

## THIRTY-NINTH DAY

Tuesday, March 20, 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 Richard Du Fresne of the Community Church of Honolulu, after which the Roll was called showing all Senators present with the exception of Senator Anderson, who was excused.

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

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

Senator Yee introduced fifty-six students from the sixth grade at Hawaii Baptist Academy, with their teachers, Ms. Darlene Kaneshiro, Ms. Gayle Tomokiyo and Mr. Tim Kaneshiro.

Senator Hara introduced Mr. John Sosa, Vice Principal of Kau High School, and the Student Observers from the Big Island.

Senator Yee introduced forty-five members of the Paradise Senior Citizens Club.

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 109), transmitting a report prepared by the State Commission on Manpower and Full Employment to fulfill the requirements of Title II, Public Law 94-482, the Vocational Education Amendments of 1976, and entitled, "Vocational Education Annual Report, FY 1978", was read by the Clerk and was referred to the Committee on Human Resources.

## DEPARTMENTAL COMMUNICATION

A communication from the Office of the Legislative Auditor (Dept. Com. No. 10), transmitting a report entitled, "General Audit of the Office of Environmental Quality Control", was read by the Clerk and was referred to the Committee on Ecology, Environment and Recreation.

## HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 308), transmitting House Concurrent Resolution No. 117, which was adopted by the House

of Representatives on March 19, 1979, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING SECRETARY PATRICIA M. HARRIS TO EXPEDITE THE ADOPTION OF REGULATIONS FOR FHA SECTION 240 INSURED MORTGAGE LOANS", was referred to the Committee on Housing and Hawaiian Homes.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 52 to 54) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 52), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW BY THE STATE AND COUNTY GOVERNMENTS OF CERTAIN EMPLOYMENT PRACTICES AND PROCEDURES", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Yamasaki, Cobb, Hara, Young, Saiki, Carpenter, Soares, Ajifu and Kuroda.

By unanimous consent, S.C.R. No. 52 was referred to the Committee on Human Resources.

A concurrent resolution (S.C.R. No. 53), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTY AREA AGENCIES ON AGING TO COOPERATE WITH THE EXECUTIVE OFFICE ON AGING, OFFICE OF THE GOVERNOR OF HAWAII, IN THE DEVELOPMENT OF THEIR AREA PLANS ON AGING", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Carroll, Yamasaki, Young, Carpenter, Soares, Hara, Saiki, Cobb, Campbell, Ajifu and Kuroda.

By unanimous consent, S.C.R. No. 53 was referred to the Committee on Human Resources.

A concurrent resolution (S.C.R. No. 54), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DENTAL HEALTH DIVISION OF THE STATE DEPARTMENT OF HEALTH", was jointly offered by Senators Carpenter, Abercrombie, Chong, Saiki and Campbell.

By unanimous consent, S.C.R. No. 54 was referred to the Committee on Health, then to the Committee on Legislative Management.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 260 to 274) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 260), entitled:

"SENATE RESOLUTION REQUESTING A REVIEW BY THE STATE AND COUNTY GOVERNMENTS OF CERTAIN EMPLOYMENT PRACTICES AND PROCEDURES", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Yamasaki, Cobb, Hara, Young, Saiki, Soares, Campbell, Carpenter, Kuroda and Ajifu.

By unanimous consent, S.R. No. 260 was referred to the Committee on Human Resources.

A resolution (S.R. No. 261), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE SAFETY AND HEALTH PROFESSION", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Carroll, Yamasaki, Young, Saiki, Carpenter, Soares, Kuroda, Hara, Cobb, Campbell and Ajifu.

By unanimous consent, S.R. No. 261 was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

A resolution (S.R. No. 262), entitled: "SENATE RESOLUTION REQUESTING THE COUNTY AREA AGENCIES ON AGING TO COOPERATE WITH THE EXECUTIVE OFFICE ON AGING, OFFICE OF THE GOVERNOR OF HAWAII, IN THE DEVELOPMENT OF THEIR AREA PLANS ON AGING", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Carroll, Yamasaki, Young, Carpenter, Soares, Kuroda, Hara, Saiki, Cobb and Ajifu.

By unanimous consent, S.R. No. 262 was referred to the Committee on Human Resources.

A resolution (S.R. No. 263), entitled: "SENATE RESOLUTION REQUESTING THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD TO ESTABLISH GENERAL STANDARDS OR CRITERIA FOR EMPLOYEES NOT COVERED UNDER THE PROVISIONS OF CHAPTER 89, HAWAII REVISED STATUTES", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Carroll, Yamasaki, Young, Carpenter, Soares, Kuroda, Hara, Saiki, Cobb and Campbell.

By unanimous consent, S.R. No. 263 was referred to the Committee on Human Resources.

A resolution (S.R. No. 264), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON CHARGES MADE TO EMPLOYERS UNDER THE HAWAII EMPLOYMENT SECURITY LAW", was jointly offered by Senators Toyofuku, Takitani, Abercrombie, Carroll, Yamasaki, Hara, Young,

Saiki, Carpenter, Soares, Cobb, Campbell, Ajifu and Kuroda.

By unanimous consent, S.R. No. 264 was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

A resolution (S.R. No. 265), entitled: "SENATE RESOLUTION REQUESTING DEVELOPMENT AND FORMULATION OF PATIENT'S RIGHTS STANDARDS", was jointly offered by Senators Carpenter, Takitani, Abercrombie, Chong, Yamasaki, Campbell and Cobb.

By unanimous consent, S.R. No. 265 was referred to the Committee on Health.

A resolution (S.R. No. 266), entitled: "SENATE RESOLUTION REQUESTING REQUIREMENT OF PATIENT RIGHTS PROTOCOLS IN HOSPITALS", was jointly offered by Senators Carpenter, Takitani, Abercrombie, Chong, Yamasaki, Campbell and Cobb.

By unanimous consent, S.R. No. 266 was referred to the Committee on Health.

A resolution (S.R. No. 267), entitled: "SENATE RESOLUTION REQUESTING AN AUDIT OF THE DENTAL HEALTH DIVISION OF THE STATE DEPARTMENT OF HEALTH", was jointly offered by Senators Carpenter, Abercrombie and Saiki.

By unanimous consent, S.R. No. 267 was referred to the Committee on Health, then to the Committee on Legislative Management.

A resolution (S.R. No. 268), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE HAWAIIAN HIGHER EDUCATION COUNCIL", was jointly offered by Senators Carpenter, Young, Takitani, Abercrombie, Yamasaki, Cobb, Hara, Chong, Ajifu and Saiki.

By unanimous consent, S.R. No. 268 was referred to the Committee on Higher Education.

A resolution (S.R. No. 269), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO THE KAISER HIGH SCHOOL BASKETBALL TEAM FOR WINNING THE OIA EASTERN DIVISION AND THE HONOLULU DISTRICT CHAMPIONSHIPS", was jointly offered by Senators Soares, Saiki, Cobb, O'Connor, Takitani, Yamasaki, Kawasaki, Mizuguchi, Campbell, Kuroda, Chong, Toyofuku, Carpenter and Hara.

On motion by Senator Soares, seconded by Senator Saiki and carried, S.R. No. 269 was adopted.

Senator Soares introduced to the members

of the Senate the following from Kaiser High School: Mr. Ted Fukushima, head basketball coach; Mr. Randy Hudnall, team manager; and Chris Whaley, co-captain of the team. Senator Soares then presented them with certified copies of the resolution.

At 11:40 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 o'clock a.m.

A resolution (S.R. No. 270), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS AND BEST WISHES TO LEANNE SHIGENO HIGA, THE 1979 CHERRY BLOSSOM QUEEN", was jointly offered by Senators Young, Cayetano, Kuroda, Mizuguchi, O'Connor, Cobb, Hara, Campbell, Yamasaki, Kawasaki, Carpenter, Chong, Ajifu, Carroll, Saiki, Yee, Ushijima, George, Toyofuku, Soares, Takitani and Wong.

By unanimous consent, consideration of S.R. No. 270 was deferred to the end of the calendar.

A resolution (S.R. No. 271), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO PUNAHOU SCHOOL VARSITY BASKETBALL TEAM FOR WINNING THE STATE BASKETBALL CHAMPIONSHIP", was jointly offered by Senators Soares, Yee, Saiki, Cobb, Young, Carroll, Ajifu, Yamasaki, O'Connor and Chong.

On motion by Senator Soares, seconded by Senator Yee and carried, S.R. No. 271 was adopted.

A resolution (S.R. No. 272), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS AND BEST WISHES TO THE 1979 CHERRY BLOSSOM COURT", was jointly offered by Senators Kawasaki, Young, Takitani, Soares, Cobb, Ajifu, Yamasaki, Ushijima, Carpenter, Toyofuku, Cayetano, Kuroda, Abercrombie, Yim, Carroll, Saiki, Campbell and Yee.

By unanimous consent, consideration of S.R. No. 272 was deferred to the end of the calendar.

A resolution (S.R. No. 273), entitled: "SENATE RESOLUTION EXTENDING ALOHA AND BEST WISHES TO THE NISEI WEEK QUEEN AND HER COURT", was jointly offered by Senators Mizuguchi, Takitani, Young, Yee, Carroll, Saiki, Kuroda, Yamasaki, Wong, Yim and Cayetano.

By unanimous consent, consideration of S.R. No. 273 was deferred to the end of the calendar.

A resolution (S.R. No. 274), entitled: "SENATE RESOLUTION CONGRATULATING COACH LES MURAKAMI FOR HIS UNSELFISH EFFORTS AND DEDICATION IN BUILDING THE UNIVERSITY OF HAWAII BASEBALL TEAM TOWARDS NATIONAL RECOGNITION IN COLLEGIATE BASEBALL", was jointly offered by Senators Mizuguchi, Young, Campbell, Kuroda, Chong, Carpenter, Takitani, Hara, Toyofuku, O'Connor, Wong, Cayetano, Yee, Kawasaki, Yamasaki, Yim, Carroll and Saiki.

On motion by Senator Mizuguchi, seconded by Senator Young and carried, S.R. No. 274 was adopted.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 642), informing the Senate that Senate Concurrent Resolution Nos. 50 and 51, Senate Resolution No. 259 and Standing Committee Report Nos. 639 to 641 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.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 643), recommending that House Bill No. 4 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and H.B. No. 4, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", passed Second Reading and was referred to the Committee on Ways and Means.

Senator O'Connor, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 644), recommending that House Bill No. 19, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the majority of the Committee was adopted and H.B. No. 19, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET", passed Second Reading and was referred to the Committee

on Ways and Means.

Senator O'Connor, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 645), recommending that House Bill No. 93, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the majority of the Committee was adopted, and, Roll Call vote having been requested, H.B. No. 93, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL CLAIMS COURT", passed Second Reading, on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Carroll).  
Excused, 1 (Anderson);

and was placed on the calendar for Third Reading on Thursday, March 22, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 93, S.D. 1.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 646), recommending that House Bill No. 451, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and, Roll Call vote having been requested, H.B. No. 451, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING A DANGEROUS DRUG", passed Second Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Abercrombie).  
Excused, 1 (Anderson);

and was placed on the calendar for Third Reading on Thursday, March 22, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 451, S.D. 1.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 647), recommending that House Bill No. 577 pass Second Reading and be referred to the Committee on Ways

and Means.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and H.B. No. 577, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR INDIGENT CRIMINAL DEFENDANTS", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawasaki, for the Committee on Government Operations and Efficiency, presented a report (Stand. Com. Rep. No. 648), recommending that Senate Resolution No. 166 be adopted.

On motion by Senator Kawasaki, seconded by Senator Toyofuku and carried, the report of the Committee was adopted and S.R. No. 166, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO DEVELOP AND IMPLEMENT A WASTE PAPER RECOVERY PROGRAM FOR MAJOR STATE OFFICE BUILDINGS IN HONOLULU", was adopted.

Senator Kawasaki, for the Committee on Government Operations and Efficiency, presented a report (Stand. Com. Rep. No. 649), recommending that Senate Resolution No. 209, as amended in S.D. 1, be adopted.

On motion by Senator Kawasaki, seconded by Senator Toyofuku and carried, the report of the Committee was adopted and S.R. No. 209, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF COST COMPARISON FOR STATE OFFICE SPACE", was adopted.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

Senators Cobb and Hara, for the Committee on Consumer Protection and Commerce and the Committee on Ecology, Environment and Recreation, presented a joint report (Stand. Com. Rep. No. 650), recommending that Senate Resolution No. 17, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Hara and carried, the joint report of the Committees was adopted and S.R. No. 17, S.D. 1, entitled: "SENATE RESOLUTION URGING A CONCERTED NATIONAL EFFORT TO REPLACE THE CATALYTIC CONVERTERS ON AUTOMOBILES WITH ALTERNATIVE DEVICES IN THE INTEREST OF PROTECTING THE NATION'S CONSUMERS AND SERVING AN IMPORTANT PUBLIC PURPOSE", was adopted.

Senators Cobb and Hara, for the Committee on Consumer Protection and Commerce and the Committee on Ecology, Environment and Recreation, presented a joint report (Stand. Com. Rep. No. 651), recommending that Senate Concurrent Resolution No. 2, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Hara and carried, the joint report of the Committees was adopted and S.C.R. No. 2, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING A CONCERTED NATIONAL EFFORT TO REPLACE THE CATALYTIC CONVERTERS ON AUTOMOBILES WITH ALTERNATIVE DEVICES IN THE INTEREST OF PROTECTING THE NATION'S CONSUMERS AND SERVING AN IMPORTANT PUBLIC PURPOSE", was adopted.

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

The Senate reconvened at 11:51 o'clock a.m.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 652), recommending that House Bill No. 1636, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.B. No. 1636, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATORY EMPLOYMENT PRACTICES", passed Second Reading and was referred to the Committee on Judiciary.

#### ORDER OF THE DAY

##### RE-REFERRAL OF HOUSE BILLS

The President made the following re-referral of House Bills which had been received on Friday, March 16, 1979:

House Bills	Referred to:
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No. 660, H.D. 2	Committee on Consumer Protection, then to the Committee on Ways and Means
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No. 1060	Committee on Higher Education, then to the Committee on Ways and Means
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#### MISCELLANEOUS COMMUNICATION

A communication from the Honorable Elmer F. Cravalho, Mayor, County of Maui, (Misc. Com. No. 17), acknowledging receipt of Senate Resolution No. 177 (1979), was read by the Clerk and was placed on file.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:30 o'clock p.m.

##### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Senate Resolution No. 270:

On motion by Senator Young, seconded by Senator Cayetano and carried, S.R. No. 270 was adopted.

Senate Resolution No. 272:

On motion by Senator Kawasaki, seconded by Senator Young and carried, S.R. No. 272 was adopted.

Senate Resolution No. 273:

On motion by Senator Mizuguchi, seconded by Senator Takitani and carried, S.R. No. 273 was adopted.

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

Senator Young introduced Miss LeAnne Shigeno Higa, the 1979 Cherry Blossom Queen.

Senator Kawasaki prefaced his introduction of the 1979 Cherry Blossom Court as follows:

"Mr. President, a few days ago, Senator Patsy Young, a little concerned about my tarnished image as being the male chauvinist pig in this Body, decided that I should change that image and she practically mandated my staff and myself to prepare Senate Resolution No. 272.

"As a result, we did that and I thank Senator Young for trying to change my enviable image around here."

Senator Kawasaki then proceeded to introduce the Court as follows: Miss Cheryl Hiroko Imai, Miss Mona Nobue Ogitani and Miss Charlene Kiyoko Oka, Attendants; Miss Janet Keiko Kitaguchi, Miss Popularity; and Miss Willette Tsukiyo Okuda, Miss Congeniality.

Senator Mizuguchi then introduced Miss Lisa Tomiko Yamamoto, the Nisei Week Queen, and members of her Court: Princess Victoria Frances Okada; Attendants, Miss Marsha Ann Aseka, Miss Diana Elizabeth Dutcher, Miss Tammie Chikaye Katayama and Miss Christine Emi Toguchi; and Miss Tomodachi, Miss Lynn Tomomi Nakamura.

Senators Young, Mizuguchi, Kawasaki, Cayetano, Kuroda and Yamasaki then presented certified copies of the various resolutions to the two Queens and members of their Court. Senator Kawasaki presented certified copies of Senate Resolution Nos. 270 and 272 to a representative of the Honolulu Japanese Junior Chamber of Commerce, sponsors of the 27th Annual Cherry Blossom Festival.

At 12: 35 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12: 40 o'clock p.m.

Senator Kawasaki then commented, "Mr. President, you will note in this Body that some of the resolutions were presented by the, what we call back here, 'old man's row'. I think some of us need a little bright spot in our otherwise prosaic lives once in a while."

The President then appointed Senators Cobb and Carpenter to escort Miss

LeAnne Shigeno Higa and Miss Lisa Tomiko Yamamoto, respectively, to the rostrum where they addressed the members of the Senate.

Miss LeAnne Shigeno Higa, the 1979 Cherry Blossom Queen, stated:

"Thank you. Good morning. On behalf of the 1979 Court and myself, I would like to extend our warmest and deepest appreciation to all of you this morning.

"Thank you to the Honolulu Japanese Junior Chamber of Commerce for all they have done for us and to the State of Hawaii for all that you have done and will be doing for us.

"Thank you again."

Miss Lisa Tomiko Yamamoto, the Nisei Week Queen, then remarked:

"Good morning. I'd like to first thank you for having us here today. We're all having a very good time and I hope our presence here helps to encourage our relationship between Los Angeles and Hawaii.

"Thank you very much."

#### ADJOURNMENT

At 12: 44 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Yee and carried, the Senate adjourned until 11: 30 o'clock a.m., Wednesday, March 21, 1979.