

THIRTY-SECOND DAY

Friday, March 3, 1978

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

The Divine Blessing was invoked by Reverend O. W. Efurd of Mililani Baptist Church, after which the Roll was called showing all Senators present.

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

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

Senator Hara introduced a group of students from the Counties of Hawaii, Maui and Kauai participating in the Student Legislative Experience Program, accompanied by their chaperones: Mr. George Miyashiro and Mr. Hachbar from Hawaii County; Mr. Noboru Agena, Mr. Dennis Hokama and Mr. Saburo Watanabe from Maui County; and Mr. Ralph Ishikawa from Kauai County.

Senator George introduced 25 members of the Honolulu League of Women Voters.

Senator Toyofuku introduced 33 fifth grade students from Wilcox School on Kauai, accompanied by their teacher Barbara Miyoshi, chaperones, Miss Chow, David Iha, Takeshi Matsuda, Roy Miyake and Charles Tamura.

Senator Saiki introduced 32 Kalani High School Choir members, who were, earlier in the day, performing in the Capitol Rotunda in conjunction with National Observance of Music in Our School Week, accompanied by their director Ethel Iwasaki and principal Ted Nishijo.

Senator R. Wong then introduced Grade 5 students of Kapalama Elementary School, accompanied by their teacher Mrs. Akinaka.

Senator Kuroda introduced 45 second and third grade students of Gus Webling Elementary School, accompanied by their teachers, Mrs. Marilyn Sakai, Mrs. Pat Yoshikawa, Miss Lynette Tojo and Mrs. Mary Plaster and parents, Mrs. Caroline Uruu and Mrs. Coxen.

DEPARTMENTAL COMMUNICATION

A communication from the Office of the Chancellor, University of Hawaii at Manoa (Dept. Com. No. 5), acknowledging receipt of Senate Resolution No.

214, adopted by the Senate of the Ninth Legislature, State of Hawaii, Regular Session of 1978, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 44 to 76) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 44), transmitting House Bill No. 1775-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1775-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 45), transmitting House Bill No. 1877-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1877-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES AND PROCEDURE ON ARREST, INTERPRETATION AND SEVERABILITY IN THE STATEWIDE TRAFFIC CODE", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 46), transmitting House Bill No. 1881-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1881-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUITS BY AND AGAINST THE STATE AND CONFERRING JURISDICTION UPON DISTRICT COURTS IN SAID SUITS", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 47), transmitting House Bill No. 1923-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1923-78, H.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO THE UNCLAIMED PROPERTY ACT", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 48), transmitting House Bill No. 1936-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1936-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WATER CARRIER LAW", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 49), transmitting House Bill No. 1937-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1937-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER LAW", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 50), transmitting House Bill No. 1938-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1938-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 51), transmitting House Bill No. 1939-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1939-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII WATER CARRIER LAW", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House

(Hse. Com. No. 52), transmitting House Bill No. 1949-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1949-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 53), transmitting House Bill No. 1951-78, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1951-78, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS", passed First Reading by title and was placed on the calendar for further consideration on March 6, 1978.

A communication from the House (Hse. Com. No. 54), transmitting House Bill No. 1960-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1960-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT", passed First Reading by title and was placed on the calendar for further consideration on March 6, 1978.

A communication from the House (Hse. Com. No. 55), transmitting House Bill No. 1966-78, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1966-78, entitled: "A BILL FOR AN ACT RELATING TO THE CONFIDENTIALITY OF TAX RETURNS AND INFORMATION IN TAX RETURNS", passed First Reading by title and was placed on the calendar for further consideration on March 6, 1978.

A communication from the House (Hse. Com. No. 56), transmitting House Bill No. 1967-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1967-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTIONAL LIMITS OF THE DISTRICT COURTS AND OF THE SMALL CLAIMS COURTS",

passed First Reading by title and was placed on the calendar for further consideration on March 6, 1978.

A communication from the House (Hse. Com. No. 57), transmitting House Bill No. 2056-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2056-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed First Reading by title and was placed on the calendar for further consideration on March 6, 1978.

A communication from the House (Hse. Com. No. 58), transmitting House Bill No. 2059-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2059-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed First Reading by title and was placed on the calendar for further consideration on March 6, 1978.

A communication from the House (Hse. Com. No. 59), transmitting House Bill No. 2070-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H. B. No. 2070-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF WATER RESOURCES", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 60), transmitting House Bill No. 2071-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2071-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER RESOURCES", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House

(Hse. Com. No. 61), transmitting House Bill No. 2090-78, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2090-78, entitled: "A BILL FOR AN ACT RELATING TO THE PROGRESSIVE NEIGHBORHOODS PROGRAM", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 62), transmitting House Bill No. 2094-78, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2094-78, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURES ACT", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 63), transmitting House Bill No. 2095-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2095-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPOUSAL LIABILITIES", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 64), transmitting House Bill No. 2111-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2111-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASES", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 65), transmitting House Bill No. 2135-78, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2135-78, entitled: "A BILL FOR AN ACT RELATING TO UNLAWFUL USE OF RADIO", passed First Reading by title and was placed on the calendar

for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 66), transmitting House Bill No. 2148-78, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2148-78, entitled: "A BILL FOR AN ACT TO AMEND SECTION 707-711, HAWAII REVISED STATUTES, RELATING TO ASSAULT IN THE SECOND DEGREE", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 67), transmitting House Bill No. 2252-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2252-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 68), transmitting House Bill No. 2308-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2308-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT AND CRIMINAL PROPERTY DAMAGE", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 69), transmitting House Bill No. 2312-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2312-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM PROBATE CODE", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 70), transmitting House Bill No. 2403-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2403-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 71), transmitting House Bill No. 2416-78, H.D. 2, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2416-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII AGRICULTURAL COOPERATIVE ASSOCIATIONS LAW", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 72), transmitting House Bill No. 2479-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2479-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE TAXATION", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 73), transmitting House Bill No. 2784-78, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2784-78, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT, CHAPTER 425, HAWAII REVISED STATUTES", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 74), transmitting House Bill No. 2862-78, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B.

No. 2862-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", passed First Reading by title and was placed on the calendar for further consideration on Monday, March 6, 1978.

A communication from the House (Hse. Com. No. 75), transmitting House Bill No. 3046-78, which passed Third Reading in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3046-78, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION FEES FOR PSYCHOLOGIST LICENSES", passed First Reading by title and was placed on the calendar for further consideration on March 6, 1978.

A communication from the House (Hse. Com. No. 76), transmitting House Concurrent Resolution No. 84, which was adopted in the House of Representatives on March 2, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION SALUTING THE 32ND ANNIVERSARY OF ALOHA WEEK AND URGING FULLEST COMMUNITY SUPPORT FOR THE UPCOMING ALOHA WEEK FESTIVAL", was adopted.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 69 to 71) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 69), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE STATEWIDE TRANSPORTATION COUNCIL STUDY THE PROPOSAL THAT THE COUNTIES ASSUME ALL RESPONSIBILITY FOR MAINTENANCE OF THE STATE HIGHWAY SYSTEM", was jointly offered by Senators O'Connor, Takitani, King, George, Ching, Hulten, Soares, Taira, Kuroda, Ushijima, Chong, Toyofuku, Henderson and Young.

By unanimous consent, S.C.R. No. 69 was referred to the Committee on Transportation.

A concurrent resolution (S.C.R. No. 70), entitled: "SENATE CONCURRENT RESOLUTION DIRECTING THE DEPARTMENT OF TRANSPORTATION TO PROVIDE A DOCUMENT SECURITY PROGRAM FOR DRIVERS LICENSES", was jointly offered by Senators O'Connor, Takitani, George, Saiki, Ching, Henderson,

Hulten, Soares, Taira, Chong, Kuroda, Ushijima, Toyofuku and Young.

By unanimous consent, S.C.R. No. 70 was referred to the Committee on Transportation.

A concurrent resolution (S.C.R. No. 71), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE REPORT ON THE FINAL COMPENSATION PLAN AND THE COST THEREOF", was jointly offered by Senators Ushijima, Taira, Kuroda, Young, Ching, Chong, Nishimura, Takitani, Hara, O'Connor, Hulten, Yee, Saiki and Yamasaki.

By unanimous consent, S.C.R. No. 71 was referred to the Committee on Human Resources.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 262 to 266) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 262), entitled: "SENATE RESOLUTION REQUESTING THAT THE STATEWIDE TRANSPORTATION COUNCIL STUDY THE PROPOSAL THAT THE COUNTIES ASSUME ALL RESPONSIBILITY FOR MAINTENANCE OF THE STATE HIGHWAY SYSTEM", was jointly offered by Senators O'Connor, Takitani, King, Yee, George, Ching, Hulten, Soares, Taira, Kuroda, Ushijima, Chong, Toyofuku, Henderson and Young.

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

A resolution (S.R. No. 263), entitled: "SENATE RESOLUTION REQUESTING THE SENATE OF THE UNITED STATES TO SPEEDILY RATIFY THE NEW PANAMA CANAL TREATIES", was jointly offered by Senators Chong and King.

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

A resolution (S.R. No. 264), entitled: "SENATE RESOLUTION HONORING UNG SOY (BEANS) AFOOK FOR HIS UNEQUALED ACHIEVEMENTS IN COACHING AND FOR HIS YEARS OF DEDICATED SERVICE TO ATHLETICS, EDUCATION AND THE WELFARE OF THE YOUNG PEOPLE OF HAWAII", was jointly offered by Senators Ushijima, Taira, Young, Nishimura, Ching, Toyofuku, Chong, Saiki, Soares, Leopold, George, King, Anderson, Takitani, Hara, Henderson, O'Connor, Hulten, Kawasaki, Kuroda, F. Wong, Yee, Yamasaki, Yim and R. Wong.

On motion by Senator Hara, seconded by Senator Henderson and carried, S.R. No. 264 was adopted.

A resolution (S.R. No. 265), entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONSIDER THE ESTABLISHMENT WITHIN THE COLLEGE OF TROPICAL AGRICULTURE OF A SCHOOL OF HUMAN RESOURCES DEVELOPMENT", was jointly offered by Senators Yee, Takitani, Ching, Yamasaki, Taira, Hara, Hulten, F. Wong, Saiki, Soares, Leopold, Anderson and George.

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

A resolution (S.R. No. 266), entitled: "SENATE RESOLUTION CONGRATULATING KAIMUKI INTERMEDIATE SCHOOL ON ITS REPEAT VICTORY IN THE 14TH ANNUAL 'MATHEMATICS PAPA HANA'", was jointly offered by Senators Nishimura, O'Connor, Saiki, Soares, Anderson, Chong, Yamasaki, Kuroda, Taira, R. Wong, Toyofuku, Ushijima, F. Wong, Hara, Leopold, Henderson, Kawasaki, Young, Takitani, Ching, George, Hulten, Yee, King and Yim.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.R. No. 266 was adopted.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 384-78), informing the Senate that Senate Concurrent Resolution Nos. 69 to 71, Senate Resolution Nos. 262 to 266, and Standing Committee Report Nos. 385-78 to 393-78 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. 385-78) recommending that Senate Resolution No. 223, as amended in S.D. 1, be adopted.

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.R. No. 223, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING GOVERNOR GEORGE R. ARIYOSHI TO DECLARE THAT THE ISLANDS OF HAWAII AND MAUI ARE 'NATURAL DISASTER AREAS' WITH REGARDS TO CHAPTER 234, HAWAII REVISED STATUTES, TAX RELIEF", was adopted.

Senator Ching, for the Committee on Military and Civil Defense, presented

a report (Stand. Com. Rep. No. 386-78) recommending that Senate Bill No. 1759-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ching, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.B. No. 1759-78, entitled: "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 6, 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. 1759-78.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 387-78) recommending that Senate Bill No. 1756-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Toyofuku, seconded by Senator Young and carried, the report of the Committee was adopted and S.B. No. 1756-78, entitled: "A BILL FOR AN ACT RELATING TO NON-COMPETITIVE PROMOTIONS OF PUBLIC EMPLOYEES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 6, 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. 1756-78.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 388-78) recommending that Senate Bill No. 1799-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Toyofuku, seconded by Senator Young and carried, the report of the Committee was adopted and S.B. No. 1799-78, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICES IN STATE GOVERNMENT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 6, 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. 1799-78.

Senator Yim, for the Committee on Energy/Natural Resources, presented a report (Stand. Com. Rep. No. 389-78) recommending that Senate Resolution No. 186 be adopted.

On motion by Senator Yee, seconded by Senator King and carried, the report of the Committee was adopted and S.R. No. 186, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING THE FEASIBILITY OF ESTABLISHING A SEPARATE DEPARTMENT OF MARINE RESOURCES AND AQUACULTURE", was adopted.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 390-78) recommending that Senate Bill Nos. 2201-78, 2202-78, 2203-78, 2204-78, 2205-78, 2283-78 and 2284-78 pass First Reading by title and be recommitted to the Committee on Ways and Means.

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and

S.B. No. 2201-78, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNium JULY 1, 1977 TO JUNE 30, 1979";

S.B. No. 2202-78, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AND AUTHORIZING THE ISSUANCE OF BONDS";

S.B. No. 2203-78, entitled: "A BILL FOR AN ACT RELATING TO LAPSING OF PRIOR APPROPRIATIONS";

S.B. No. 2204-78, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS";

S.B. No. 2205-78, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET";

S.B. No. 2283-78, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS"; and

S.B. No. 2284-78, entitled: "A BILL FOR AN ACT RELATING TO ZERO BASE BUDGETING",

passed First Reading by title and were recommitted to the Committee on Ways and Means.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 391-78) recommending that Senate Bill No. 2614-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 2614-78, entitled:

"A BILL FOR AN ACT RELATING TO THE EXEMPTION OF THE EXECUTIVE SECRETARY OF THE COMMISSION ON POPULATION AND THE HAWAIIAN FUTURE FROM THE PROVISIONS OF CHAPTERS 76 AND 77, HAWAII REVISED STATUTES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 6, 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. 2614-78.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 392-78) recommending that Senate Bill No. 1885-78 pass Second Reading and be recommitted to the Committee on Economic Development.

On motion by Senator F. Wong, seconded by Senator Hara and carried, the report of the Committee was adopted and S.B. No. 1885-78, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", passed Second Reading and was recommitted to the Committee on Economic Development.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 393-78) recommending that Senate Bill No. 2442-78 pass Second Reading and be recommitted to the Committee on Economic Development.

On motion by Senator F. Wong, seconded by Senator Hara and carried, the report of the Committee was adopted and S.B. No. 2442-78, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND USE", passed Second Reading and was recommitted to the Committee on Economic Development.

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 394-78) recommending that Senate Bill Nos. 30, 1562-78, 1563-78, 1564-78, 1565-78, 1566-78 and 2517-78 pass First Reading by title and be recommitted to the Committee on Judiciary.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and

S.B. No. 30, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MALPRACTICE LAW";

S.B. No. 1562-78, entitled: "A BILL FOR AN ACT RELATING TO HAWAII'S CIVIL COMMITMENT PROCEDURES";

S.B. No. 1563-78, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PROBATE CODE";

S.B. No. 1564-78, entitled: "A BILL FOR AN ACT RELATING TO HAWAII'S LAWS ON GUARDIANSHIP";

S.B. No. 1565-78, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MALPRACTICE LAW";

S.B. No. 1566-78, entitled: "A BILL FOR AN ACT RELATING TO TITLE 37 HAWAII PENAL CODE"; and

S.B. No. 2517-78, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY",

passed First Reading by title and were recommitted to the Committee on Judiciary.

ORDER OF THE DAY

MATTERS DEFERRED FROM MARCH 2, 1978

Senate Bill No. 2409-78, S.D. 1:

By unanimous consent, action on S.B. No. 2409, S.D. 1 was deferred to the end of the calendar.

Senate Bill No. 2114-78:

By unanimous consent, action on S.B. No. 2114-78, entitled: "A BILL FOR AN ACT RELATING TO A JOB-SHARING PROJECT IN THE DEPARTMENT OF EDUCATION", was deferred until Monday, March 6, 1978.

At 11:56 o'clock a.m. the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:55 o'clock p.m.

THIRD READING

Standing Committee Report No. 383-78 (S.B. No. 1590-78, S.D. 3):

Senator Hulten moved that Stand. Com. Rep. No. 383-78 be received and placed on file, seconded by Senator Kawasaki and carried.

Senator Hulten then moved that S.B. No. 1590-78, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Kawasaki.

Senator Hulten then offered the following amendment to S.B. No. 1590-78, S.D. 3:

"Amend the Bill by amending page 6, by deleting subparagraph (e) as shown on lines 15 through 18, in its entirety."

On motion by Senator Hulten, seconded by Senator Kawasaki and carried, the amendment was adopted.

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. 1590-78, S.D. 4, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION IN BUILDINGS."

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 12 and 13) were read by the Clerk and were disposed of as follows:

A communication from the Office of the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 12), acknowledging receipt of Senate Concurrent Resolution No. 12, Regular Session of 1978, was placed on file.

A communication from the President of the Hawaii Association of County Agricultural Agents (Misc. Com. No. 13), acknowledging receipt of a copy of Senate Resolution No. 214, Regular Session of 1978, was placed on file.

At 1:58 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:00 o'clock p.m.

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

Senate Bill No. 2409-78, S.D. 1:

Senator King moved that S.B. No. 2409-78, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hulten.

Senator Yee then moved that S.B. No. 2409-78, S.D. 1, be recommitted to the Committee on Ecology, Environment and Recreation, seconded by Senator Anderson.

At 2:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:02 o'clock p.m.

Senator Yee then rose to speak for the recommittal as follows:

"Mr. President, the reason that we ask that this bill be sent back to the Committee is because there has been a tremendous amount of confusion and dissecting of the bill. What is being proposed now really doesn't do anything. I feel that the bill should go back to the Committee so that all of the questions that have been brought out in the past two days can be resolved.

I know that each one of us has certain reservations on this bill and in order to have an effective bill, I feel that it cannot be handled on the floor in this manner and I sincerely hope that the Chairman will take this into consideration.

Mr. President, I ask that the bill be recommitted."

Senator King rose to speak against the motion to recommit and stated as follows:

"Mr. President, the Senator who spoke before me said that we have been talking for two days, actually we've been talking for four days on this bill.

The confusion that he talks about, the reservations, I have made an effort to meet all of them.

The Senator who just spoke originally considered offering an amendment in terms of aquaculture and I said that that was fine by me. I have made every effort to meet not only with that Senator but with all members of the Minority and Majority, even taking the impetus upon myself to call various lobbyists that I thought might be concerned with this bill. I feel that the time for discussion is over.

If the Senator has any specific thing that he would like to have clarified, or an amendment he would like to suggest at this point, I would be absolutely delighted to hear it.

Mr. President, I urge that this Body vote against the motion to recommit."

Senator Anderson then rose to speak in support of the motion to recommit and stated as follows:

"Mr. President, as a member of the Third Senatorial District, we have a specific problem in that District, in taro growing in the Waikane-Waiahole area. I think this bill was originally intended to help not just those taro growers with their fight with the Board of Water Supply but, also, some of the other island farmers as well.

Our motion to recommit is a sincere one and I will support Senator King when she says she had made every effort because she certainly has. We have been in discussions with her for two or three days. I think that that alone shows the complexity of this bill.

The farmers in the Third Senatorial District need to resolve their water problem. This bill does not answer that problem.

This bill states that all state and county agencies who divert water have to get an environmental impact statement. That is on the books today.

In talking with the Board of Water Supply this morning, they tell me that even when they turn the valves of existing facilities to move substantial water from Waiahole to Kailua, Kaneohe and Waimanalo, they get an assessment for that so they go beyond the law today.

It's such a complex question of how to give the balance between the residential and the farmers and now the aquaculture people some balance ... some water and protection. That is why we have been bouncing around on this bill for four days.

I would hate very much for this bill to pass in its present form because it does nothing for the problem in my District or in other districts where the problem exists.

I would very much like to commit this bill back to the Committee who has been working on it, who has the expertise. Our deadline is Tuesday, we have three days, Saturday, Sunday and Monday, to come up with the language so that we do have a vehicle to solve the problems of the farmers and come out with something constructive.

Our motion to recommit is not one to kill the bill. It's one to keep it alive because we think a bill is needed.

We would like to have all the heads of the Senate to work, to suggest, and to help the Committee Chairman and the Committee to resolve this. It's a constructive motion and we would very much ask for some support.

Thank you, Mr. President."

Senator Ching then stated as follows:

"Mr. President, by the same token, I hope that the vote against the motion to recommit is not to be construed as being against the basic problems that the bill seeks to resolve."

Senator King then rose to speak, as follows:

"Mr. President, I appreciate the Minority Floor Leader's commending the Committee on its expertise. If we were that expert I don't think there would have been all these problems.

The Senator also mentioned that the taro growers in the Waiahole-Waikane area were a prime concern. Well, it was the taro growers who came before us and made very eloquent pleas about the problems of water. Waiahole-Waikane, in fact, is an outstanding example of the Board of Water Supply filing a negative declaration so that nobody knew what they were going to do there until after they had begun doing it. It is just exactly this kind of thing that the bill and the amendment lying before us would attempt to prevent."

The motion to recommit was put by the Chair and Roll Call having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 7. Noes, 18 (Ching, Chong, Hara, Hulten, Kawasaki, King, Kuroda, Nishimura, O'Connor, Taira, Takitani, Toyofuku, F. Wong, R. Wong, Yamasaki, Yim, Young and Ushijima).

Senator King then offered the following amendment to S.B. No. 2409-78, S.D. 1:

"1. Amend SECTION 1 of the Bill

by amending subparagraph (F) on page 3, lines 10 through 12, to read as follows:

'(F) All actions by any State or county agency proposing any water development or diversion project.'

2. Amend SECTION 1 of the Bill by deleting subparagraphs (G) and (H) on page 3, lines 13 through 19.

3. Amend the Bill by adding a new section to read as follows:

'SECTION 3. This Act shall take effect upon its approval.'

On motion by Senator King, seconded by Senator Hulten and carried, Roll Call having been requested, the amendment was adopted on the following showing of Ayes and Noes:

Ayes 14. Noes, 11 (Anderson, George, Hara, Kawasaki, Leopold, Saiki, Soares, Takitani, Toyofuku, Yamasaki and Yee).

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. 2409-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."

ADJOURNMENT

At 2:20 o'clock p.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 6, 1978.