

SIXTY-FIRST DAY

Monday, April 18, 1977

The Senate of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 5:00 o'clock p.m., with the President in the Chair.

The Divine Blessing was invoked by Miss Susan Flair of the Olivet Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators Hara, O'Connor, R. Wong and Yamasaki, who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 469 and 470) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 469), transmitting the 1976 annual report of the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, which was prepared by the Department of Health pursuant to Section 329-3, Hawaii Revised Statutes, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 470), transmitting the 1976 annual report of the Department of Transportation, was referred to the Committee on Transportation.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 648 to 665) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 648), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 246, S.D. 1, was adopted by the House; and S.B. No. 246, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 649), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate

Bill No. 577, S.D. 1, was adopted by the House; and S.B. No. 577, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 650), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1350, S.D. 1, was adopted by the House, and S.B. No. 1350, S.D. 1, H.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 651), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 817, H.D. 1, was adopted by the House, and H.B. No. 817, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 652), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1698, H.D. 1, was adopted by the House, and H.B. No. 1698, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 653), returning Senate Bill No. 254, S.D. 1, which passed Third Reading in the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 654), returning Senate Bill No. 258, S.D. 1, which passed Third Reading in the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 655), transmitting House Concurrent Resolution No. 64, which was adopted by the House of Representatives on April 15, 1977, was placed on file.

By unanimous consent, H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REPORTS

FROM THE EXECUTIVE DEPARTMENTS CONCERNING THE VENDOR PAYMENT PROCESS", was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 656), transmitting House Concurrent Resolution No. 99, H.D. 1, which was adopted by the House of Representatives on April 15, 1977, was placed on file.

By unanimous consent, H.C.R. No. 99, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PLANNING FOR TRAFFIC CONDITIONS ON KALANIANA'OLE HIGHWAY", was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 657), transmitting House Concurrent Resolution No. 139, which was adopted by the House of Representatives on April 15, 1977, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION HONORING HERMAN J. WEDEMEYER AND SUPPORTING HIS NOMINATION TO THE NATIONAL FOOTBALL FOUNDATION HALL OF FAME", was adopted.

A communication from the House (Hse. Com. No. 658), returning Senate Concurrent Resolution No. 13, which was adopted by the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 659), returning Senate Concurrent Resolution No. 53, which was adopted by the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 660), returning Senate Concurrent Resolution No. 74, which was adopted by the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 661), returning Senate Concurrent Resolution No. 75, which was adopted by the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 662), returning Senate Concurrent Resolution No. 79, which was adopted by the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 663), returning Senate Concurrent Resolution No. 96, which was adopted by the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 664), returning Senate Concurrent Resolution No. 139, which was adopted by the House of Representatives on April 15, 1977, was placed on file.

A communication from the House (Hse. Com. No. 665), returning Senate Concurrent Resolution No. 174, which was adopted by the House of Representatives on April 15, 1977, was placed on file.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 502 to 505) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 502), entitled: "SENATE RESOLUTION CONGRATULATING MARY GRAY, OUTGOING PRESIDENT OF THE UNITED NATIONS ASSOCIATION OF THE UNITED STATES OF AMERICA, HAWAII CHAPTER, FOR HER TWO YEARS OF SERVICE AND DEDICATION IN THAT POSITION", was jointly offered by Senators Chong, Kuroda, King, Saiki, Young, Takitani, George, Ching, Leopold, Taira, Soares, Nishimura, Toyofuku and Yim.

On motion by Senator Chong, seconded by Senator Kuroda and carried, S.R. No. 502 was adopted.

Senator Chong then introduced to the members of the Senate Mrs. Mary Gray, the honoree of the resolution, who was in the gallery.

A resolution (S.R. No. 503), entitled: "SENATE RESOLUTION CONGRATULATING DEAN JERROLD MICHAEL OF THE UNIVERSITY OF HAWAII SCHOOL OF PUBLIC HEALTH ON HIS ELECTION TO THE PRESIDENCY OF THE ASSOCIATION OF SCHOOLS OF PUBLIC HEALTH", was jointly offered by Senators Chong, King, Hara, Takitani, George, Ching, Yim, Saiki, Taira, Yamasaki, Kuroda, Hulten, R. Wong, Leopold, Soares, Young, Nishimura and Toyofuku.

On motion by Senator Chong, seconded by Senator Takitani and carried, S.R. No. 503 was adopted.

A resolution (S.R. No. 504), entitled: "SENATE RESOLUTION HONORING MR. KIM KIU CHONG ON HIS SEVENTY-FIRST BIRTHDAY", was jointly offered by Senators Nishimura, Chong,

Taira, Toyofuku, Hulten, Kuroda, Yim, George, F. Wong, Hara and Kawasaki.

On motion by Senator Nishimura, seconded by Senator Chong and carried, S.R. No. 504 was adopted.

A resolution (S.R. No. 505), entitled: "SENATE RESOLUTION IN RECOGNITION OF PIILANI C. DESHA AS THE FIRST HAWAII MEMBER ELECTED PRESIDENT OF THE NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC.", was jointly offered by Senators Ushijima, Chong, Leopold, Saiki, Ching, Young, Taira, Toyofuku, Kuroda, Hulten, Nishimura, F. Wong, King, Hara, George and Yim.

On motion by Senator Taira, seconded by Senator Henderson and carried, S.R. No. 505 was adopted.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1227), informing the Senate that Senate Resolution No. 501 and Standing Committee Report Nos. 1212 to 1226 and 1228 to 1230 have been printed and are ready for distribution.

On motion by Senator Taira, seconded by Senator Henderson and carried, the report of the Committee was adopted.

Senators Toyofuku and Takitani, for the Committee on Human Resources and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 1228), recommending that House Concurrent Resolution No. 112, as amended in S.D. 1, be adopted.

On motion by Senator Taira, seconded by Senator Ching and carried, the joint report of the Committee was adopted and H.C.R. No. 112, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF BUDGET AND FINANCE, AND PERSONNEL SERVICES AND THE UNIVERSITY OF HAWAII TO CLEARLY DELINEATE THE IN-SERVICE TRAINING FUNCTIONS, RESPONSIBILITIES, AND AUTHORITIES OF THE HAWAII INSTITUTE FOR MANAGEMENT AND ANALYSIS IN GOVERNMENT AND THE CENTER FOR GOVERNMENTAL DEVELOPMENT, IN RELATION TO THE RESPONSIBILITIES OF THE DEPARTMENT OF PERSONNEL SERVICES", was adopted.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No.

1229), recommending that House Concurrent Resolution No. 132 be adopted.

On motion by Senator Taira, seconded by Senator Ching and carried, the report of the Committee was adopted and H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE APPROVAL OF THE STATE POLICY ON SENIOR CENTERS BY THE NINTH LEGISLATURE OF THE STATE OF HAWAII", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1230), recommending that House Concurrent Resolution No. 55, H.D. 1, be adopted.

On motion by Senator Taira, seconded by Senator Ching and carried, the report of the Committee was adopted and H.C.R. No. 55, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1231), recommending that House Concurrent Resolution No. 91 be adopted.

On motion by Senator Taira, seconded by Senator Ching and carried, the report of the Committee was adopted and H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR OF HAWAII AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPEDITE THE PROCESSING OF A LONG-TERM RENEWAL LEASE FOR THE WAIMANALO EXPERIMENT STATION", was adopted.

Senator Nishimura, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1232), recommending that House Concurrent Resolution No. 128, H.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Taira, seconded by Senator Ching and carried, the report of the majority of the Committee was adopted and H.C.R. No. 128, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY INTO THE EXISTING FUNCTIONS OF THE REAL ESTATE COMMISSION AND THE FEASIBILITY OF DEVELOPING A REAL ESTATE DIVISION WITHIN THE DEPARTMENT OF REGULATORY AGENCIES", was referred to the Committee on Legislative Management.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep.

No. 1233), recommending that House Concurrent Resolution No. 111, H.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Taira, seconded by Senator Ching and carried, the report of the Committee was adopted and H.C.R. No. 111, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PARTICIPATION OF THE STATE OF HAWAII IN THE FORMATION OF A JOINT IOLANI PALACE CELEBRATION COMMITTEE", was referred to the Committee on Legislative Management.

ORDER OF THE DAY

RE-REFERRAL OF RESOLUTIONS

The President made the following re-referral of a Senate Concurrent Resolution which had been offered on Tuesday, March 1, 1977:

Senate
Concurrent

Resolution Referred to:

No. 106 Committee on Higher Education, then to the Committee on Legislative Management

The President made the following re-referral of a Senate Resolution which had been offered on Tuesday, March 1, 1977:

Senate

Resolution Referred to:

No. 288 Committee on Higher Education, then to the Committee on Legislative Management

MATTERS DEFERRED FROM APRIL 15, 1977

Senate Bill No. 47, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 47, S.D. 2, H.D. 2, was deferred to the end of the calendar.

Conference Committee Report No. 20 (H.B. No. 154, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 20 and H.B. No. 154, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 36 (S.B. No. 1464, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 36 and

S.B. No. 1464, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 38 (H.B. No. 1698, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 38 and H.B. No. 1698, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 39 (H.B. No. 1685, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 39 and H.B. No. 1685, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 41 (H.B. No. 180, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 41 and H.B. No. 180, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 43 (H.B. No. 28, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 43 and H.B. No. 28, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 44 (S.B. No. 1308, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 44 and S.B. No. 1308, S.D. 2, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 1206 (H.B. No. 1175):

By unanimous consent, action on Stand. Com. Rep. No. 1206 and H.B. No. 1175 was deferred to the end of the calendar.

Standing Committee Report No. 1208 (H.B. No. 1713, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1208 and H.B. No. 1713, H.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 904 (H.B. No. 1693):

By unanimous consent, action on Stand. Com. Rep. No. 904 and H.B. No. 1693 was deferred to the end of the calendar.

Standing Committee Report No. 1129 (H.B. No. 11, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1129 and H.B. No. 11, H.D. 2, was deferred to the end of the calendar.

House Bill No. 1292, H.D. 1:

By unanimous consent, action on H.B. No. 1292, H.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 1223 (Gov. Msg. No. 210):

Senator Taira moved that Stand. Com. Rep. No. 1223 be received and placed on file, seconded by Senator Ching and carried.

Senator Taira then moved that the Senate advise and consent to the nomination of Sunao Kido to the Public Utilities Commission, term to expire June 1, 1978, seconded by Senator Ching.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (King). Excused, 4 (Hara, O'Connor, R. Wong and Yamasaki).

Standing Committee Report No. 1224 (Gov. Msg. No. 210):

Senator Taira moved that Stand. Com. Rep. No. 1224 be received and placed on file, seconded by Senator Ching and carried.

Senator Taira then moved that the Senate advise and consent to the nomination of Robert H. Rath, Sr., to the Public Utilities Commission, term to expire June 1, 1980, seconded by Senator Ching.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Hara, O'Connor, R. Wong and Yamasaki).

Standing Committee Report No. 1225 (Gov. Msg. No. 210):

Senator Taira moved that Stand.

Com. Rep. No. 1225 be received and placed on file, seconded by Senator Ching and carried.

Senator Taira then moved that the Senate advise and consent to the nomination of Albert Q.Y. Tom, to the Public Utilities Commission, term to expire June 1, 1982, seconded by Senator Ching.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Hara, O'Connor, R. Wong and Yamasaki).

Standing Committee Report No. 1226 (Gov. Msg. No. 177):

Senator Taira moved that Stand. Com. Rep. No. 1226 be received and placed on file, seconded by Senator Ching and carried.

Senator Taira then moved that the Senate advise and consent to the nomination of Masami Niimi, to the Advisory Committee on Flowers and Foliage, term to expire December 31, 1980, seconded by Senator Ching.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Hara, O'Connor, R. Wong and Yamasaki).

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 24 to 26) were read by the Clerk and were disposed of as follows:

A communication from the Honorable Spark Matsunaga, United States Senator, (Misc. Com. No. 24), acknowledging receipt of Senate Resolution No. 327 (1977), was placed on file.

A communication from the Honorable Daniel Inouye, United States Senator, (Misc. Com. No. 25), acknowledging receipt of Senate Concurrent Resolution No. 64 (1977), was placed on file.

A communication from the Office of the President of the United States (Misc. Com. No. 26), acknowledging receipt of Senate Concurrent Resolution No. 64 (1977), was placed on file.

At 5:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:19 o'clock p.m., and the President directed the Clerk to note the presence of Senator Hara.

At 5:20 o'clock p.m., the Senate stood in recess until 11:00 o'clock p.m. tonight.

NIGHT SESSION

The Senate reconvened at 11:37 o'clock p.m.

MESSAGE FROM THE GOVERNOR

A message from the Governor

(Gov. Msg. No. 471), transmitting copies of negotiated agreements for each collective bargaining unit that have been ratified and signed by a majority of the employers, in accordance with Chapter 89, Section 10(b), Hawaii Revised Statutes, as amended; and noting that the agreements represent all cost items negotiated by Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 13 for the fiscal year 1977-78 and fiscal year 1978-79; and listing the following cost items by funds and amounts contained in the Executive Budget for the fiscal biennium 1977-79:

	<u>General</u>	<u>Federal</u>	<u>Special</u>	<u>Other</u>
1977-78 Total Requirements:	16,291,328	2,102,558	2,929,736	937,554
Less budgeted increment:	9,176,583	858,982	1,607,964	106,427
1977-78 Net Additional Costs:	7,114,745	1,243,576	1,321,772	831,127
1978-79 Total Requirements:	31,009,670	4,039,852	5,247,116	1,780,083
Less budgeted increment:	18,066,308	1,877,954	2,941,034	223,051
1978-79 Net Additional Costs:	12,932,362	2,161,898	2,306,082	1,557,032

was read by the Clerk and was referred to the Committee on Ways and Means.

C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CERTAIN FUNDS".

CONFERENCE COMMITTEE REPORTS

Senator R. Wong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 137, H.D. 2, presented a report (Conf. Com. Rep. No. 45), recommending that H.B. No. 137, H.D.2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on the Final Reading of H.B. No. 137, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT".

Senator R. Wong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 12, H.D. 2, presented a report (Conf. Com. Rep. No. 46), recommending that H.B. No. 12, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on the Final Reading of H.B. No. 12, H.D.2, S.D. 1,

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Senate Bill No. 47, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 47, S.D. 2, H.D. 2, was deferred to the end of the calendar.

Conference Committee Report No. 20 (H.B. No. 154, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 20 and H.B. No. 154, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 36 (S.B. No. 1464, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 36 and S.B. No. 1464, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 38 (H.B. No. 1698, H.D. 1, S.D. 1, C.D. 1):

Senator Nishimura moved that

Conf. Com. Rep. No. 38 be adopted and that H.B. No. 1698, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taira.

At 11:38 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:39 o'clock p.m.

Senator George rose to speak against the motion as follows:

"Mr. President, I was a member of your Conference Committee, and I don't think I have ever seen a measure reach this floor for or after conference, with such a lukewarm proposal.

Mr. President, when you look at the report, you will notice that of the eight conferees on the part of the Senate, two members signed 'with reservations' and three of them signed 'I do not concur.'

I think the reason for this somewhat less than enthusiastic reception is probably spelled out fairly well in the Minority Report on the Conference Committee which was submitted by Senator Leopold and me, and I will not take the time of the Body at this time to go over once again the several points that are made in that report. But, I would like to say something about the tepid endorsement and the reasons for it.

You will all remember that when the measure originally passed the Senate, it was unanimously decided by this Body that there would no longer be free no-fault insurance for welfare recipients in this State.

We all know that Hawaii is the only State of the fifty that provides free automobile insurance to its welfare clients. This extravagance is, I think, a further signal of our extreme generosity to our welfare recipients. We are already notable as the State with the highest monthly total in grants to welfare families. That figure is now calculated at \$497.00 a month.

Mr. President, among the matters discussed by your conferees were a number of alternatives to providing free insurance, subsidized by the other drivers in this State. One of these was the alternative that welfare recipients themselves might share in the cost of the insurance

which they need in order for them to drive. This was rejected by the other conferees.

It was also proposed that it might be possible to redistribute the burden of no-fault insurance by spreading it, so to speak, among all the taxpayers of this State rather than asking other motorists to carry it. This was also rejected.

The feeling was expressed a number of times that welfare recipients whose transportation needs could be met by public transportation should not be permitted to qualify for free no-fault insurance payments. This also was rejected.

I am inclined to believe that the reason why the Senate conferees were willing to capitulate on their original position--that there should no longer be free insurance for welfare recipients--is that somehow the illusion was fostered that open rating would vanish if we were to pass the measure in the Senate version.

I think all of us should take a look at the original no-fault insurance bill which provides that open rating will continue until September 1, 1978, no matter what we do tonight. This will provide us with ample opportunity to preserve the concept of open rating by action in the next session.

Open rating was endorsed in the Senate version of the bill. It was endorsed in the House version of the bill and there is no reason to believe that it will not pass next year, if it is presented on its own merits.

Mr. President, I urge my colleagues to vote against the measure that is reported out so unenthusiastically in Conference Committee Report No. 38, on House Bill No. 1698, H.D. 1, S.D. 1, C.D. 1.

Thank you."

Senator Chong spoke in opposition to the measure as follows:

"Mr. President, this bill borders on being a 'shibai'. It does nothing to get at the basic question of reform. The original Senate version was an initial attempt to provide relief to the private sector which is bearing the full burden of the cost for welfare recipients.

The House version on the other hand was a status quo measure. No serious attempt was made to

shift the burden from the private sector to the public sector. It is a continuation of the questionable practice of automatically forcing the private sector to provide free automobile insurance to welfare recipients.

The responsibility of this Body is to protect the public interest. This interest is served best by providing no-fault insurance for those who cannot afford it and who demonstrate a need for an automobile. To leave the funding of such coverage to the private sector means that the cost will be passed on to the insurance-paying motorist who will in effect be forced to pay a disproportionate burden of the cost of no-fault insurance coverage for welfare recipients.

The public interest would be more fairly served by spreading out this cost over the public at large by funding such needed coverage out of the general funds of the State.

I urge my colleagues to vote against this status quo measure, which does nothing to change the existing situation.

Thank you, Mr. President."

Senator Nishimura spoke in favor of the measure as follows:

"Mr. President, your Conference Committee on this bill spent three days trying to convince the House conferees that the Senate's position should prevail. However, we could not convince them, and, as a result, we were faced with a dilemma. This dilemma was to either accept the House position which would sustain the status quo or come out with no bill which would still sustain the status quo.

We have before us, Mr. President, a bill that is basically a consumer protection bill. It is good for the consumers. It has provisions that adequately protect them. It protects the insurance companies to a certain extent so that they will not be required to increase premium rates and thereby cause consumers to pay more.

Now, we have heard quite a bit about free insurance for welfare recipients. I don't know about the rest of the people here but one of the reasons I buy automobile insurance is to protect me, myself, so that in case I should be negligent and hurt another person, then my insurance company will pay that person for the injuries which I, through my

negligence, caused him.

Now, in a case of a welfare recipient, he has no money. If he should be negligent and cause injury to another person, how does he pay? He has no money. In my case, if I had no insurance, my personal assets might be liable. In the case of a welfare recipient, if he is liable and if he has no insurance, what is there to protect the injured party? Nothing. So what actually is taking place is that when the welfare recipient is given free insurance, then the consumer--the driver on the other side--is getting protection.

In other words, we provide free coverage for the welfare recipient because of self-interest of the other driver, for the self-protection of the other driver. This is the essence of automobile insurance. This is the one reason why perhaps the House did not buy the Senate's position.

What we have here then is something that is good for the consumer, and I would appreciate it if anyone here can tell me that what we have before us is bad for the consumer.

Thank you."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 38 was adopted and H.B. No. 1698, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 9 (Anderson, Chong, George, Kawasaki, Kuroda, Leopold, Saiki, Soares and Yim). Excused, 1 (Yee).

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

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

Conference Committee Report No. 39 (H.B. No. 1685, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 39 and H.B. No. 1685, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS, MOTOR CARRIER VEHICLES, AND MOTOR VEHICLES", was deferred until Tuesday, April 19, 1977.

Conference Committee Report No. 41 (H.B. No. 180, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 41 and H.B. No. 180, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS", was deferred until Tuesday, April 19, 1977.

Conference Committee Report No. 43 (H.B. No. 28, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 43 and H.B. No. 28, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION", was deferred until Tuesday, April 19, 1977.

Conference Committee Report No. 44 (S.B. No. 1308, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 44 and S.B. No. 1308, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CRIME COMMISSION", was deferred until Tuesday, April 19, 1977.

Standing Committee Report No. 1206 (H.B. No. 1175):

By unanimous consent, action on Stand. Com. Rep. No. 1206 and H.B. No. 1175, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", was deferred until Tuesday, April 19, 1977.

Standing Committee Report No. 1208 (H.B. No. 1713, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1208 and H.B. No. 1713, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE DEVELOPMENT IN HAWAII AND MAKING AN APPROPRIATION THEREFOR", was deferred until Tuesday, April 19, 1977.

Standing Committee Report No. 904 (H.B. No. 1693):

By unanimous consent, action on Stand. Com. Rep. No. 904 and H.B. No. 1693, entitled: "A BILL FOR AN ACT RELATING TO WITNESS EXPENSES IN CRIMINAL PROCEEDINGS", was deferred until Tuesday, April 19, 1977.

Standing Committee Report No. 1129 (H.B. No. 11, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1129 and H.B. No. 11, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", was deferred until Tuesday, April 19, 1977.

House Bill No. 1292, H.D. 1:

By unanimous consent, action on H.B. No. 1292, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS", was deferred until Tuesday, April 19, 1977.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Senate Bill No. 47, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 47, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE POSTSECONDARY EDUCATION", was deferred until Tuesday, April 19, 1977.

Conference Committee Report No. 20 (H.B. No. 154, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 20 and H.B. No. 154, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGIONAL DESIGN PLANS", was deferred until Tuesday, April 19, 1977.

Conference Committee Report No. 36 (S.B. No. 1464, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 36 and S.B. No. 1464, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY AND LITTER CONTROL", was deferred until Tuesday, April 19, 1977.

ADJOURNMENT

At 11:50 o'clock p.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 12:05 o'clock a.m., Tuesday, April 19, 1977.