge that all Senators make themselves available for conference committee meetings and to be available in proximity of the Capitol over the weekend so that the chairmen of the respective conference committees can consult and conduct the business of the Senate. Thank you."

ADJOURNMENT

At 10:22 o'clock a.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate adjourned until 9:30 o'clock a.m., on Monday, April 16, 1979.