

EIGHTH DAY

Friday, January 30, 1976

The Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Ruth Senter of Waialua United Church of Christ, after which the Roll was called showing all Senators present with the exception of Senator F. Wong who was excused.

The President announced that he had read and approved the Journal of the Seventh Day.

At this time, Senator Yee introduced to the members of the Senate 51 junior and senior students from St. Louis High School, together with their teachers, Mr. Tom Healy and Mr. Rod Santos.

Senator Yee also introduced to the members of the Senate 114 fifth and sixth grade students from Noelani School, together with their teachers, Mrs. Marvelle Green, Mr. Kazuo Hisanaga, Mrs. Jane Shimada, Mrs. Tomiko K. Kawai and Mr. Bernard Sato.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 66 to 73) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 66), transmitting copies of Progress Report on Fisheries New Vessel Construction Loan Program - January 1, 1975 through December 31, 1975, prepared by the Department of Land and Natural Resources pursuant to Section 189-26, Hawaii Revised Statutes, was jointly referred to the Committee on Economic Development and the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 67), transmitting copies of A Report of Findings on Adjustments to the Compensation Plan, prepared by the Public Employees Compensation Appeals Board, pursuant to the provisions of Act 121, Session Laws of Hawaii, 1963, was jointly referred to the Committee on Human Resources and the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 68), transmitting copies of the following reports prepared in compliance with Sections 77-4 and 77-5, Hawaii Revised Statutes:

1. Compensation Plan for State of Hawaii, City and County of Honolulu, County of Hawaii, County of Maui and County of Kauai;
2. Pay Rates in Hawaii, Private Employment and Government Employment, Special Publication No. 121, prepared by the Hawaii Employers Council; and
3. A schedule showing Increased Cost for 1976-77 Due to Repricing Under Act 188, SLH 1961, as Amended and Act 302, SLH 1967, as Amended (White and Blue Collars),

was jointly referred to the Committee on Human Resources and the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 69), transmitting copies of a report prepared by the Department of Health in response to House Resolution No. 129, Regular Session of 1975, Requesting a Study of the Feasibility of Establishing an Immigrant Health Services Program, was jointly referred to the Committee on Human Resources and the Committee on Health.

A message from the Governor (Gov. Msg. No. 70), transmitting copies of a report prepared by the Department of Health in response to House Resolution No. 641, Regular Session of 1975, Relating to Medicaid and Medicare Payments to Health Facilities, was jointly referred to the Committee on Human Resources and the Committee on Health.

A message from the Governor (Gov. Msg. No. 71), transmitting copies of An Analysis of the Assignment of Responsibilities and Funding of Transportation in Hawaii, prepared by Arthur Young & Company for the Department of Budget and Finance, was jointly referred to the Committee on Transportation and the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 72), transmitting copies of the Department of Transportation's annual report for the fiscal year ending June 30, 1975, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 73), transmitting the following:

1. Kakaako, An Urban Design Demonstration Study, prepared through the Department of Planning and

Economic Development, was referred to the Committee on Housing and Hawaiian Homes; and

2. Hawaii's Foreign Trade, 1972-73, and Supplement: Hawaii's Foreign Trade, 1974, Summary of Exports and Imports by Country, was referred to the Committee on Economic Development.

HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 5), returning Senate Concurrent Resolution No. 22, which was adopted by the House of Representatives on January 29, 1976, was read by the Clerk and was placed on file.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 108 to 114) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 108), entitled: "SENATE RESOLUTION REQUESTING A REPORT ON THE STATUS OF THE DEVELOPMENT OF A STATEWIDE PLANNING AND SYSTEMS DEVELOPMENT PLAN TO MEET YOUNG CHILDREN'S NEEDS", was jointly offered by Senators Toyofuku, Chong, O'Connor, Hara, Ching, Yamasaki, F. Wong, Kuroda, King, Yim, R. Wong, Taira, Young, Henderson, Hulten and Nishimura.

By unanimous consent, S.R. No. 108 was referred to the Committee on Human Resources.

A resolution (S.R. No. 109), entitled: "SENATE RESOLUTION CONGRATULATING AND WELCOMING CLAUDE T. YAMAMOTO ON HIS APPOINTMENT AS SCOUT EXECUTIVE, ALOHA COUNCIL OF THE BOY SCOUTS OF AMERICA", was jointly offered by Senators Kuroda, Ushijima, F. Wong, Young, Ching, Hulten, Chong, Takitani, Nishimura, Leopold, King, Yamasaki, Saiki, Henderson, Toyofuku, Soares, Hara, Taira, R. Wong, Yim, George, Yee and O'Connor.

On motion by Senator Kuroda, seconded by Senator Hara and carried, S.R. No. 109 was adopted.

At this time, Senator Kuroda introduced to the members of the Senate Mr. Claude T. Yamamoto, newly appointed Scout Executive, Aloha Council, and Mr. Arch Monson, Jr., National President of the Boy Scouts of America.

The President then presented a certified copy of the resolution to Mr. Claude T. Yamamoto, who thanked the members of the Senate for their "genuine gesture of hospitality".

The President also presented a certified copy of the resolution to Mr. Arch Monson, Jr. Mr. Monson thanked the members of the Senate and stated that "the National Council of Boy Scouts of America is privileged and proud to have Claude take on this new responsibility". He then added that "the Aloha Council is the leader in scouting all across America in what they have done in these last few years".

A resolution (S.R. No. 110), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REQUIRE ALL STUDENTS TO PASS A READING PROFICIENCY TEST AS A REQUIREMENT FOR HIGH SCHOOL GRADUATION", was jointly offered by Senators Saiki, Soares, Leopold, George, Henderson, Yee, Anderson, King, F. Wong, Toyofuku, Yamasaki, Takitani, Young, Hulten, Ching, Taira, Hara, Chong and O'Connor.

By unanimous consent, S.R. No. 110 was referred to the Committee on Education.

A resolution (S.R. No. 111), entitled: "SENATE RESOLUTION HONORING MR. HUGH CLARK UPON HIS RECOGNITION BY THE BIG ISLAND PRESS CLUB AS ITS OUTSTANDING MEMBER OF 1975", was jointly offered by Senators Hara, Ushijima, Henderson, Toyofuku, Takitani, Nishimura, Chong, Kuroda, Yamasaki, Taira, Ching, F. Wong, Leopold, Yee, Saiki and King.

On motion by Senator Hara, seconded by Senator Takitani and carried, S.R. No. 111 was adopted.

A resolution (S.R. No. 112), entitled: "SENATE RESOLUTION EXTENDING BEST WISHES AND CONGRATULATIONS TO MR. CHARLES GILBERT CLARK UPON HIS APPOINTMENT TO THE POSITION OF SUPERINTENDENT OF THE DEPARTMENT OF EDUCATION", was jointly offered by Senators Hara, Yim, Yee, Saiki, Ushijima, Ching, Toyofuku, Takitani, F. Wong, Henderson, Leopold, Chong and Yamasaki.

On motion by Senator Hara, seconded by Senator Yim and carried, S.R. No. 112 was adopted.

A resolution (S.R. No. 113), entitled: "SENATE RESOLUTION CONGRATULATING MR. CHRISTOPHER L. BROWN ON BEING NAMED BIG ISLAND 1976 DISTRICT TEACHER OF THE YEAR", was jointly offered by Senators Hara, Ushijima, Henderson, Takitani, Ching, Leopold, F. Wong, Saiki, Chong, Toyofuku, Yamasaki and Yee.

On motion by Senator Hara, seconded

by Senator Henderson and carried, S.R. No. 113 was adopted.

A resolution (S.R. No. 114), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT ON ITS ACHIEVEMENTS AND NON-ACHIEVEMENTS RESULTING FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE MANAGEMENT AUDIT", was jointly offered by Senators Hara, Yim, Takitani, Ushijima, Ching, Henderson, Leopold, F. Wong, Saiki, Chong, Toyofuku, Yamasaki and Yee.

By unanimous consent, S.R. No. 114 was referred to the Committee on Education.

At this time, Senator Kawasaki rose to make the following introduction:

"Mr. President,

I want to introduce an individual who has been the very fortunate recipient of untiring efforts on the part of people at the University campus, the community at large, and members of the Senate.

Mr. Chen Yu-Hsi, as you know, was imprisoned in Taiwan with a 5-year sentence--primarily for having read certain books while a student at the University of Hawaii.

In 1970, the Senate adopted S.C.R. No. 54, requesting clemency. Chen Yu-Hsi was granted amnesty on October 1, 1971, by the late President Chiang Kai-Chek. However, there was a restriction that he not leave Taiwan. We then adopted S.R. No. 178, in 1973, requesting that the Government of the Republic of China allow Chen Yu-Hsi to return to the University of Hawaii to complete his studies. In 1974, S.R. No. 16 was adopted, again requesting that he be allowed to return to the University of Hawaii.

Since that time, the many supporters of Mr. Chen Yu-Hsi never ceased to request that he be returned to the Islands.

Happily, as you have read in the papers, he recently was able to return to the University of Hawaii.

We are happy to say that, in a humanitarian cause like this, you do get results if you just keep at it."

Senator Kawasaki then introduced to the members of the Senate Mr. John Reinecke, a strong supporter of Mr. Chen Yu-Hsi.

At this time, Senator Kawasaki introduced to the members of the Senate Mr. Chen Yu-Hsi.

The President then stated that it was his privilege to welcome Mr. Yu-Hsi back to the State of Hawaii.

Mr. Chen Yu-Hsi then addressed the members of the Senate as follows:

"Mr. President, Honorable Members of the Senate:

First of all, I would like to thank Senator Kawasaki for inviting me here to meet the honorable members of the Senate this morning.

Today is the Chinese New Year's Eve. It reminds me of the Chinese New Year holiday five years ago, when my father was allowed to visit me inside the prison in Taiwan. The first thing he brought me as a New Year's present, was that the State Legislature of Hawaii had passed a resolution requesting clemency and amnesty for me. This was indeed the most exciting and encouraging news for me during the long period of my adversity.

I feel very grateful to the State Legislature of Hawaii for its humanitarian acts on my behalf, as nine months later, in the fall of 1971, I was pardoned and released from prison.

When I returned home, I saw a copy of the resolution bearing the signatures of Senator Kawasaki, Senator Anderson, Senator Ariyoshi and several others...in looking back, I am particularly impressed by the fact that our present Governor was among the supporters of the 1970 resolution on my behalf. Later, I saw other resolutions, requesting that the Republic of China grant me a passport so that I could come back to Hawaii and resume my studies at the University of Hawaii. Those who introduced and worked on the resolutions include President Ushijima and a great number of Senators and Representatives, to whom I feel very much indebted.

The humanitarian efforts, which the State Legislature of Hawaii has taken on my behalf, proved to be most influential and effective in securing my early release from prison. My friends and relatives, as well as myself, particularly appreciate these actions, not only because of the contribution made to my personal welfare and freedom, but also because it is a present of good will, an act of love, compassion and aloha of the people of Hawaii.

If my life has undergone a dark period, it has been brightened by your aloha spirit, which has not only helped restore my freedom, but also has enabled me to come back here to continue my studies at the University of Hawaii. I cherish

this aloha spirit, as I cherish my new found freedom.

I wish to take this opportunity to express my thanks and appreciation to the State Legislature and the people of Hawaii.

Thank you very much."

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

INTRODUCTION OF SENATE BILLS

On motion by Senator Taira, seconded by Senator Anderson and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Monday, February 2, 1976:

Senate Bills

No. 2004-76 "A Bill for an Act Making an Appropriation for Outdoor Recreation-Education Programs."

Introduced by: Senators Hara, Yim, Takitani, Ushijima, Ching, Henderson, Leopold, F. Wong, Saiki, Chong, Toyofuku, Yamasaki and Yee.

No. 2005-76 "A Bill for an Act Relating to New Car Dealers."

Introduced by: Senators Hara, Nishimura, O'Connor, Takitani, Ushijima, Ching, Leopold, F. Wong, Saiki, Chong and Yamasaki.

No. 2006-76 "A Bill for an Act Relating to Firemen's Pensions."

Introduced by: Senators Hara, Ushijima, Henderson, Saiki, Takitani, Ching, Leopold, F. Wong, Chong, Yamasaki and Yee.

No. 2007-76 "A Bill for an Act Making an Appropriation for the Natural Energy Laboratory."

Introduced by: Senators Hara, Ushijima, Henderson, Toyofuku, Takitani, Nishimura, Chong, Kuroda, Yamasaki, Saiki, F. Wong, Yee, Taira, Ching and Leopold.

No. 2008-76 "A Bill for an Act Relating to Mechanic's and Materialman's Liens."

Introduced by: Senators Taira, Toyofuku, Ching, F. Wong, Chong,

Young, Yamasaki, Hulten, O'Connor, R. Wong, Hara, Kuroda, Leopold, Henderson, Takitani, Nishimura, Yim, Yee, Soares, George, Kawasaki and Ushijima.

No. 2009-76 "A Bill for an Act Making Appropriations to the Judiciary for the Fiscal Biennium July 1, 1975, to June 30, 1977, and Authorizing the Issuance of Bonds."

Introduced by: Senator Nishimura, by request.

No. 2010-76 "A Bill for an Act Making an Appropriation for the Continuance of the Hawaii Legal Services Project, Legal Aid Society of Hawaii."

Introduced by: Senators Yamasaki, Takitani, Chong, F. Wong, Saiki, Toyofuku, Hulten, Young, George, Taira, Leopold, Kuroda, Nishimura, Ching, O'Connor and Yee.

No. 2011-76 "A Bill for an Act Relating to Makiki Park."

Introduced by: Senators Chong, King, Kuroda, Takitani, Hulten and Hara.

No. 2012-76 "A Bill for an Act Relating to Makiki Park."

Introduced by: Senators Chong, Kuroda, Takitani and Hulten.

No. 2013-76 "A Bill for an Act Relating to Acquisition of Park and Mini Park Lands."

Introduced by: Senators Chong, King, Yim, Kuroda, Hulten, Takitani and Hara.

No. 2014-76 "A Bill for an Act Making an Appropriation for a Grant-in-Aid for Kapiolani Hospital, Oahu."

Introduced by: Senators Chong, King, Kuroda, Takitani and Hulten.

No. 2015-76 "A Bill for an Act Making an Appropriation to Provide a Grant-in-Aid to Kahuku Hospital, Oahu."

Introduced by: Senator Hulten.

No. 2016-76 "A Bill for an Act Relating to Mechanic's and Materialmen's Liens."

Introduced by: Senator Hulten.

No. 2017-76 "A Bill for an Act Relating to the Department of Housing."

Introduced by: Senators Young, Toyofuku, Taira, Ching, Yamasaki,

F. Wong, Henderson, Nishimura,
Kuroda, Yim and Chong.

No. 2018-76 "A Bill for an Act Making
an Appropriation for the Rehabilitation
of Hawaii Housing Authority Projects."

Introduced by: Senators Young,
Toyofuku, Taira, Ching, F. Wong,
George, Hara, Henderson, Nishimura,
Kuroda, Chong, Yamasaki and Yim.

No. 2019-76 "A Bill for an Act Relating
to Housing."

Introduced by: Senators Young,
Toyofuku, Taira, Ching, F. Wong,
George, Henderson, Nishimura,
Kuroda, Chong, Yamasaki and Yim.

No. 2020-76 "A Bill for an Act Making
an Appropriation for a Park at Kalama
Valley, Hawaii Kai, Oahu."

Introduced by: Senators Saiki,
Soares, Nishimura and O'Connor.

No. 2021-76 "A Bill for an Act Relating
to Possession of Opened Receptacle
Containing Liquor."

Introduced by: Senators Henderson,
George, Yee, Kuroda, King and
O'Connor.

No. 2022-76 "A Bill for an Act Relating
to the Use of Force for the Protection
of Property."

Introduced by: Senators Yee, Leopold,
George, Henderson, Hulten, Takitani,
Saiki, Toyofuku, Taira, Kuroda,
Ching, Yamasaki and Soares.

No. 2023-76 "A Bill for an Act Relating
to Multiples of Home Exemptions for
the Elderly."

Introduced by: Senators Yee, Leopold,
Henderson, Hulten, Takitani, Saiki,
Toyofuku, Taira, Chong, Kuroda,
Ching, Young, Nishimura, Yamasaki
and Soares.

On motion by Senator Taira, seconded
by Senator Anderson and carried, the
following bills were referred to print
and were placed on the calendar for
further consideration on Monday,
February 2, 1976:

Senate Bills

No. 2001-76 "A Bill for an Act Relating
to the Governance of Public Education."

Introduced by: Senators Hara,
Ushijima, Henderson, Toyofuku,
Nishimura, Chong, Yamasaki, Yee,
Taira, Ching, F. Wong, Saiki and
Takitani.

No. 2002-76 "A Bill for an Act Proposing
a Constitutional Amendment Relating
to the Board of Education."

Introduced by: Senators Hara, Ushijima,
Henderson, Toyofuku, Takitani,
Nishimura, Yamasaki, Taira, Ching,
F. Wong, Yee, Saiki and Chong.

No. 2003-76 "A Bill for an Act Making
an Appropriation for Airports."

Introduced by: Senators Hara,
Ushijima, Henderson, Saiki, Takitani,
Ching, Leopold, F. Wong, Chong,
Toyofuku, Yamasaki and Yee.

STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee
on Legislative Management, presented
a report (Stand. Com. Rep. No. 4-
76) informing the Senate that Senate
Resolution Nos. 108 to 110; and Senate
Bill Nos. 1972-76 to 2000-76 have
been printed and are ready for distribution.

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

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee
assignments of bills that were introduced
on Thursday, January 29, 1976:

Senate Bills Referred to:

No. 1972-76 Committee on Judiciary,
then to the Committee on Ways and
Means

No. 1973-75 Committee on Ways
and Means

No. 1974-76 Committee on Ways
and Means

No. 1975-76 Committee on Ways
and Means

No. 1976-76 Committee on Ways
and Means

No. 1977-76 Committee on Ways
and Means

No. 1978-76 Committee on Ways
and Means

No. 1979-76 Committee on Judiciary

No. 1980-76 Committee on Ecology,
Environment and Recreation, then
to the Committee on Ways and Means

No. 1981-76 Committee on Ecology,

Environment and Recreation, then to the Committee on Ways and Means	mental Relations, then to the Committee on Ways and Means
No. 1982-76 Committee on Public Utilities	MATTERS DEFERRED FROM JANUARY 29, 1976
No. 1983-76 Committee on Energy/Natural Resources, then to the Committee on Intergovernmental Relations	Special Committee Report No. 2: By unanimous consent, Spec. Com. Rep. No. 2 was placed on file.
No. 1984-76 Committee on Ways and Means	Special Committee Report No. 3: By unanimous consent, Spec. Com. Rep. No. 3 was placed on file.
No. 1985-76 Committee on Judiciary	Special Committee Report No. 4: By unanimous consent, Spec. Com. Rep. No. 4 was placed on file.
No. 1986-76 Committee on Health, then to the Committee on Judiciary	Special Committee Report No. 5: By unanimous consent, Spec. Com. Rep. No. 5 was placed on file.
No. 1987-76 Committee on Judiciary	Special Committee Report No. 6: By unanimous consent, Spec. Com. Rep. No. 6 was placed on file.
No. 1988-76 Committee on Judiciary	At this time, Senator R. Wong rose on a point of personal privilege to speak on S.B. No. 1972-76, relating to an appropriation for the planning and construction of correctional facilities. He stated that "it is good to pass this kind of emergency legislation, providing that the programs herein contained are clearly defined". He added that it is his hope "the Chairman of the Committee on Judiciary, in his examina- tion of this particular bill, will look at the programs for these facilities"
No. 1989-76 Committee on Ways and Means	ADJOURNMENT
No. 1990-76 Committee on Ways and Means	At 11:55 o'clock a.m., on motion by Senator Taira, seconded by Senator Taira and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, February 2, 1976.
No. 1991-76 Committee on Judiciary	
No. 1992-76 Committee on Judiciary	
No. 1993-76 Committee on Judiciary	
No. 1994-76 Committee on Judiciary	
No. 1995-76 Committee on Ways and Means	
No. 1996-76 Committee on Ways and Means	
No. 1997-76 Committee on Human Resources	
No. 1998-76 Committee on Intergovern- mental Relations, then to the Committee on Judiciary	
No. 1999-76 Committee on Judiciary, then to the Committee on Ways and Means	
No. 2000-76 Committee on Intergovern-	