

## TWENTY-SECOND DAY

Friday, February 20, 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 Masanori Ogasawara of the Higashi Hongwanji Mission, after which the Roll was called showing all Senators present.

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

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

Senator Ching introduced 130 fourth, fifth and sixth grade students from Waiau Elementary School, accompanied by their principal, Mr. Walter Luke, and their teachers, Mrs. Eleanor Masutani, Mrs. Carol Kaona, Mrs. Amy Ng, Mrs. Rhoda Hirokawa and Mrs. Linda Kauhane.

Senator Kawasaki introduced 65 fourth grade students from Kalihi Uka Elementary School, accompanied by their teachers, Mrs. Caroline Ching, Mrs. Wendy Nakanishi, Miss Maylene Siu, and Mrs. Alice Takata.

Senator Yee then introduced 10 eleventh and twelfth grade students from Punahou School, and their teacher, Mr. Larry Miller.

Senator Yee also introduced 45 second and third grade students from Royal Elementary School, accompanied by their teachers, Mrs. Irene Coronel, Mrs. Betty Kuniyuki, Mrs. Joyce Ching, and a student teacher, Miss Lily Fujimoto.

Senator Taira then introduced his friends, Mr. and Mrs. John Coury, and their daughter, Lisa, who are from Anaheim, California.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 93 and 94) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 93), transmitting copies of Quarterly Statistical Report - State of Hawaii, January 1976, prepared by the Research and Economic Analysis Division, Department of Planning and Economic Development, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 94), transmitting copies of Governor's Task Force on the Hawaii State Prison - Interim Report, was referred to the Committee on Judiciary.

#### SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 47), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXAMINE THE CONSISTENTLY LOW STANDARDIZED TEST SCORES IN THE LEEWARD DISTRICT OF OAHU AND SUGGEST ALTERNATIVES FOR ITS CORRECTION", was jointly offered by Senators Young, Ching, F. Wong, Hara, Hulten, Takitani, Yamasaki, Yim, Soares, Yee and Chong, and was read by the Clerk.

By unanimous consent, S.C.R. No. 47 was referred to the Committee on Education.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 181 to 185) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 181), entitled: "SENATE RESOLUTION RELATING TO SENATE EMPLOYEES' COMPENSATION", was jointly offered by Senators Taira and Anderson.

On motion by Senator Taira, seconded by Senator Anderson and carried, S.R. No. 181 was adopted.

A resolution (S.R. No. 182), entitled: "SENATE RESOLUTION CALLING FOR THE ESTABLISHMENT OF MARINE RESOURCES CONSERVATION AREAS", was jointly offered by Senators Yim, King and Chong.

By unanimous consent, S.R. No. 182 was referred to the Committee on Economic Development.

A resolution (S.R. No. 183), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXAMINE THE CONSISTENTLY LOW STANDARDIZED TEST SCORES IN THE LEEWARD DISTRICT OF OAHU AND SUGGEST ALTERNATIVES FOR ITS CORRECTION", was jointly offered by Senators Young, Ching, F. Wong, Hara, Hulten, Takitani, Yamasaki, Yim, Soares, Yee and Chong.

By unanimous consent, S.R. No. 183 was referred to the Committee on Education.

A resolution (S.R. No. 184), entitled:

"SENATE RESOLUTION REQUESTING A REVIEW BY THE LEGISLATIVE AUDITOR OF THE OPERATIONS OF THE OAHU INTERSCHOLASTIC ASSOCIATION", was offered by Senator Leopold.

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

A resolution (S.R. No. 185), entitled: "SENATE RESOLUTION CONGRATULATING WILSON P. CANNON, JR., UPON HIS PROMOTION AS CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OFFICER OF HAWAII BANCORPORATION, INC. AND THE BANK OF HAWAII", was jointly offered by Senators Takitani, Yamasaki, Toyofuku, Ushijima, Chong, F. Wong, Leopold, George, King, Hara, Young, Hulten, Kuroda, O'Connor, Taira, Nishimura, Saiki, R. Wong, Kawasaki, Ching, Henderson, Anderson, Yee, Yim and Soares.

On motion by Senator Takitani, seconded by Senator Saiki and carried, S.R. No. 185 was adopted.

At this time, Senator Takitani introduced to the members of the Senate Mr. Wilson P. Cannon, Jr., honoree of the resolution just adopted.

#### 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 23, 1976:

#### Senate Bills

No. 2426-76 "A Bill for an Act Relating to Principals and Accessories by Amending Hawaii Penal Code."

Introduced by: Senators O'Connor, Ushijima, Taira, Takitani, Toyofuku, Ching, Yamasaki, Soares, George, Henderson, Kuroda, Saiki, Chong, Nishimura and Kawasaki.

No. 2427-76 "A Bill for an Act Relating to Wire Interception, Eavesdropping and the Right to Privacy."

Introduced by: Senators O'Connor, Ushijima, Taira, Takitani, Toyofuku, Ching, Henderson, Kuroda, Nishimura and Kawasaki.

No. 2428-76 "A Bill for an Act Relating to the Grand Opera 'Liliu', the Story of Queen Liliuokalani, and Making an Appropriation Therefor."

Introduced by: Senators Ushijima, Taira, Yamasaki, Yim, Takitani, Hulten, Kuroda, King, Young, F. Wong, George and Soares.

No. 2429-76 "A Bill for an Act Making a Supplemental Appropriation for Widening Moanalua Road from Kalauao Stream to Aiea Interchange in Aiea, Oahu."

Introduced by: Senators Kuroda, Ching, Young and F. Wong.

No. 2430-76 "A Bill for an Act Making a Supplemental Appropriation for Construction of Paved Multipurpose Playcourts at Aiea Intermediate School, Oahu."

Introduced by: Senators Kuroda, Ching, Young and F. Wong.

No. 2431-76 "A Bill for an Act Relating to Landlords and Tenants."

Introduced by: Senators Kuroda, Chong, Takitani, King, Hulten, Yim, Leopold and R. Wong.

No. 2432-76 "A Bill for an Act Making an Appropriation for the Pacific and Asian Affairs Council."

Introduced by: Senators Takitani, Toyofuku, Ching, Kuroda, King, Yamasaki, F. Wong, Leopold, George, Saiki, Soares, Chong, Hulten, Anderson and Yee.

No. 2433-76 "A Bill for an Act Making an Appropriation for Plans and Construction for a Small Boat Ramp at Ukumehame, Maui."

Introduced by: Senators Takitani and Yamasaki.

No. 2434-76 "A Bill for an Act Relating to Parks and Playgrounds Dedication."

Introduced by: Senators Yim, King and Chong.

No. 2435-76 "A Bill for an Act Making an Appropriation for Construction of Paved Walkways on the Wyllie Street Overpass and Egress at Pali Highway, Honolulu, Oahu."

Introduced by: Senators Yim, Taira and Kawasaki.

No. 2436-76 "A Bill for an Act Making an Appropriation for the Hawaiian Studies Program at the University of Hawaii."

Introduced by: Senators Yim, Chong and King.

No. 2437-76 "A Bill for an Act Relating to Conservation."

Introduced by: Senators Yim, King and Chong.

No. 2438-76 "A Bill for an Act Relating to Tort Actions."

Introduced by: Senators Hara, Nishimura, Henderson, Chong, F. Wong, Takitani, Ching, Kawasaki, Hulten, Kuroda and Taira.

No. 2439-76 "A Bill for an Act Relating to Tort Actions."

Introduced by: Senators Hara, Kawasaki, Hulten, Kuroda, Takitani, Taira, Ching, F. Wong and Chong.

No. 2440-76 "A Bill for an Act Relating to the Relief of a Claim Against the State and Appropriating Funds Therefor."

Introduced by: Senators Hara, Ushijima, Henderson, Taira, Ching, Takitani, Hulten, Kuroda, F. Wong and Yamasaki.

No. 2441-76 "A Bill for an Act Relating to Guaranty Corporation."

Introduced by: Senators Hara, Takitani, Taira, Ching, Kawasaki, Hulten, Kuroda, F. Wong and Toyofuku.

No. 2442-76 "A Bill for an Act Making an Appropriation for Improvements and Realignment of Existing Kihei-Makena Road, County of Maui."

Introduced by: Senators Yamasaki and Takitani.

No. 2443-76 "A Bill for an Act Making an Appropriation for the Public Employees Health Fund."

Introduced by: Senators Toyofuku, Ushijima, Taira, Ching, Takitani, Hara, Young and F. Wong.

No. 2444-76 "A Bill for an Act Relating to Environmental Quality Commission and Environmental Impact Statements."

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

No. 2445-76 "A Bill for an Act Relating to the Environmental Quality Commission and Environmental Impact Statements."

Introduced by: Senators King, Kuroda, Takitani, Chong, Nishimura, Leopold and Saiki.

No. 2446-76 "A Bill for an Act Relating to Environmental Impact Statements."

Introduced by: Senator King.

No. 2447-76 "A Bill for an Act Relating to Environmental Quality Commission and Environmental Impact Statements."

Introduced by: Senator King.

No. 2448-76 "A Bill for an Act Relating to Environmental Quality Commission and Environmental Impact Statements."

Introduced by: Senator King.

No. 2449-76 "A Bill for an Act Relating to Environmental Quality Commission and Environmental Impact Statements."

Introduced by: Senator King.

No. 2450-76 "A Bill for an Act Relating to Environmental Quality Commission and Environmental Impact Statements."

Introduced by: Senator King.

No. 2451-76 "A Bill for an Act Making an Appropriation for Kahuku Motorcycle State Park, Oahu."

Introduced by: Senators Hulten, George and Anderson.

No. 2452-76 "A Bill for an Act Making an Appropriation for Lighting and Electrical Improvements at Kaaawa Elementary School, Oahu."

Introduced by: Senators Hulten, George and Anderson.

No. 2453-76 "A Bill for an Act Relating to the Use of Firearms in Certain Offenses."

Introduced by: Senators Hulten, F. Wong, Toyofuku, Ushijima, Kawasaki, Takitani, Hara, Nishimura, Kuroda, Ching, Taira and Anderson.

No. 2454-76 "A Bill for an Act Relating to Environmental Quality Commission and Environmental Impact Statements."

Introduced by: Senator King.

No. 2455-76 "A Bill for an Act Relating to Environmental Quality Commission and Environmental Impact Statements."

Introduced by: Senators King.

No. 2456-76 "A Bill for an Act Relating to Environmental Quality Commission and Environmental Impact Statements."

Introduced by: Senators King.

No. 2457-76 "A Bill for an Act Relating to Environmental Quality Commission and Environmental Impact Statements."

Introduced by: Senator King.

No. 2458-76 "A Bill for an Act Relating to a Transportation Rate Commission."

Introduced by: Senator O'Connor, by request.

No. 2459-76 "A Bill for an Act Relating to Small Boat Harbors."

Introduced by: Senators O'Connor, Ching, Takitani, F. Wong, Taira, Chong, Nishimura, Ushijima and Young.

No. 2460-76 "A Bill for an Act Relating to Campaign Contributions and Expenditures."

Introduced by: Senators O'Connor, Ushijima, Takitani, Ching, F. Wong, Taira, Nishimura, Toyofuku, Young and Kuroda.

No. 2461-76 "A Bill for an Act Relating to Highways."

Introduced by: Senator O'Connor, by request.

No. 2462-76 "A Bill for an Act Relating to Motor Truck Measurement Standards."

Introduced by: Senators O'Connor, Ushijima, Takitani, Saiki and Chong.

No. 2463-76 "A Bill for an Act Relating to a Special Education Summer Program."

Introduced by: Senators Hara, Ching, George, Hulten, Taira, Takitani, Yim, Young, Ushijima and F. Wong.

No. 2464-76 "A Bill for an Act Relating to Voter Education Program."

Introduced by: Senators Hara, Ching, George, Hulten, Taira, Takitani, F. Wong, Yim, Young and Ushijima.

No. 2465-76 "A Bill for an Act Making an Appropriation for the Acquisition of Land and for Plans and Development of a Park at Kaluanui, Koolauloa, Oahu, Hawaii."

Introduced by: Senator Hulten.

No. 2466-76 "A Bill for an Act Making an Appropriation for Land Acquisition, Planning, and Construction of a Park in Manana-Uka Valley (Waimano Gulch) Between Pacific Palisades and Pearl City."

Introduced by: Senators Young, F. Wong, Kuroda and Ching.

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 23, 1976:

#### Senate Bills

No. 2424-76 "A Bill for an Act Relating to Organized Crime."

Introduced by: Senators O'Connor, Ushijima, Taira, Takitani, Toyofuku, Ching, Yamasaki, Soares, Young, George, Henderson, Kuroda, Saiki, Chong, Nishimura and Kawasaki.

No. 2425-76 "A Bill for an Act Relating to the Use of Telephonic Search Warrants."

Introduced by: Senators O'Connor, Ushijima, Taira, Takitani, Toyofuku, Ching, Yamasaki, Leopold, Soares, George, Henderson, Kuroda, Saiki, Chong, Nishimura and Kawasaki.

No. 2467-76 "A Bill for an Act Relating to Tax Incentives for Energy Conservation."

Introduced by: Senator Yim.

No. 2468-76 "A Bill for an Act Relating to Real Property Taxes."

Introduced by: Senator Anderson.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 23-76) informing the Senate that Senate Concurrent Resolution Nos. 46 and 47; Senate Resolution Nos. 174 to 183; Senate Bill Nos. 2395-76 to 2423-76; and Standing Committee Report Nos. 24-76 to 28-76 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.

At 11:43 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.

Senator Hulten, for the Committee on Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 24-76) recommending that Senate Bill No. 1889-76, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ecology, Environment

and Recreation.

On motion by Senator Hulten, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.B. No. 1889-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANOA VALLEY PLANNING DISTRICT", passed Second Reading and was referred to the Committee on Ecology, Environment and Recreation.

Senator Kuroda, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 25-76) recommending that Senate Bill No. 1780-76, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kuroda, seconded by Senator R. Wong and carried, the report of the Committee was adopted and S.B. No. 1780-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER SALES", passed Second Reading and was referred to the Committee on Judiciary.

Senator Kuroda, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 26-76) recommending that Senate Bill No. 2140-76, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator R. Wong and carried, the report of the Committee was adopted and S.B. No. 2140-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESTIMATE FOR MOTOR VEHICLE REPAIR", passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1976.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on S.B. No. 2140-76, S.D. 1.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 27-76) recommending that Senate Resolution No. 67 be adopted.

On motion by Senator Toyofuku, seconded by Senator Young and carried, the report of the Committee was adopted and S.R. No. 67, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF UNEMPLOYED WELFARE RECIPIENTS", was adopted.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 28-76) recommending that Senate Bill No. 1892-76, 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 Young and carried, the report of the Committee was adopted and S.B. No. 1892-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PURCHASES AND CONTRACTS", passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Thursday, February 19, 1976:

Senate Bills	Referred to:
No. 2395-76	Committee on Judiciary
No. 2396-76	Committee on Health
No. 2397-76	Committee on Government Operations and Efficiency, then to the Committee on Ways and Means
No. 2398-76	Committee on Ways and Means
No. 2399-76	Committee on Intergovernmental Relations, then to the Committee on Ways and Means
No. 2400-76	Committee on Judiciary
No. 2401-76	Committee on Ways and Means
No. 2402-76	Committee on Education, then to the Committee on Ways and Means
No. 2403-76	Committee on Judiciary
No. 2404-76	Committee on Education, then to the Committee on Ways and Means
No. 2405-76	Committee on Ways and Means
No. 2406-76	Committee on Ways and Means
No. 2407-76	Committee on Ways and Means
No. 2408-76	Committee on Human Resources, then to the Committee on Ways and Means
No. 2409-76	Committee on Human Resources
No. 2410-76	Committee on Human Resources

No. 2411-76 Committee on Human Resources, then to the Committee on Ways and Means

No. 2412-76 Committee on Human Resources, then to the Committee on Ways and Means

No. 2413-76 Committee on Higher Education

No. 2414-76 Committee on Higher Education, then to the Committee on Ways and Means

No. 2415-76 Committee on Education, then to the Committee on Ways and Means

No. 2416-76 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 2417-76 Committee on Education, then to the Committee on Ways and Means

No. 2418-76 Committee on Education, then to the Committee on Ways and Means

No. 2419-76 Committee on Economic Development, then to the Committee on Ways and Means

No. 2420-76 Committee on Economic Development, then to the Committee on Ways and Means

No. 2421-76 Committee on Economic Development, then to the Committee on Ways and Means

No. 2422-76 Committee on Ways and Means

No. 2423-76 Committee on Judiciary

#### RE-REFERRAL OF SENATE BILLS

The President made the following re-referral of a bill that was introduced on Friday, February 6, 1976:

Senate Bill Referred to:

No. 2124-76 Committee on Transportation, then to the Committee on Ways and Means

The President made the following re-referral of a bill that was introduced on Friday, February 13, 1976:

Senate Bill Referred to:

No. 2302-76 Committee on Education, then to the Committee on Ways and Means

#### ADJOURNMENT

At 11:55 o'clock a.m., on motion by Senator Yamasaki, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, February 23, 1976.