

## THIRTY-THIRD DAY

Monday, March 6, 1978

The Senate of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Jack F. Belton of the Ewa Beach United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senator Leopold, who was excused.

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

The following introductions were then made to the members of the Senate:

Senator Yamasaki introduced thirty-seven senior citizens from Maui, with twenty-five of them from Paia and twelve from Haliimaile, with their leaders, Mr. and Mrs. Edwin Nakamoto. Among those in the group were Mr. and Mrs. Alfred Boteilho from Paia who are the parents of Mrs. Linda Cravalho, member of the Clerk's Staff.

Senator Chong then introduced a group of senior citizens from the Makule Aikane Club from the Moiliili Community Center.

Senator Yee introduced 86 students from the eighth grade at Hawaii Baptist Academy, with their teachers, Mrs. Joyce Wong and Mr. Malcolm Harris.

Senator Kawasaki introduced Mr. and Mrs. David Blumenthal from Palo Alto, California. Mr. Blumenthal is the official NFL photographer for the New York Jets. He has been a professional sports photographer for the past thirty years and is the originator of the slow motion analysis of sports. Mrs. Blumenthal is an artist specializing in oriental designs.

Senator Anderson introduced forty members of a group of senior citizens from the Hui Lima o'Halewai from Waiialua.

## MESSAGES FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 140), transmitting a report entitled, "The Feasibility and Potential Impact of Manganese Nodule Processing in Hawaii", which was prepared by the Department of Planning and

Economic Development in response to Senate Resolution No. 307 and Senate Concurrent Resolution No. 119 (1977) which requested continued efforts to encourage the development of ocean mineral resources, was read by the Clerk and was referred to the Committee on Energy/Natural Resources.

## DEPARTMENTAL COMMUNICATION

A communication from the Office of the Legislative Auditor (Dept. Com. No. 6) transmitting the "Transcript of the Seminar on Urban Mass Transit" and the monographs submitted by the participants of the HART review team, was read by the Clerk and was referred to the Committee on Transportation.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 77 to 88) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 77), returning Senate Concurrent Resolution No. 68 which was adopted by the House of Representatives on March 3, 1978, was placed on file.

A communication from the House (Hse. Com. No. 78), transmitting House Bill No. 1998-78, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1998-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", passed First Reading by title and was referred to the Committee on Ecology, Environment and Recreation, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 79), transmitting House Bill No. 2171-78, which passed Third Reading in the House of Representatives on March 3, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2171-78, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 80), transmitting House Bill No. 2172-78, which passed Third

Reading in the House of Representatives on March 3, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2172-78, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 81), transmitting House Bill No. 2173-78, H.D. 3, which passed Third Reading in the House of Representatives on March 3, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2173-78, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO PLANNING", passed First Reading by title and was referred to the Committee on Ecology, Environment and Recreation, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 82), transmitting House Bill No. 2601-78, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2601-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAMEHAMEHA DAY CELEBRATION COMMISSION", passed First Reading by title and was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 83), transmitting House Bill No. 2765-78, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2765-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed First Reading by title and was referred to the Committee on Consumer Protection, then to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 84), transmitting House Bill No. 2814-78, which passed Third Reading in the House of Representatives on March 3, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2814-78, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 85), transmitting House Bill No. 2941-78, which passed Third Reading in the House of Representatives on March 3, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2941-78, entitled: "A BILL FOR AN ACT RELATING TO THE IOLANI PALACE COMPLEX", passed First Reading by title and was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 86), transmitting House Bill No. 3041-78, which passed Third Reading in the House of Representatives on March 3, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3041-78, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING: MAKING SUPPLEMENTARY APPROPRIATIONS OUT OF GENERAL REVENUES TO COVER CERTAIN DEFICIENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 1978", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 87), transmitting House Bill No. 3053-78, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3053-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS ISSUED BY THE STATE OF HAWAII", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 88), transmitting House Bill No. 3060-78, which passed Third Reading in the House of Representatives on March 3, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3060-78, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL CLAIM CONCILIATION PANELS", passed First Reading by title and was referred to the Committee on Judiciary.

## SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 72), entitled: "SENATE CONCURRENT RESOLUTION COMMENDING JOE C. HARPER, FIRST CITIZEN OF KAHALUU, OAHU, FOR HIS DEDICATION AND OUTSTANDING SERVICE TO THE COMMUNITY", was jointly offered by Senators Hulten, Anderson, King, Takitani, Young, Chong, Ushijima, Toyofuku, Saiki, Yee, Leopold, F. Wong, George, Soares, Yamasaki, Kuroda, Taira, Hara, R. Wong, Ching, Nishimura, Henderson, Yim and O'Connor and was read by the Clerk.

On motion by Senator Hulten, seconded by Senator Anderson and carried, S.C.R. No. 72 was adopted.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 267 to 269) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 267), entitled: "SENATE RESOLUTION REQUESTING ACTION ON FLOODING PROBLEMS IN THE KAPULENA-KUKUIHAELE AREAS ON THE ISLAND OF HAWAII", was jointly offered by Senators Ushijima, Henderson, Hara, Nishimura, Kuroda, Yamasaki, Ching, F. Wong, Young, Takitani, Hulten, O'Connor, Chong, King, Toyofuku, Taira, Leopold, Yee, Saiki and George.

By unanimous consent, S.R. No. 267 was referred to the Committee on Transportation.

A resolution (S.R. No. 268), entitled: "SENATE RESOLUTION EXTENDING ACKNOWLEDGEMENT AND WELCOME TO DR. HENRY J. HEIMLICH", was jointly offered by Senators Chong, Nishimura, Yim, Young, Takitani, King, Ching, Hulten, R. Wong, Kawasaki, Soares, O'Connor, Toyofuku, Kuroda, Saiki, George, Yee, Anderson, F. Wong, Leopold, Taira and Yamasaki.

On motion by Senator Chong, seconded by Senator Takitani and carried, S.R. No. 268 was adopted.

Senator Chong then introduced to the members of the Senate Dr. Henry J. Heimlich, and those who accompanied him as follows: Mr. Milton Goto who represented the Hawaii Division 22 of Kiwanis International, and Mr. Larry Larrabee, President of Castle Memorial Hospital, who were responsible for Dr. Heimlich's visit to Hawaii.

Senator Chong presented certified

copies of the resolution just adopted to Dr. Heimlich, Mr. Goto and Mr. Larrabee, and Senator King presented a lei to Dr. Heimlich.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

A resolution (S.R. No. 269), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO THE PAHOA HIGH SCHOOL STUDENTS FOR THEIR OUTSTANDING ACHIEVEMENTS AT THE STUDENT SYMPOSIUM ON MARINE AFFAIRS", was jointly offered by Senators Hara, Ushijima, Henderson, Chong, George, Leopold, Yim, Young, Hulten, F. Wong, Kuroda, O'Connor, Nishimura, Takitani, Taira, Toyofuku, Kawasaki, Saiki, King, Ching and Yamasaki.

On motion by Senator Hara, seconded by Senator Henderson and carried, S.R. No. 269 was adopted.

## STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 395-78), informing the Senate that Senate Concurrent Resolution No. 72, Senate Resolution Nos. 267 and 268 and Standing Committee Report Nos. 394-78 and 396-78 to 401-78 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.

Senator Takitani, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 396-78), recommending that Senate Bill No. 1879-78, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Takitani, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.B. No. 1879-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE POST-SECONDARY EDUCATION COMMISSION", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 1978.

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. 1879-78, S.D. 1.

Senator Takitani, for the Committee

on Higher Education, presented a report (Stand. Com. Rep. No. 397-78), recommending that Senate Bill No. 2380-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Takitani, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.B. No. 2380-78, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 1978.

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. 2380-78.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 398-78), recommending that Senate Concurrent Resolution No. 15 be adopted.

On motion by Senator Toyofuku, seconded by Senator Young and carried, the report of the Committee was adopted and S.C.R. No. 15, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES SECRETARY OF LABOR TO CERTIFY THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM OF THE STATE OF HAWAII AND RESPECTFULLY URGING HAWAII'S DELEGATION TO THE CONGRESS OF THE UNITED STATES TO SUPPORT CERTIFICATION FOR HAWAII AND TO REVIEW THE BASIC INTENT OF THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH LAW", was adopted.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 399-78), recommending that Senate Bill No. 1757-78, 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 Young and carried, the report of the Committee was adopted and S.B. No. 1757-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROVISIONAL APPOINTMENTS OF PUBLIC EMPLOYEES", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 1978.

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. 1757-78, S.D. 1.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 400-78), recommending that Senate Bill No. 1758-78, 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 Young and carried, the report of the Committee was adopted and S.B. No. 1758-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 1978.

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. 1758-78, S.D. 1.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 401-78), recommending that Senate Bill No. 2074-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Toyofuku, seconded by Senator Young and carried, the report of the Committee was adopted and S.B. No. 2074-78, entitled: "A BILL FOR AN ACT RELATING TO APPLICATIONS FOR GENERAL ASSISTANCE", passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 1978.

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. 2074-78.

#### ORDER OF THE DAY

#### REFERRAL OF HOUSE BILLS

The President made the following committee assignments of House Bills that were received on Friday, March 3, 1978:

House Bills	Referred to:
No. 1775-78, H.D. 1	Committee on
Ways and Means	
No. 1877-78, H.D. 1	Committee on
Judiciary	
No. 1881-78, H.D. 1	Committee on
Judiciary	
No. 1923-78, H.D. 1	Committee on
Economic Development	

No. 1936-78, H.D. 1 Committee  
on Public Utilities

No. 1937-78, H.D. 1 Committee  
on Transportation, then to the  
Committee on Public Utilities

No. 1938-78, H.D. 1 Committee  
on Public Utilities

No. 1939-78, H.D. 1 Committee  
on Public Utilities

No. 1949-78, H.D. 1 Committee  
on Judiciary

No. 1951-78 Committee on Health,  
then to the Committee on Judiciary

No. 1960-78, H.D. 1 Committee  
on Consumer Protection, then  
to the Committee on Judiciary

No. 1966-78 Committee on Ways  
and Means

No. 1967-78, H.D. 1 Committee  
on Judiciary

No. 2056-78, H.D. 1 Committee  
on Housing and Hawaiian Homes,  
then to the Committee on Judiciary

No. 2059-78, H.D. 1 Committee  
on Housing and Hawaiian Homes,  
then to the Committee on Judiciary

No. 2070-78, H.D. 1 Committee  
on Economic Development

No. 2071-78, H.D. 1 Committee  
on Economic Development

No. 2090-78 Committee on Human  
Resources

No. 2094-78 Committee on Judiciary

No. 2095-78, H.D. 1 Committee  
on Judiciary

No. 2111-78, H.D. 1 Committee  
on Economic Development, then  
to the Committee on Judiciary

No. 2135-78 Committee on Judiciary

No. 2148-78 Committee on Judiciary

No. 2252-78, H.D. 1 Committee  
on Consumer Protection, then  
to the Committee on Judiciary

No. 2308-78, H.D. 1 Committee  
on Judiciary

No. 2312-78, H.D. 1 Committee  
on Judiciary

No. 2403-78, H.D. 1 Committee  
on Housing and Hawaiian Homes,

then to the Committee on Judiciary

No. 2416-78, H.D. 2 Committee on  
Economic Development

No. 2479-78, H.D. 1 Committee on  
Ways and Means

No. 2784-78 Committee on Judiciary

No. 2862-78, H.D. 1 Committee on  
Ways and Means

No. 3046-78 Committee on Judiciary,  
then to the Committee on Ways and  
Means

#### MATTER DEFERRED FROM MARCH 3, 1978

Senate Bill No. 2114-78:

On motion by Senator Hara, seconded  
by Senator Yim and carried, S.B. No.  
2114-78, entitled: "A BILL FOR AN  
ACT RELATING TO A JOB-SHARING  
PROJECT IN THE DEPARTMENT OF EDU-  
CATION", having been read throughout,  
passed Third Reading on the following  
showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused,  
1 (Leopold).

#### THIRD READING

Senate Bill No. 1759-78:

On motion by Senator Ching, seconded  
by Senator Kuroda and carried, S.B.  
No. 1759-78, entitled: "A BILL FOR  
AN ACT RELATING TO LEAVES OF  
ABSENCE", having been read throughout,  
passed Third Reading on the following  
showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused,  
1 (Leopold).

Senate Bill No. 1756-78:

On motion by Senator Toyofuku,  
seconded by Senator Young and carried,  
S.B. No. 1756-78, entitled: "A BILL  
FOR AN ACT RELATING TO NON-COMPE-  
TITIVE PROMOTIONS OF PUBLIC EMPLOYEES",  
having been read throughout, passed Third  
Reading on the following showing  
of Ayes and Noes:

Ayes, 24. Noes, none. Excused,  
1 (Leopold).

Senate Bill No. 1799-78:

On motion by Senator Toyofuku,  
seconded by Senator Young and carried,  
S.B. No. 1799-78, entitled: "A BILL  
FOR AN ACT RELATING TO THE ESTABLISH-  
MENT OF STATE POLICY CONCERNING  
THE UTILIZATION OF VOLUNTEER

SERVICES IN STATE GOVERNMENT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Leopold).

Senate Bill No. 2614-78:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 2614-78, entitled: "A BILL FOR AN ACT RELATING TO THE EXEMPTION OF THE EXECUTIVE SECRETARY OF THE COMMISSION ON POPULATION AND THE HAWAIIAN FUTURE FROM THE PROVISIONS OF CHAPTERS 76 AND 77, HAWAII REVISED STATUTES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Leopold).

Senate Bill No. 2409-78, S.D. 2:

By unanimous consent, consideration of S.B. No. 2409-78, S.D. 2, was deferred to the end of the calendar.

Senate Bill No. 1590-78, S.D. 4:

On motion by Senator Hulten, seconded by Senator Kawasaki and carried, S.B. No. 1590-78, S.D. 4, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION IN BUILDINGS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Leopold).

At 12: 08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12: 20 o'clock p.m.

MATTER DEFERRED FROM  
EARLIER IN THE CALENDAR

Senate Bill No. 2409-78, S.D. 2:

By unanimous consent, S.B. No.

2409-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", was recommitted to the Committee on Ecology, Environment and Recreation.

Senator R. Wong, for the Committee on Ways and Means, requested a waiver of the 48-hour notice of public hearing and decision-making on the following bills:

S.B. No. 780, S.D.1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES RETIREMENT SYSTEM OF THE STATE OF HAWAII";

S.B. No. 1725-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR MEDICAL, LEGAL, AND MORAL ASPECTS OF MEDICAL TECHNOLOGY";

S.B. No. 1786-78, entitled: "A BILL FOR AN ACT RELATING TO THE AGRICULTURAL LOANS";

S.B. No. 2332-78, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACT"; and

S.B. No. 2478-78, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENT BY ASSESSMENT",

and the President granted the waiver.

Senator R. Wong, for the Committee on Ways and Means, then requested a waiver of the 48-hour notice of a joint public hearing and decision-making with the Committee on Economic Development, on the following bill:

S.B. No. 1797-78, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXATION",

and the President granted the waiver.

ADJOURNMENT

At 12: 23 o'clock p.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 11: 30 o'clock a.m., Tuesday, March 7, 1978.