

## THIRTY-SIXTH DAY

Thursday, March 9, 1978

The Senate of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 11:00 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Richard DuFresne of the Community Church of Honolulu, after which the Roll was called showing all Senators present.

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

Senator Chong introduced to the members of the Senate Ms. Charmaine Toomey of the Kahoolawe Ohana.

At 11:10 o'clock a.m. the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:15 o'clock a.m.

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 148) transmitting copies of the Fourth Annual Progress Report of Mental Health Services for Children and Youth, prepared by the Department of Health, pursuant to Section 321-176, Hawaii Revised Statutes, was read by the Clerk and was referred to the Committee on Health.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 239 to 249) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 239) transmitting House Bill No. 1838-78, H.D. 2, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1838-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH AND MORALS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 240) transmitting House Bill No. 1857-78, H.D. 2, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1857-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR-DRIVEN BICYCLES", passed First Reading by title and was referred to the Committee on Transportation, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 241) transmitting House Bill No. 1879-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1879-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE CONCERNING PENALTIES", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 242) transmitting House Bill No. 2054-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2054-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 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. 243) transmitting House Bill No. 2085-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2085-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING PERMITS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 244) transmitting House Bill No. 2118-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2118-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITING, PEDDLING, AND DISORDERLY CONDUCT", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse.

Com. No. 245) transmitting House Bill No. 2307-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2307-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS, AMMUNITION, AND DANGEROUS WEAPONS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 246) transmitting House Bill No. 2434-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2434-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC EAVESDROPPING", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 247) transmitting House Bill No. 2469-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

By unanimous consent, action on H.B. No. 2469-78, H.D. 1, entitled: "A BILL FOR AN ACT TO SENTENCING", was deferred to Friday, March 10, 1978.

A communication from the House (Hse. Com. No. 248) transmitting House Bill No. 2845-78, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2845-78, entitled: "A BILL FOR AN ACT RELATING TO STATE LAW ENFORCEMENT", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 249) transmitting House Bill No. 3049-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3049-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE MARSHAL", passed First Reading by title and was referred to the Committee on Intergovernmental Relations, then to the Committee on

Judiciary.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 77 to 80) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 77), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT TWIN ENGINE HELICOPTER AIRCRAFT BE ASSIGNED IN SUPPORT OF THE UNITED STATES ARMY MILITARY ASSISTANCE TO SAFETY AND TRAFFIC (MAST) PROGRAM IN HAWAII TO PROVIDE SERVICE TO THE NEIGHBOR ISLAND COMMUNITIES OF THE STATE", was jointly offered by Senators Kuroda, O'Connor, Hulten, Hara, Yim, Soares, R. Wong, Yamasaki, Takitani, Ching, Nishimura, Young, Taira, George, Ushijima, Kawasaki, Toyofuku, F. Wong, Saiki, Henderson, King, Anderson, Yee, Chong and Leopold.

By unanimous consent, S.C.R. No. 77 was referred to the Committee on Transportation.

A concurrent resolution (S.C.R. No. 78), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO HORIZONTAL PROPERTY REGIMES", was jointly offered by Senators Young, Toyofuku, Ching, Kuroda, Kawasaki, Hulten, Yamasaki, Yim, F. Wong, Nishimura, Soares, Chong, Taira, Yee, Henderson, Saiki, Takitani, King and George.

By unanimous consent, S.C.R. No. 78 was referred to the Committee on Housing and Hawaiian Homes.

A concurrent resolution (S.C.R. No. 79), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING, OFFICE OF THE GOVERNOR, TO CONTINUE EFFORTS TO SEEK FEDERAL SUPPORT FOR PURPOSES RELATING TO A COMPREHENSIVE FEASIBILITY STUDY CONCERNING INCOME REQUIREMENTS OF THE STATE'S NEEDY ELDERLY", was jointly offered by Senators Toyofuku, Taira, Chong, Ching, Young, Hara, King, Anderson, Henderson, Kuroda, Yamasaki, F. Wong and Soares.

By unanimous consent, S.C.R. No. 79 was referred to the Committee on Human Resources.

A concurrent resolution (S.C.R. No. 80), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONTINUE ITS PRE-SCHOOL PROGRAM FOR THE CHILDREN OF THE ANAHOLA HAWAIIAN HOMES AT ANAHOLA SCHOOL, KAUAI", was jointly offered by Senators Toyofuku, Taira, Chong, King, Hara, Ching, Anderson, Kuroda, Henderson, Yamasaki,

F. Wong and Soares.

By unanimous consent, S.C.R. No. 80 was referred to the Committee on Education.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 284 to 290) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 284), entitled: "SENATE RESOLUTION URGING PARTICIPATION IN THE PREVENTIVE DENTISTRY PROGRAM AT WASHINGTON INTERMEDIATE SCHOOL ON MARCH 11, 1978", was jointly offered by Senators King, F. Wong, Nishimura, Yamasaki, Young, Chong, Soares, R. Wong, Ching, Kuroda, Henderson, Saiki, Taira, Toyofuku, George and Anderson.

By unanimous consent, action on S.R. No. 284 was deferred to the end of the calendar.

A resolution (S.R. No. 285), entitled: "SENATE RESOLUTION COMMENDING WAIANAE HIGH SCHOOL FOR ITS CAMPUS BEAUTIFICATION PROJECT", was jointly offered by Senators Ching, F. Wong, Young, Kuroda, R. Wong, Soares, Chong, Toyofuku, Takitani, Yamasaki, Anderson, Saiki, Yee, Taira, George, Leopold, King, Hulten, Ushijima, Hara, Nishimura, Henderson, O'Connor and Kawasaki.

On motion by Senator Ching, seconded by Senator Young and carried, S.R. No. 285 was adopted.

A resolution (S.R. No. 286), entitled: "SENATE RESOLUTION REQUESTING THAT TWIN ENGINE HELICOPTER AIRCRAFT BE ASSIGNED IN SUPPORT OF THE UNITED STATES ARMY MILITARY ASSISTANCE TO SAFETY AND TRAFFIC (MAST) PROGRAM IN HAWAII TO PROVIDE SERVICE TO THE NEIGHBOR ISLAND COMMUNITIES OF THE STATE", was jointly offered by Senators Kuroda, O'Connor, Hulten, Hara, Yim, Soares, R. Wong, Yamasaki, Takitani, Ching, Nishimura, Young, Taira, George, Ushijima, Chong, Kawasaki, Toyofuku, F. Wong, Saiki, Henderson, Yee, Anderson, King and Leopold.

By unanimous consent, S.R. No. 286 was referred to the Committee on Transportation.

A resolution (S.R. No. 287), entitled: "SENATE RESOLUTION RELATING TO HORIZONTAL PROPERTY REGIMES", was jointly offered by Senators Young, Toyofuku, Ching, Kawasaki, Kuroda, Hulten, Yamasaki, Yim, F. Wong, Nishimura, Chong, Taira, Yee, Henderson,

Saiki, Takitani, Soares, King, George and Leopold.

By unanimous consent, S.R. No. 287 was referred to the Committee on Housing and Hawaiian Homes.

A resolution (S.R. No. 288), entitled: "SENATE RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING, OFFICE OF THE GOVERNOR, TO CONTINUE EFFORTS TO SEEK FEDERAL SUPPORT FOR PURPOSES RELATING TO A COMPREHENSIVE FEASIBILITY STUDY CONCERNING INCOME REQUIREMENTS OF THE STATE'S NEEDY ELDERLY", was jointly offered by Senators Toyofuku, Taira, Chong, Ching, Young, Hara, King, Anderson, Henderson, Kuroda, Yamasaki, F. Wong and Soares.

By unanimous consent, S.R. No. 288 was referred to the Committee on Human Resources.

A resolution (S.R. No. 289), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONTINUE ITS PRE-SCHOOL PROGRAM FOR THE CHILDREN OF THE ANAHOLA HAWAIIAN HOMES AT ANAHOLA SCHOOL, KAUAI", was jointly offered by Senators Toyofuku, Taira, Chong, Young, Ching, King, Anderson, Hara, Kuroda, Henderson, Yamasaki, F. Wong and Soares.

By unanimous consent, S.R. No. 289 was referred to the Committee on Education.

A resolution (S.R. No. 290), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF MERCHANDISE INVENTORY SHRINKAGE PROBLEMS CONFRONTING HAWAII'S RETAIL MERCHANTS", was jointly offered by Senators Toyofuku, Taira, Chong, Ching, Young, Anderson, Henderson, Kuroda, Yamasaki, F. Wong and Soares.

By unanimous consent, S.R. No. 290 was referred to the Committee on Consumer Protection, then to the Committee on Legislative Management.

At this time, the President introduced to the members of the Senate Mr. Ung Soy (Beans) Afook, the honoree of Senate Resolution No. 264 which was adopted in the Senate on March 3, 1978, and Mrs. Afook. The President remarked that he remembers Mr. Afook as being one of the premier basketball coaches that ever had been produced here in the State of Hawaii. He then presented a certified copy of the resolution to Mr. Afook.

At 11:20 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:22 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 528-78), informing the Senate that Senate Concurrent Resolutions Nos. 77 to 80, Senate Resolution Nos. 282 to 290 and Standing Committee Report No. 529-78 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 R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 529-78) recommending that Senate Bill No. 2202-78, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 2202-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AND AUTHORIZING THE ISSUANCE OF BONDS", passed Second Reading and was placed on the calendar for Third Reading on Friday, March 10, 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. 2202-78, S.D. 1.

#### ORDER OF THE DAY

##### REFERRAL OF HOUSE BILLS

The President made the following referral of bills that were received on Wednesday, March 8, 1978:

House Bill	Referred to:
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No. 139, H.D. 1	Committee
on Economic Development	

No. 145, H.D. 1	Committee
on Economic Development	

No. 1594	Committee
on Judiciary	

No. 1823-78, H.D. 1	Committee
on Economic Development, then	
to the Committee on Ways and Means.	

No. 1932-78, H.D.2	Committee
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on Transportation, then to the Committee	
on Public Utilities	

No. 1934-78	Committee on
Public Utilities	

No. 1994-78	Committee on
Human Resources	

No. 1996-78	Committee on
Human Resources	

No. 2086-78, H.D. 1	Committee on
Economic Development, then to the	
Committee on Ways and Means	

No. 2165-78, H.D. 1	Committee on
Energy/Natural Resources, then to	
the Committee on Public Utilities	

No. 2305-78	Committee on
Judiciary	

No. 2334-78, H.D. 1	Committee on
Consumer Protection, then to the Committee	
on Judiciary	

No. 2394-78	Committee on
Judiciary	

No. 2388-78, H.D. 1	Committee on
Health, then to the Committee on Judiciary	

No. 2399-78	Committee on
Consumer Protection, then to the Committee	
on Public Utilities	

No. 2400-78	Committee on
Judiciary	

No. 2465-78, H.D. 1	Committee on
Judiciary	

No. 2611-78, H.D. 1	Committee on
Judiciary	

No. 2895-78, H.D. 1	Committee on
Consumer Protection, then to the Committee	
on Judiciary	

No. 3047-78, H.D. 1	Committee on
Consumer Protection, then to the Committee	
on Judiciary	

No. 445	Committee on
Judiciary	

No. 617, H.D. 1	Committee on
Judiciary	

No. 1445, H.D. 1	Committee on
Judiciary	

No. 1539, H.D. 1	Committee on
Judiciary	

No. 1803-78, H.D. 2	Committee on
Ways and Means	

No. 1876-78	Committee on
Judiciary	

No. 1878-78	Committee	No. 2593-78, H.D. 1	Committee on Transportation, then to the Committee on Intergovernmental Relations
on Judiciary			
No. 1882-78, H.D. 1	Committee	No. 2618-78, H.D. 1	Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means
on Judiciary			
No. 1884-78	Committee	No. 2687-78, H.D. 1	Committee on Judiciary
on Judiciary			
No. 1888-78	Committee	No. 2693-78, H.D. 1	Committee on Judiciary
on Judiciary			
No. 1893-78	Committee	No. 2728-78, H.D. 2	Committee on Human Resources, then to the Committee on Ways and Means
on Human Resources			
No. 1970-78	Committee	No. 2729-78, H.D. 2	Committee on Human Resources
on Judiciary			
No. 2066-78, H.D. 1	Committee	No. 2816-78, H.D. 1	Committee on Consumer Protection, then to the Committee on Judiciary
on Transportation, then to the Committee on Ways and Means			
No. 2087-78, H.D. 1	Committee	No. 2822-78, H.D. 1	Committee on Judiciary
on Judiciary			
No. 2100-78	Committee	No. 2893-78, H.D. 1	Committee on Judiciary
on Economic Development			
No. 2105-78	Committee	No. 2894-78, H.D. 1	Committee on Judiciary
on Judiciary			
No. 2143-78	Committee	No. 2934-78, H.D. 1	Committee on Transportation
on Judiciary			
No. 2144-78	Committee	No. 3042-78, H.D. 1	Committee on Judiciary, then to the Committee on Ways and Means
on Judiciary			
No. 2152-78, H.D. 1	Committee	No. 3054-78	Committee on Judiciary
on Judiciary			
No. 2168-78, H.D. 1	Committee	No. 158, H.D. 2	Committee on Transportation, then to the Committee on Ways and Means
on Energy/Natural Resources			
No. 2239-78	Committee	No. 450, H.D. 1	Committee on Ways and Means
on Judiciary, then to the Committee on Ways and Means			
No. 2242-78, H.D. 1	Committee	No. 704, H.D. 1	Committee on Human Resources, then to the Committee on Ways and Means
on Judiciary			
No. 2248-78	Committee	No. 1770-78, H.D. 1	Committee on Judiciary, then to the Committee on Ways and Means
on Intergovernmental Relations, then to the Committee on Judiciary			
No. 2286-78	Committee	No. 1779-78, H.D. 1	Committee on Judiciary, then to the Committee on Ways and Means
on Judiciary			
No. 2317-78, H.D. 1	Committee	No. 2102-78, H.D. 2	Committee on Transportation, then to the Committee on Ways and Means
on Judiciary			
No. 2337-78, H.D. 1	Committee	No. 2166-78, H.D. 2	Committee on Energy/Natural Resources
on Ecology, Environment and Recreation			
No. 2478-78, H.D. 1	Committee	No. 2169-78, H.D. 2	Committee on
on Ways and Means			
No. 2496-78, H.D. 1	Committee		
on Education			
No. 2592-78, H.D. 1	Committee		
on Transportation			

## Energy/Natural Resources

No. 2185-78, H.D. 2 Committee  
on Human Resources, then to the  
Committee on Ways and Means

No. 2191-78, H.D. 1 Committee  
on Ways and Means

No. 2296-78 Committee  
on Judiciary, then to the Committee  
on Ways and Means

No. 2379-78, H.D. 1 Committee  
on Consumer Protection, then to  
the Committee on Judiciary

No. 2402-78, H.D. 1 Committee  
on Economic Development

No. 2447-78, H.D. 1 Committee  
on Health, then to the Committee  
on Judiciary

No. 2634-78 Committee  
on Ways and Means

No. 2689-78, H.D. 1 Committee  
on Economic Development

No. 3012-78, H.D. 1 Committee  
on Health

## THIRD READING

House Bill No. 490, H.D. 2, S.D.  
1:

On motion by Senator Hara, seconded  
by Senator Yim and carried, H.B.  
No. 490, H.D. 2, S.D. 1, entitled:  
"A BILL FOR AN ACT RELATING TO  
REPLACEMENT OF SCHOOL BOOKS",  
having been read throughout, passed  
Third Reading on the following showing  
of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1912-78, H.D. 1, S.D.  
1:

On motion by Senator O'Connor,  
seconded by Senator Ching and carried,  
H.B. No. 1912, H.D. 1, S.D. 1, entitled:  
"A BILL FOR AN ACT RELATING TO  
HAZARDOUS MATERIALS TRANSPORTED  
UPON HIGHWAYS", having been read  
throughout, passed Third Reading  
on the following showing of Ayes and  
Noes:

Ayes, 25. Noes, none.

MATTER DEFERRED FROM  
EARLIER ON THE CALENDAR

Senate Resolution No. 284:

On motion by Senator King, seconded

by Senator Chong and carried, S.R.  
No. 284 was adopted.

At this time Senator King introduced  
to the members of the Senate Dr. Franson  
D. K. S. Tom, Chairman of the Preventive  
Dentistry Program, Mrs. Carolyn S.K.  
Tani, instructor, Kapiolani Community  
College Dental Assistant Program, and  
volunteer dental assistant students Shirley  
Naylor, Chris Polovick and Virgie Liza  
Taglucop. A certified copy of the resolution  
was presented to Dr. Tom and to Mrs.  
Tani.

At 11:26 o'clock a.m., the Senate  
stood in recess subject to the call of  
the Chair.

The Senate reconvened at 11:27 o'clock  
a.m.

At this time, Senator Kuroda, Chairman  
of the Committee on Consumer Protection,  
requested a waiver of the 48-hour notice  
of a Public Hearing on the following  
measures:

H.B. No. 2334-78, H.D. 1, entitled:  
"A BILL FOR AN ACT RELATING TO  
PUBLIC EVENTS";

H.B. No. 2399-78, entitled: "A BILL  
FOR AN ACT RELATING TO PUBLIC  
UTILITIES";

H.B. No. 2895-78, H.D. 1, entitled:  
"A BILL FOR AN ACT RELATING TO  
ATTACHMENT AND EXECUTION";

H.B. No. 3047-78, H.D. 1, entitled:  
"A BILL FOR AN ACT RELATING TO  
THE MOTOR VEHICLE INDUSTRY";

H.B. No. 2816-78, H.D. 1, entitled:  
"A BILL FOR AN ACT RELATING TO  
THE MOTOR VEHICLE ACCIDENT REPARA-  
TIONS ACT";

H.B. No. 2379-78, H.D. 1, entitled:  
"A BILL FOR AN ACT RELATING TO  
THE SALE OF ARTISTIC PRINTS";  
and

H.B. No. 2054-78, H.D. 1, entitled:  
"A BILL FOR AN ACT RELATING TO  
THE RESIDENTIAL LANDLORD-TENANT  
CODE",

and the President granted the waiver.

## ADJOURNMENT

At 11:29 o'clock a.m., on motion by  
Senator Taira, seconded by Senator  
Anderson and carried, the Senate adjourned  
until 11:30 o'clock a.m., Friday, March  
10, 1978.