

SIXTEENTH DAY

Wednesday, February 7, 1979

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Rubin P. Creel of the First Baptist Church, Ewa Branch, after which the Roll was called showing all Senators present with the exception of Senators Saiki and Ushijima who were excused.

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

Senator Campbell introduced to the members of the Senate a group of sixty students from Farrington High School, with their teacher, Mrs. Luz Abcede, their counselor, Mr. E. Arenas and the Project Instructor, Mrs. Alma Balatico.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 69 to 73) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 69), transmitting the State's C.I.P. Status Report - Construction Summary, which was prepared by the Department of Planning and Economic Development, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 70), transmitting a report prepared by the University of Hawaii in response to House Bill No. 3039-78, H.D. 1, S.D. 1, C.D. 1, (Act 243) (1978), Program Appropriations Provisions on Educational Improvement Fund, was referred jointly to the Committee on Higher Education and the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 71), transmitting a report prepared by the Department of Health in response to House Resolution No. 271 (1978) which related to a pilot project on health counseling in public high schools and the submittal of a report thereof, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 72), transmitting the 1977-78 Annual Report for the Progressive Neighborhoods Programs pursuant

to Act 145, SLH 1969, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 73), transmitting the 1978 Annual Report of the Office of Collective Bargaining, pursuant to Chapter 89, Hawaii Revised Statutes, as amended, was referred to the Committee on Human Resources.

DEPARTMENTAL COMMUNICATION

A communication from the Executive Office on Aging (Dept. Com. No. 7), transmitting a copy of the Executive Office on Aging Resolution No. 55 which was adopted by the Policy Advisory Board for Elderly Affairs on January 17, 1979, honoring Mr. Winfred E. Suiso on his retirement from State Civil Service, was read by the Clerk and was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 16 to 20) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 16), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO ENACT LEGISLATION RELATING TO LABOR DISPUTES TO PERMIT STATE ACTION", was offered by Senator Carroll.

By unanimous consent, S.C.R. No. 16 was referred to the Committee on Human Resources, then to the Committee on Economic Development, then to the Committee on Judiciary.

A concurrent resolution (S.C.R. No. 17), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT, THE CONGRESS, AND THE FEDERAL MARITIME COMMISSION TO EXEMPT THE STATE OF HAWAII FROM THE MERCHANT MARINE ACT, 1920, DURING TRANSPORTATION EMERGENCIES", was offered by Senator Carroll.

By unanimous consent, S.C.R. No. 17 was referred to the Committee on Transportation, then to the Committee on Economic Development, then to the Committee on Judiciary.

A concurrent resolution (S.C.R. No. 18), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO CALL A CONVENTION FOR THE PURPOSE OF AMENDING THE UNITED STATES CONSTITUTION TO PROVIDE THAT INTERSTATE COMMERCE MAY BE AFFECTED BY STATE ACTION

IN CASES OF EMERGENCY", was offered by Senator Carroll.

By unanimous consent, S.C.R. No. 18 was referred to the Committee on Intergovernmental Relations, then to the Committee on Economic Development, then to the Committee on Judiciary.

A concurrent resolution (S.C.R. No. 19), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO INTRODUCE AND PASS LEGISLATION AMENDING THE TAFT-HARTLEY ACT", was offered by Senator Carroll.

By unanimous consent, S.C.R. No. 19 was referred to the Committee on Intergovernmental Relations, then to the Committee on Human Resources, then to the Committee on Judiciary.

A concurrent resolution (S.C.R. No. 20), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING HAWAIIAN HOMESTEADS ON LANDS PRESENTLY NOT WITHIN THE JURISDICTION OF THE DEPARTMENT OF HAWAIIAN HOME LANDS", was jointly offered by Senators Carpenter, Hara, Chong, Takitani, Toyofuku, Kuroda and Cayetano.

By unanimous consent, S.C.R. No. 20 was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Economic Development.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 94 to 101) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 94), entitled: "SENATE RESOLUTION ENCOURAGING EMPLOYERS TO CONSIDER EPILEPTICS FOR EMPLOYMENT", was offered by Senator Carroll.

By unanimous consent, S.R. No. 94 was referred to the Committee on Health, then to the Committee on Human Resources.

A resolution (S.R. No. 95), entitled: "SENATE RESOLUTION REQUESTING PUBLIC EDUCATION RELATING TO EPILEPSY", was offered by Senator Carroll.

By unanimous consent, S.R. No. 95 was referred to the Committee on Health, then to the Committee on Ways and Means.

A resolution (S.R. No. 96), entitled:

"SENATE RESOLUTION REQUESTING INCLUSION OF CURRICULA RELATING TO EPILEPSY IN HEALTH EDUCATION PROGRAMS IN THE PUBLIC SCHOOL SYSTEM", was offered by Senator Carroll.

By unanimous consent, S.R. No. 96 was referred jointly to the Committee on Education and the Committee on Health, then to the Committee on Ways and Means.

A resolution (S.R. No. 97), entitled: "SENATE RESOLUTION REQUESTING A REDUCTION OF VIOLENCE AS ENTERTAINMENT IN THE MEDIA", was offered by Senator Carroll.

By unanimous consent, S.R. No. 97 was referred to the Committee on Education, then to the Committee on Judiciary.

A resolution (S.R. No. 98), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING HAWAIIAN HOMESTEADS ON LANDS PRESENTLY NOT WITHIN THE JURISDICTION OF THE DEPARTMENT OF HAWAIIAN HOME LANDS", was jointly offered by Senators Carpenter, Campbell, Hara, Yamasaki, Chong and Carroll.

By unanimous consent, S.R. No. 98 was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Economic Development.

A resolution (S.R. No. 99), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO KEEP THE WAIPIO RIVERBED CLEAR", was jointly offered by Senators Carpenter, Toyofuku, Chong, Hara, Takitani, Young and Cayetano.

By unanimous consent, S.R. No. 99 was referred to the Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means.

A resolution (S.R. No. 100), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SEEK FUNDS FOR THE DEVELOPMENT OF A SEWAGE TREATMENT FACILITY IN THE HONOKAA AREA", was jointly offered by Senators Carpenter, Hara, Chong, Abercrombie, Takitani, Toyofuku, Young, Kuroda and Cayetano.

By unanimous consent, S.R. No. 100 was referred to the Committee on Health, then to the Committee on Ways and Means.

A resolution (S.R. No. 101), entitled: "SENATE RESOLUTION URGING THE ESTABLISHMENT OF AN AGRICULTURAL

PARK IN KOHALA, HAWAII", was jointly offered by Senators Carpenter, Chong, Takitani, Toyofuku, Young, Hara, Kuroda and Cayetano.

By unanimous consent, S.R. No. 101 was referred jointly to the Committee on Agriculture and the Committee on Economic Development, then to the Committee on Ways and Means.

INTRODUCTION OF SENATE BILLS

On motion by Senator Mizuguchi, 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 Thursday, February 8, 1979:

Senate Bills

No. 531 "A Bill for an Act Relating to Counties."

Introduced by: Senator Carroll.

No. 532 "A Bill for an Act Relating to Sentencing of Repeat Offenders."

Introduced by: Senator Carroll.

No. 533 "A Bill for an Act Relating to Justifiable Homicide."

Introduced by: Senator Carroll.

No. 534 "A Bill for an Act Relating to Spouse Abuse."

Introduced by: Senators Carroll and George.

No. 535 "A Bill for an Act Relating to Convicted Felons."

Introduced by: Senator Carroll.

No. 536 "A Bill for an Act Relating to Sentencing."

Introduced by: Senator Carroll.

No. 537 "A Bill for an Act Relating to Harbors."

Introduced by: Senator Carroll.

No. 538 "A Bill for an Act Relating to Civil Air Patrol."

Introduced by: Senators Mizuguchi, Wong, Cobb, Young, Yee, Yamasaki, Kuroda, Takitani and Toyofuku.

No. 539 "A Bill for an Act Making an Appropriation for the Continuation of Lanakila Rehabilitation Center's Wahiawa Day Activity Program for Severely Disabled Adults."

Introduced by: Senators Mizuguchi, Kuroda, Young, Cayetano, Yamasaki, Takitani, Toyofuku, Wong and Yee.

No. 540 "A Bill for an Act Making an Appropriation for the Hawaii Large Fishing Vessel Purchase, Construction, Renovation, Maintenance and Repair Loan Revolving Fund."

Introduced by: Senators Mizuguchi, Yee, Yamasaki, Kuroda, Takitani, Toyofuku, Wong and Young.

No. 541 "A Bill for an Act Making an Appropriation for the Hawaii Small Fishing Vessel Purchase, Construction, Renovation, Maintenance and Repair Loan Revolving Fund."

Introduced by: Senators Mizuguchi, Yee, Yamasaki, Kuroda, Takitani, Toyofuku, Wong and Young.

No. 542 "A Bill for an Act Making an Appropriation to Provide for Clerical Positions in the Department of Education."

Introduced by: Senators Mizuguchi, Kuroda, Takitani, Wong, Young, Yee and Yamasaki.

No. 543 "A Bill for an Act Relating to Horizontal Property Regime."

Introduced by: Senator Young.

No. 544 "A Bill for an Act Relating to Horizontal Property Regime."

Introduced by: Senator Young.

No. 546 "A Bill for an Act Relating to Sexual Abuse in the First Degree."

Introduced by: Senators Kawasaki, Wong, Cayetano, Campbell, Kuroda, Takitani, Hara, Mizuguchi and Young.

No. 547 "A Bill for an Act Relating to Theft."

Introduced by: Senators Kawasaki, Wong, Cayetano, Campbell, Kuroda, Takitani, Hara, Mizuguchi and Young.

No. 548 "A Bill for an Act Relating to Tort Liability and Proper Standard of Care."

Introduced by: Senators Kawasaki, Kuroda and Campbell.

No. 549 "A Bill for an Act Relating to Offenses Affecting Occupations."

Introduced by: Senators Kawasaki, Wong, Cayetano, Campbell, Kuroda, Takitani, Hara, Mizuguchi and Young.

No. 550 "A Bill for an Act Relating

- to the Hawaii Penal Code."
- Introduced by: Senators Kawasaki, Wong and Kuroda.
- No. 551 "A Bill for an Act Relating to Motor Vehicle Registration."
- Introduced by: Senators Kawasaki, Wong, Cayetano, Campbell and Kuroda.
- No. 552 "A Bill for an Act Relating to Concessions on Public Property."
- Introduced by: Senators Kawasaki, Mizuguchi, Campbell, Kuroda, Takitani, Hara, Young, Wong and Cayetano.
- No. 553 "A Bill for an Act Relating to Obstruction of Public Safety Communications."
- Introduced by: Senators Kawasaki, Wong, Cayetano, Campbell, Kuroda, Takitani, Hara, Mizuguchi and Young.
- No. 554 "A Bill for an Act Relating to Sexual Offenses."
- Introduced by: Senators Kawasaki, Wong, Cayetano, Campbell and Kuroda.
- No. 555 "A Bill for an Act Relating to Number Plates."
- Introduced by: Senators Kawasaki, Wong, Cayetano, Campbell and Kuroda.
- No. 556 "A Bill for an Act Relating to Tax Incentives for Water Conservation Devices."
- Introduced by: Senators Kawasaki, Wong, Cayetano, Campbell and Kuroda.
- No. 557 "A Bill for an Act Relating to the Vehicle Industry Licensing Act."
- Introduced by: Senator Cobb, by request.
- No. 558 "A Bill for an Act Making an Appropriation for Permanent Spectator Bleachers at Waipahu High School Athletic Field."
- Introduced by: Senators Young, Mizuguchi, Kuroda and Cayetano.
- No. 559 "A Bill for an Act Making an Appropriation for Hawaiian Islands Public Radio."
- Introduced by: Senators Campbell,
- Chong, Young, Yamasaki, Kuroda, Takitani and Hara.
- No. 560 "A Bill for an Act Relating to Taxes on Certain Food and Drugs."
- Introduced by: Senators Campbell, Carpenter, Takitani, Young, Chong, Cobb and Toyofuku.
- No. 561 "A Bill for an Act Relating to the Hawaii Motor Vehicle Accident Reparations Act Open Rating Period."
- Introduced by: Senators Campbell and Chong.
- No. 562 "A Bill for an Act Relating to the Public Library System."
- Introduced by: Senators Campbell, Takitani, Kuroda and Hara.
- No. 563 "A Bill for an Act Relating to the Handicapped."
- Introduced by: Senators Campbell, Kuroda, Yamasaki, Ajifu, Young, Toyofuku, Takitani and Chong.
- No. 564 "A Bill for an Act Relating to Public Accountancy."
- Introduced by: Senators Carpenter, Yamasaki, Takitani and Cobb.
- No. 565 "A Bill for an Act Relating to Pensions and Retirement."
- Introduced by: Senators Carpenter, Yamasaki, Takitani, Hara and Cobb.
- No. 566 "A Bill for an Act Relating to Pensions and Retirement."
- Introduced by: Senators Carpenter, Yamasaki, Takitani and Hara.
- No. 567 "A Bill for an Act Relating to Exceptional Children."
- Introduced by: Senators Carpenter, Takitani, Chong, Hara and Cobb.
- No. 568 "A Bill for an Act Making an Appropriation for a Grant-In-Aid for the Hawaii Medical Library, Oahu."
- Introduced by: Senators Carpenter, Takitani, Chong, Hara and Cobb.
- No. 569 "A Bill for an Act Relating to Child Abuse and Spouse Abuse."
- Introduced by: Senators Carpenter, Takitani, Chong, Hara and Cobb.
- No. 570 "A Bill for an Act Relating to Taxation."
- Introduced by: Senators Yamasaki,

Takitani, Hara, Young, Ajifu, Cobb and Carpenter.

No. 571 "A Bill for an Act Relating to Employment Security."

Introduced by: Senators Toyofuku, Kuroda, Chong, Takitani, O'Connor, Campbell, Yee, Anderson and Ajifu.

No. 572 "A Bill for an Act Relating to Mental Health."

Introduced by: Senators Carpenter, Chong, Campbell, Yee, Takitani, Young and Kuroda.

No. 573 "A Bill for an Act Relating to Prepaid Health Care Coverage."

Introduced by: Senators Chong, Cobb, Kawasaki, Campbell, Takitani and Young.

No. 574 "A Bill for an Act Relating to Sunlight Protection."

Introduced by: Senators Carroll and Abercrombie.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the following bill was referred to print and was placed on the calendar for further consideration on Thursday, February 8, 1979:

Senate Bill

No. 545 "A Bill for an Act Relating to Public Utility Special Purpose Revenue Bonds."

Introduced by: Senator Chong.

STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 10), informing the Senate that Senate Concurrent Resolution No. 15, Senate Resolution Nos. 90 to 93 and Senate Bill Nos. 485 to 530 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.

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Tuesday, February 6, 1978:

Senate Bills Referred to:

No. 485 Committee on Judiciary

No. 486 Committee on Tourism, then to the Committee on Ways and Means

No. 487 Committee on Health, then to the Committee on Consumer Protection and Commerce

No. 488 Committee on Health, then to the Committee on Consumer Protection and Commerce

No. 489 Committee on Health, then to the Committee on Ways and Means

No. 490 Committee on Health, then to the Committee on Ways and Means

No. 491 Jointly to the Committee on Health and the Committee on Human Resources, then to the Committee on Ways and Means

No. 492 Committee on Health, then to the Committee on Ways and Means

No. 493 Committee on Housing and Hawaiian Homes, then to the Committee on Consumer Protection and Commerce

No. 494 Committee on Housing and Hawaiian Homes, then to the Committee on Judiciary

No. 495 Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means

No. 496 Committee on Health, then to the Committee on Higher Education, then to the Committee on Ways and Means

No. 497 Committee on Higher Education, then to the Committee on Ways and Means

No. 498 Jointly to the Committee on Health and the Committee on Human Resources, then to the Committee on Ways and Means

No. 499 Committee on Education, then to the Committee on Ways and Means

No. 500 Committee on Health, then to the Committee on Judiciary

No. 501 Committee on Human Resources, then to the Committee on Legislative Management

No. 502 Committee on Human Resources, then to the Committee on Ways and Means

No. 503 Committee on Judiciary

No. 504 Committee on Judiciary

No. 505 Committee on Judiciary

No. 506 Committee on Judiciary

No. 507 Committee on Judiciary

No. 508 Committee on Judiciary

No. 509 Committee on Judiciary

No. 510 Committee on Judiciary

No. 511 Committee on Judiciary

No. 512 Committee on Judiciary

No. 513 Committee on Government
Operations and Efficiency, then
to the Committee on Judiciary

No. 514 Committee on Human Resources,
then to the Committee on Ways
and Means

No. 515 Committee on Education,
then to the Committee on Ways
and Means

No. 516 Committee on Health,
then to the Committee on Ways
and Means

No. 517 Committee on Housing
and Hawaiian Homes, then to the
Committee on Legislative Management,
then to the Committee on Ways
and Means

No. 518 Committee on Consumer
Protection and Commerce, then
to the Committee on Judiciary

No. 519 Committee on Public Utilities,
then to the Committee on Judiciary

No. 520 Jointly to the Committee
on Agriculture and the Committee
on Economic Development, then
to the Committee on Judiciary

No. 521 Jointly to the Committee
on Transportation and the Committee
on Intergovernmental Relations,
then to the Committee on Ways
and Means

No. 522 Committee on Judiciary

No. 523 Committee on Judiciary

No. 524 Jointly to the Committee
on Agriculture and the Committee
on Economic Development, then
to the Committee on Ways and
Means

No. 525 Committee on Intergovern-

mental Relations, then to the Committee
on Ways and Means

No. 526 Committee on Health, then
to the Committee on Ways and Means

No. 527 Committee on Health, then
to the Committee on Ways and Means

No. 528 Committee on Agriculture,
then to the Committee on Ways and
Means

No. 529 Committee on Economic Develop-
ment, then to the Committee on Ways
and Means

No. 530 Committee on Education,
then to the Committee on Ways and
Means

REFERRAL OF A HOUSE BILL

The President made the following
committee assignment of a bill that was
received on Tuesday, February 6, 1979:

House Bill Referred to:

No. 11,
H.D. 1 Committee on Ways and Means

RE-REFERRAL OF A SENATE CONCURRENT RESOLUTION

The President made the following
re-referral of a concurrent resolution
which had been offered on Monday,
February 5, 1979:

Senate
Concurrent
Resolution Referred to:

No. 14 Committee on Health, then
to the Committee on Judiciary, then
to the Committee on Legislative Manage-
ment

RE-REFERRAL OF A SENATE RESOLUTION

The President made the following
re-referral of a resolution which had
been offered on Monday, February 5,
1979:

Senate
Resolution Referred to:

No. 89 Committee on Health, then
to the Committee on Judiciary, then
to the Committee on Legislative Management

ADJOURNMENT

At 11:45 o'clock a.m., on motion
by Senator Mizuguchi, seconded by
Senator Anderson and carried, the
Senate adjourned until 11:30 o'clock
a.m., Thursday, February 8, 1979.