

## THIRTY-FIFTH DAY

Wednesday, March 8, 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 Olin Pendleton of the Kokokahi 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-Fourth Day.

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

Senator Anderson introduced 58 senior citizens of the Kahaluu KEY project.

Senator Hara then introduced a group of students from Hawaii, Maui and Kauai, with their advisors, Mr. George Miyashiro and Mr. Gilbert Paget from Hawaii; Mr. Masao Okasako, Mr. Dennis Hokama and Ms. Mary Seraguchi from Maui; and Mr. Morris Nakahara from Kauai. This group will be testifying before the Committee on Education this afternoon.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 144 to 147) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 144), informing the Senate that he had signed the following bills into law:

H.B. No. 264 as Act 2, entitled: "RELATING TO CONSTRUCTION AND MAINTENANCE OF SIDEWALKS"; and

H.B. No. 216 as Act 3, entitled: "RELATING TO PREPAID HEALTH CARE",

was placed on file.

A message from the Governor (Gov. Msg. No. 145), transmitting the Annual Report for the Public Utilities Commission, was referred to the Committee on Public Utilities.

A message from the Governor (Gov. Msg. No. 146), transmitting the Annual Report of the State Commission

on Manpower and Full Employment, prepared jointly with the State Manpower Services Council under P.L. 93-203, pursuant to Section 202-2, Hawaii Revised Statutes, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 147), transmitting the Annual Report for the State Department of Labor and Industrial Relations, pursuant to Sections 371-7 and 26-20, Hawaii Revised Statutes, was referred to the Committee on Human Resources.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 73 to 76) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 73), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE CONGRESS OF THE UNITED STATES REDUCE THE BASE FLOOD STANDARD OF THE NATIONAL FLOOD INSURANCE ACT FROM 100 YEARS TO 50 YEARS", was jointly offered by Senators Young, Nishimura, Kuroda, Toyofuku, F. Wong, Yee, Taira, Takitani, Yamasaki, Henderson, Hulten, Hara and Soares.

By unanimous consent, S.C.R. No. 73 was referred to the Committee on Housing and Hawaiian Homes.

A concurrent resolution (S.C.R. No. 74), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNCIL OF HOUSING AND THE CONSTRUCTION INDUSTRY TO EXAMINE THE ECONOMIC IMPACT OF THE RESTRICTIONS AND REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE ACT IN THE STATE OF HAWAII", was jointly offered by Senators Young, Nishimura, Kuroda, Hara, Taira, Takitani, Yamasaki, F. Wong, George, Henderson, Toyofuku, Hulten, Yee and Soares.

By unanimous consent, S.C.R. No. 74 was referred to the Committee on Housing and Hawaiian Homes.

A concurrent resolution (S.C.R. No. 75), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE IMPLEMENTATION OF AN INFRARED EMISSIONS TEST PROGRAM FOR HAWAII", was jointly offered by Senators O'Connor, King, Takitani, Hara, Saiki, Kuroda, Taira, R. Wong, Henderson, George, Ching, Young, Soares, Hulten, Leopold, F. Wong and Ushijima.

By unanimous consent, S.C.R.

No. 75 was referred to the Committee on Transportation.

A concurrent resolution (S.C.R. No. 76), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT AN AUDIT OF THE REAL ESTATE COMMISSION", was offered by Senator Yamasaki, by request.

By unanimous consent, S.C.R. No. 76 was referred to the Committee on Judiciary, then to the Committee on Legislative Management.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 274 to 283) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 274), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF WATER SYSTEMS IN THE HAKALAU AREA", was jointly offered by Senators Ushijima, Hara, Henderson, King, Taira, Toyofuku, Yamasaki, Takitani, Hulten, Chong, Young, Nishimura, F. Wong, Ching, Soares, Saiki, George and Yee.

By unanimous consent, S.R. No. 274 was referred to the Committee on Economic Development.

A resolution (S.R. No. 275), entitled: "SENATE RESOLUTION REQUESTING THAT THE CONGRESS OF THE UNITED STATES REDUCE THE BASE FLOOD STANDARD OF THE NATIONAL FLOOD INSURANCE ACT FROM 100 YEARS TO 50 YEARS", was jointly offered by Senators Young, Nishimura, Kuroda, Toyofuku, F. Wong, Hulten, Hara, Taira, Takitani, Yamasaki, Henderson, Yee and Soares.

By unanimous consent, S.R. No. 275 was referred to the Committee on Housing and Hawaiian Homes.

A resolution (S.R. No. 276), entitled: "SENATE RESOLUTION REQUESTING THE COUNCIL OF HOUSING AND THE CONSTRUCTION INDUSTRY TO EXAMINE THE ECONOMIC IMPACT OF THE RESTRICTIONS AND REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE ACT IN THE STATE OF HAWAII", was jointly offered by Senators Young, Nishimura, Takitani, Hara, Taira, Yamasaki, Kuroda, Toyofuku, F. Wong, George, Hulten, Yee, Henderson and Soares.

By unanimous consent, S.R. No. 276 was referred to the Committee on Housing and Hawaiian Homes.

A resolution (S.R. No. 277), entitled: "SENATE RESOLUTION CONGRATULATING THE KALANI HIGH SCHOOL BOYS' TENNIS TEAM AND THE KALANI HIGH SCHOOL GIRLS' TENNIS TEAM ON WINNING THE OAHU INTERSCHOLASTIC ASSOCIATION TENNIS CHAMPIONSHIP", was jointly offered by Senators Nishimura, Saiki, Soares, O'Connor, F. Wong, Hara, Toyofuku, Yim, Hulten, Ushijima, Henderson, Kawasaki, Takitani, George, Young, Chong, King, Taira, Ching, Yamasaki, Anderson, R. Wong, Kuroda, Yee and Leopold.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.R. No. 277 was adopted.

Senator Nishimura then introduced Mr. Wendell Kwon, the coach of the boys' and girls' tennis teams and the members of the teams as follows: on the girls' team, Robin Young, Joan Camacho, Kelly Michaels, Rose Thomas, Ellen Okazaki, Sue Ann Kealoha, Dee Kadomoto, Julie Kaneko and Alison Awai; and on the boys' team, Jim Sittler, Clay Rushton, Rouen Liu, Reid Fukumoto, Robert Chinn, Jon Chinn, Kevin Naya, Fred Oh and Andrew Low. Senator Nishimura presented certified copies of the resolution to Mr. Kwon.

At 11:47 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.

A resolution (S.R. No. 278), entitled: "SENATE RESOLUTION CONGRATULATING THE KAISER HIGH SCHOOL WRESTLING TEAM ON WINNING THE STATE HIGH SCHOOL WRESTLING CHAMPIONSHIP", was jointly offered by Senators Nishimura, Soares, O'Connor, Hara, Saiki, Takitani, George, Young, Chong, Kawasaki, King, Taira, Ching, Yim, Yamasaki, F. Wong, Toyofuku, Hulten, Ushijima, Anderson, Henderson, R. Wong, Kuroda, Yee and Leopold.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.R. No. 278 was adopted.

A resolution (S.R. No. 279), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE IMPLEMENTATION OF AN INFRARED EMISSIONS TEST PROGRAM FOR HAWAII", was jointly offered by Senators O'Connor, King, Takitani, Hara, Saiki, Kuroda, Taira, R. Wong, Henderson, George, Ching, Young, Soares, Hulten, Leopold, F. Wong and Ushijima.

By unanimous consent, S.R. No. 279 was referred to the Committee on Trans-

portation.

A resolution (S.R. No. 280), entitled: "SENATE RESOLUTION RECOGNIZING AND EXTENDING CONGRATULATIONS TO MR. B. MARTIN LUNA FOR HIS HIGH QUALITY SERVICE AS CHAIRMAN OF THE HAWAII HOUSING AUTHORITY", was jointly offered by Senators Takitani, Yamasaki, Toyofuku, Yim, F. Wong, Hulten, Hara, Young, Kuroda, Chong, King, George, Yee, Soares, Saiki, Henderson and Ching.

On motion by Senator Takitani, seconded by Senator Yamasaki and carried, S.R. No. 280 was adopted.

A resolution (S.R. No. 281), entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE UNIVERSITY OF HAWAII ATHLETIC PROGRAM", was jointly offered by Senators Takitani, Yamasaki, Taira, Toyofuku, Ching, Kuroda, Hulten, Chong, Nishimura, Kawasaki, Young, Soares, Leopold, George and Hara.

By unanimous consent, S.R. No. 281 was referred to the Committee on Higher Education.

A resolution (S.R. No. 282), entitled: "SENATE RESOLUTION CONGRATULATING THE HILO VIKINGS BASKETBALL TEAM", was jointly offered by Senators Ushijima, Hara, Henderson, Soares, Ching, Toyofuku, Hulten, Yamasaki, Taira, Young, Nishimura, Chong, King, F. Wong, Leopold, Yee, Takitani, Kuroda, Saiki, Anderson, O'Connor, R. Wong and George.

On motion by Senator Hara, seconded by Senator Henderson and carried, S.R. No. 282 was adopted.

A resolution (S.R. No. 283), entitled: "SENATE RESOLUTION CONGRATULATING THE HILO VULCAN BASKETBALL TEAM", was jointly offered by Senators Ushijima, Hara, Toyofuku, Saiki, Yamasaki, Henderson, King, Young, Taira, George, Hulten, Leopold, F. Wong, Ching, Anderson, Nishimura, Takitani and Kuroda.

On motion by Senator Hara, seconded by Senator Henderson and carried, S.R. No. 283 was adopted.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 522-78), informing the Senate that Senate Concurrent Resolution Nos. 73 to 76, Senate Resolution Nos.

274 to 281 and Standing Committee Report Nos. 429-78 to 521-78 and 523-78 to 527-78 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 Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 523-78), recommending that House Bill No. 490, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and H.B. No. 490, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REPLACEMENT OF SCHOOL BOOKS", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 9, 1978.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 490, H.D. 2, S.D. 1.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 524-78), recommending that House Bill No. 1912-78, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and H.B. No. 1912-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS MATERIALS TRANSPORTED UPON HIGHWAYS", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 9, 1978.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on H.B. No. 1912-78, H.D. 1, S.D. 1.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 525-78), recommending that Senate Concurrent Resolution No. 46 be adopted.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and S.C.R. No. 46, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ACTIVE PARTICIPATION OF STATE AND COUNTY GOVERNMENTS IN THE TRAINING OF THE GENERAL PUBLIC

IN CARDIOPULMONARY RESUSCITATION", was adopted.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 526-78), recommending that Senate Resolution No. 170 be adopted.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and S.R. No. 170, entitled: "SENATE RESOLUTION REQUESTING THE ACTIVE PARTICIPATION OF STATE AND COUNTY GOVERNMENTS IN THE TRAINING OF THE GENERAL PUBLIC IN CARDIOPULMONARY RESUSCITATION", was adopted.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 527-78), recommending that Senate Resolution No. 194 be adopted.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and S.R. No. 194, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PLAN TO TRAIN 20 PERCENT OF THE POPULATION IN CARDIOPULMONARY RESUSCITATION", was adopted.

#### ORDER OF THE DAY

##### THIRD READING

Standing Committee Report No. 403-78 (S.B. No. 2220-78):

On motion by Senator Chong, seconded by Senator Takitani and carried, Stand. Com. Rep. No. 403-78 was adopted and S.B. No. 2220-78, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 404-78 (S.B. No. 1773-78, S.D. 2):

On motion by Senator Hulten, seconded by Senator Kawasaki and carried, Stand. Com. Rep. No. 404-78 was adopted and S.B. No. 1773-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 405-78 (S.B. No. 2208-78, S.D. 1):

On motion by Senator Hulten, seconded by Senator Kawasaki and carried, Stand. Com. Rep. No. 405-78 was adopted and S.B. No. 2208-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONAL TREES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 406-78 (S.B. No. 2464-78, S.D. 2):

On motion by Senator O'Connor, seconded by Senator Taira and carried, Stand. Com. Rep. No. 406-78 was adopted and S.B. No. 2464-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NOISE POLLUTION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Ching and Hara).

Senate Bill No. 2190-78:

On motion by Senator O'Connor, seconded by Senator Ching and carried, S.B. No. 2190-78, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL-AID HIGHWAYS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2469-78, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Ching and carried, S.B. No. 2469-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE LENGTH", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1946-78:

On motion by Senator Young, seconded by Senator Toyofuku and carried, S.B. No. 1946-78, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2455-78:

By unanimous consent, consideration

of S.B. No. 2455-78 was deferred to the end of the morning calendar.

Senate Bill No. 2489-78, S.D. 1:

On motion by Senator Hulten, seconded by Senator Kawasaki and carried, S.B. No. 2489-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1347, S.D. 1:

On motion by Senator Chong, seconded by Senator Takitani and carried, S.B. No. 1347, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1998-78, H.D. 1, S.D. 1:

By unanimous consent, consideration of H.B. No. 1998-78, H.D. 1, S.D. 1, was deferred to the end of the afternoon session.

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

Senate Bill No. 2520-78, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 2520-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INHERITANCE AND ESTATE TAXATION OF PENSIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 416-78 (S.B. No. 2463-78, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 416-78 was adopted and S.B. No. 2463-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROSECUTION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (King).

Standing Committee Report No. 417-78 (S.B. No. 2080-78, S.D. 1):

By unanimous consent, consideration of Stand. Com. Rep. No. 417-78 and S.B. No. 2080-78, S.D. 1, was deferred to the end of the afternoon session.

Standing Committee Report No. 418-78 (S.B. No. 2302-78):

By unanimous consent, consideration of Stand. Com. Rep. No. 418-78 and S.B. No. 2302-78 was deferred to the end of the afternoon session.

Standing Committee Report No. 419-78 (S.B. No. 1810-78, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 419-78 and S.B. No. 1810-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TAXES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 420-78 (S.B. No. 1811-78, S.D. 2):

Senator R. Wong moved that Stand. Com. Rep. No. 420-78 be adopted and that S.B. No. 1811-78, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator King then stated as follows:

"Mr. President, in connection with this bill, I would just like to urge the Department of Transportation to make a genuine effort to transport agricultural products.

Thank you, Mr. President."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 420-78 was adopted and S.B. No. 1811-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AN INTERISLAND FERRY SYSTEM AND MAKING AN APPROPRIATION THEREFOR", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 421-78 (S.B. No. 2610-78):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 421-78 was

adopted and S.B. No. 2610-78, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT AND HARBOR REVENUE BONDS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 422-78 (S.B. No. 2414-78, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 422-78 was adopted and S.B. No. 2414-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RETIREMENT SYSTEM INVESTMENTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 423-78 (S.B. No. 2620-78, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 423-78 was adopted and S.B. No. 2620-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 424-78 (S.B. No. 2386-78, S.D. 2):

Senator R. Wong moved that Stand. Com. Rep. No. 424-78 be adopted and S.B. No. 2386-78, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator Ching then stated as follows:

"Mr. President, I would like to comment on this bill to note that a lot of blood, sweat and tears went into the drafting of this bill. We have the staff and the concerned parties to thank for the draft that is before us.

I understand, Mr. President, that this draft is still not the final draft which all parties have agreed on and since we need a vehicle to go over to the House, I would urge the passage of this bill with the hope that the other body across the way can better polish the language in this bill.

Thank you, Mr. President."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 424-78 was adopted and S.B. No. 2386-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 425-78 (S.B. No. 1985-78):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 425-78 was adopted and S.B. No. 1985-78, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROGRAM FOR THE UNEMPLOYED", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1673-78, S.D. 1:

Senator R. Wong moved that S.B. No. 1673-78, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator Anderson then spoke in opposition to the measure as follows:

"Mr. President, I'd like to cast a 'no' vote on this bill and very briefly, I'd like to let it be known to some of you, especially from the neighbor islands and some of the businessmen here, that this bookstore is not a bookstore. It's a department store.

The intent of the bookstore originally of course was to provide books and sundries that were needed for the boarding students. But this bookstore is something like a 4 or 5 million dollar enterprise. It's got everything from books to sundries, gifts, toys, candies and toilet articles and on and on. They haven't yet gone to a catalog for importing cars, but that's next year.

The legitimate businessmen situated around the University campuses and the businesses near the vicinity of the neighbor island universities have to compete with this bookstore. A five million dollar enterprise is quite sizeable.

The students that they hire to sell, of course, don't get the fringes and aren't afforded the same privileges that the private sector is mandated to pay the employees.

I would just ask that you talk to some of your small businessmen in your various communities and really find out the impact of this so-called 'bookstore' on the University's campuses.

Thank you, Mr. President."

The motion was put by the Chair and carried, and S.B. No. 1673-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTING ITEMS PURCHASED FOR RESALE BY THE UNIVERSITY OF HAWAII BOOKSTORES FROM THE REQUIREMENTS OF PUBLIC ADVERTISEMENTS FOR SEALED TENDERS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Senate Bill No. 782, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Ching and carried, S.B. No. 782, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR-BIKES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:10 o'clock p.m.

Senate Bill No. 2525-78, S.D. 1:

Senator O'Connor moved that S.B. No. 2525-78, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ching.

Senator Kuroda then spoke for the measure as follows:

"Mr. President, although I am going to vote 'yes' on this bill, I think that the action taken by the Committee resulted in a too restrictive provision and I just wanted to call to the attention of the group that this practice of inexpensive campaigning by sign-holding along the roadside should be given a little more flexibility than limiting it to the highways of less than 25 miles per hour and also limiting the number of people. In this case, it is only the candidate and I think that there should be a little more provision whereby one, two or three associates could also be with him.

Thank you, Mr. President."

Senator Leopold then stated as follows:

"Mr. President, in my campaign for the State Senate, I did not hold a single sign on any day, but I would like the Clerk to register a 'no' vote for me on this bill

because I feel it is discriminatory and unconstitutional."

Senator Chong then spoke against the measure as follows:

"Mr. President, I go along with the comments made by the Senator from the Fourth District in that I think this bill is restrictive. It is not clear to me that sign-holding has caused major accidents along the highway and I urge my colleagues to vote against this bill."

Senator Kawasaki, in opposition to the measure, stated as follows:

"Mr. President, I am one who voted against the proposition of allowing sign-holding as a major way of getting elected to office simply because, first of all it is dangerous; and secondly, I think to expect to get elected to office on the basis of a sign that you hold or wave as people pass by, is an insult to the intelligence of electorates. Therefore, I am again being consistent in voting against this bill.

Thank you, Mr. President."

Senator Anderson then rose to speak against the bill as follows:

"Mr. President, over the years we have seen the erosion of the capability of the politician to reach his constituency. I disagree, of course, with the Senator who just spoke. This was a compromise a couple of years ago when it wiped out all the other provisions for the politicians. This was the one that was left for the newcomer where he could get some name identification because he couldn't raise the money to buy expensive television and expensive newspaper ads.

It was house-to-house and on the street where the newcomer could challenge the incumbent and then he would follow up with the one-to-one contact or the coffee hours or the rallies.

It's getting more and more difficult. First you banned the passing out of political literature within 1,000 feet to voters on that particular morning.

You came back in a couple of years and you forbade and banned the posting of these cloth banners on the trees and the highways, which I still happen to think was very much a part of Hawaii.

Then we went to a campaign spending and we limited how much a politician could spend to reach his constituency in getting his viewpoints across. Then last year we came in with another

restriction and now, finally, this one.

As an incumbent, this helps me, of course, against anyone who challenges me because the incumbents are better known in the district.

I think some politicians overdo this on the highways in the morning when you have twenty-five or thirty people waving signs, but I don't think it is challenging the intelligence of the voter.

The politician, and I'm sure I speak for all of you, has a difficult time reaching the constituency today. Most of us can't afford television in a district race or even a senatorial race and newspaper ads are very, very expensive.

If some of you hadn't been on street corners campaigning in this very manner, you wouldn't be sitting in your chairs today. We all got here in different types or forms of campaigning, but you've got to admit that some of you wouldn't be here today if you didn't have this inexpensive opportunity to reach the voter.

I think it is discriminatory that it is okay for the unions to put out fifty or seventy-five people in a driveway and picket, but my supporters to elect Andy Anderson or anybody else, can't picket or hold signs.

I don't stand on street corners and I never have, but I don't like denying the privilege to others who may want to take this opportunity to campaign. I think you sometimes over-react in your legislation or your intent to clean up for safety or whatever.

I think a certain amount of common sense has to prevail in every election campaign that represents every candidate. If I put out thirty-five or forty people on Kalaniana'ole Highway some morning, and this causes a traffic tie-up, then that's going to work against me. I have got to believe that you have to allow some common sense to be left to the candidate in his campaign, and trying to put everything into law, for whatever reason you support it, I think is wrong.

Therefore, I think this measure should not pass.

Thank you, Mr. President."

Senator Kawasaki then noted as follows:

"Mr. President, just as a matter of clarification and for the edification of the good Senator from the Third District, I think I was the only member of this twenty-five-member body that appeared before the City Council way back when they were deliberating on the proposition of banning the use of these cloth banners that he speaks of, and, at that time, I advocated the allowance of the use of these banners that are no longer permitted, on the grounds that that was a very cheap means of exposure for the new candidate.

Thank you, Mr. President."

Senator Kuroda then stated as follows:

"Mr. President, I have a little concern here that there may not be enough votes to move this bill. I want to clarify the situation here that five years ago, I stood on this floor and spoke in opposition to the bill that eventually became law prohibiting sign-holding and which was declared by the courts to be unconstitutional.

Inasmuch as there may be an attempt in the future to try and prohibit sign-holding again, I introduced this bill so that we can regulate it, because regulation is much better than prohibition.

Also, Mr. President, when the good Senator from the Third District talks about common sense employed by campaigners, oftentimes unless you have some regulatory type of policy or law to guide the so-called people who are supposed to be practicing common sense, if you don't come down hard with some kind of guidelines, you are going to find 100 people on the roadside.

I agree with the Senator from the Third District that people should be given freedom of conducting inexpensive campaigns because I am a product of that. However, unless we provide strict guidelines, we are going to find that our fellow man will not be using their common sense, so I urge my fellow Senators here to vote for this measure.

Thank you, Mr. President."

At 12:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:19 o'clock p.m.

Senator Anderson then commented as follows:

"Mr. President, very briefly, on



the word 'regulate' that was used a few minutes ago, we have laws on the books today that regulate signs of any size. But you ought to venture out to the Waiahole Valley where you can find some 4 x 8 plyboard signs very poorly done in composition and art that have been there for a year, damning politicians, damning government and damning private owners. I haven't seen the laws being regulated or enforced against people who do it that way because of practical politics and I don't like being regulated because I am an easy victim.

Thank you, Mr. President."

The motion was put by the Chair and carried, and S.B. No. 2525-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF MOVABLE SIGNS ALONGSIDE PUBLIC HIGHWAYS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 11 (Anderson, Chong, Henderson, Kawasaki, King, Leopold, Nishimura, R. Wong, Yee, Yim and Young).

#### MATTER DEFERRED FROM EARLIER ON THE CALENDAR

Senate Bill No. 2455-78:

Senator Hulten moved that S.B. No. 2455-78, having been read throughout, pass Third Reading, seconded by Senator Kawasaki.

Senator George then spoke in opposition to the bill as follows:

"Mr. President, I rise to speak against the measure as this is a bill which would give the counties all cleaning of streams, whether publicly or privately owned, or state or county owned.

It is my feeling that we're giving the counties a present that is going to cost them some four million dollars a year, which is the last ballpark figure I heard. I don't think they have really the capacity and manpower, equipment or money to properly clean the streams that are presently under their jurisdiction.

I am going to vote 'no' on this measure.

Thank you, Mr. President."

The motion was put by the Chair and carried, and S.B. No. 2455-78,

entitled: "A BILL FOR AN ACT RELATING TO COUNTY OPERATIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

At 12:25 o'clock p.m., the Senate stood in recess until 5:30 o'clock p.m., this afternoon.

#### AFTERNOON SESSION

The Senate reconvened at 6:03 o'clock p.m., with all Senators present.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 90 to 238) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 90), transmitting House Bill No. 610, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 610, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC CONTROL NEAR SCHOOLS", passed First Reading by title and was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 91), transmitting House Bill No. 1778-78, which passed Third Reading in the House of Representatives on March 7, 1978, by not less than two-thirds vote of all the members to which the House is entitled, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1778-78, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT BONDS", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 92), transmitting House Bill No. 1783-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1783-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUEEN LILIUOKALANI DAY", passed First Reading by title and was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 93), transmitting House Bill No. 1815-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1815-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 94), transmitting House Bill No. 1870-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1870-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE MORTGAGE INSTRUMENTS", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 95), transmitting House Bill No. 1880-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1880-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF CREDIT CARDS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 96), transmitting House Bill No. 1922-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1922-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE LOANS", passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 97), transmitting House Bill No. 2097-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2097-78, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 98), transmitting House Bill No. 2164-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2164-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATE MEDICAID FRAUD UNIT AND MAKING AN APPROPRIATION THEREFOR", passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 99), transmitting House Bill No. 2170-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2170-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 100), transmitting House Bill No. 2249-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2249-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", passed First Reading by title and was referred to the Committee on Ecology, Environment and Recreation.

A communication from the House (Hse. Com. No. 101), transmitting House Bill No. 2293-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2293-78, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL", passed First Reading by title and was referred to the Committee on Ecology, Environment and Recreation.

A communication from the House (Hse. Com. No. 102), transmitting House Bill No. 2352-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2352-78, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSAL OF SOLID WASTES", passed First Reading by title and was referred to the Committee on Ecology, Environment and Recreation.

A communication from the House (Hse. Com. No. 103), transmitting House Bill No. 2385-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2385-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EXAMINERS IN NATURO-PATHY", passed First Reading by title and was referred to the Committee on Health, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 104), transmitting House Bill No. 2570-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2570-78, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF VETERANS CEMETERIES", passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 105), transmitting House Bill No. 2581-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2581-78, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NEEDS FUNDS FOR THE PUBLIC SCHOOLS", passed First Reading by title and was referred to the Committee on Education, then to

the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 106), transmitting House Bill No. 2680-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2680-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE AND AMENDING CHAPTER 392, HAWAII REVISED STATUTES", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 107), transmitting House Bill No. 2727-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2727-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES PAID FROM CERTAIN FEDERAL FUNDS AND AMENDING CHAPTER 88, HAWAII REVISED STATUTES", passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 108), transmitting House Bill No. 2746-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2746-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DAMIEN MEMORIAL CHAPEL", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 109), transmitting House Bill No. 2912-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2912-78, entitled: "A BILL FOR AN ACT RELATING TO NOTARY PUBLIC FEES", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House

(Hse. Com. No. 110), transmitting House Bill No. 2942-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2942-78, entitled: "A BILL FOR AN ACT RELATING TO TRUCK-TRACTORS AND SEMITRAILERS USED FOR AGRICULTURAL PURPOSES", passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 111), transmitting House Bill No. 3033-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3033-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESERVATION AND DISPOSITION OF GOVERNMENT MINERAL RIGHTS", passed First Reading by title and was referred to the Committee on Energy/Natural Resources, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 112), transmitting House Bill No. 3059-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3059-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND FIRE PROTECTION", passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 113), transmitting House Bill No. 1769-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1769-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 114), transmitting House Bill No. 1822-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1822-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 115), transmitting House Bill No. 1885-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1885-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIRCUIT AND DISTRICT JUDGES", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 116), transmitting House Bill No. 1910-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1910-78, entitled: "A BILL FOR AN ACT RELATING TO TAX INCENTIVES FOR ENERGY CONSERVATION", passed First Reading by title and was referred to the Committee on Energy/Natural Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 117), transmitting House Bill No. 2107-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2107-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MASS TRANSIT", passed First Reading by title and was referred to the Committee on Transportation, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 118), transmitting House Bill No. 2123-78, H.D. 2, which

passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2123-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY PHYSICIAN PROGRAM", passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 119), transmitting House Bill No. 2229-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2229-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS FOR NATIONAL GUARDSMEN AND MILITARY RESERVISTS", passed First Reading by title and was referred to the Committee on Military and Civil Defense, then to the Committee on Higher Education.

A communication from the House (Hse. Com. No. 120), transmitting House Bill No. 2303-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2303-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 121), transmitting House Bill No. 2306-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2306-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COSTS OF COURT ORDERS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 122), transmitting House Bill No. 2318-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded

by Senator Anderson and carried, H.B. No. 2318-78, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE LOANS", passed First Reading by title and was referred to the Committee on Energy/Natural Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 123), transmitting House Bill No. 2319-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2319-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF WOMEN", passed First Reading by title and was referred to the Committee on Intergovernmental Relations, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 124), transmitting House Bill No. 2460-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2460-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TENURE", passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 125), transmitting House Bill No. 2462-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2462-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF EMPLOYMENT AGENCIES", passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 126), transmitting House Bill No. 2539-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2539-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CREATION OF A NURSING CONTINUING EDUCATION FUND", passed First

Reading by title and was referred to the Committee on Higher Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 127), transmitting House Bill No. 2545-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2545-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS CONTRACTS", passed First Reading by title and was referred to the Committee on Education, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 128), transmitting House Bill No. 2641-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2641-78, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", passed First Reading by title and was referred to the Committee on Higher Education.

A communication from the House (Hse. Com. No. 129), transmitting House Bill No. 2764-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2764-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SALE AND DISTRIBUTION OF SESSION LAWS, SUPPLEMENTS AND REPLACEMENT VOLUMES", passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 130), transmitting House Bill No. 2793-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2793-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF THE SALE OF NONCHEMICAL PEST CONTROL DEVICES IN THE STATE OF HAWAII", passed First Reading by title and was referred to the Committee on Consumer Protection.

A communication from the House (Hse. Com. No. 131), transmitting House Bill No. 2827-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2827-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES", passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 132), transmitting House Bill No. 2860-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2860-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEE", passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 133), transmitting House Bill No. 2868-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2868-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AMENDMENT OF CHAPTER 237", passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 134), transmitting House Bill No. 2936-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2936-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION", passed First Reading by title and was referred to the Committee on Transportation, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 135), transmitting House Bill No. 2937-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2937-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OAHU METROPOLITAN PLANNING ORGANIZATION", passed First Reading by title and was referred to the Committee on Transportation, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 136), transmitting House Bill No. 3034-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3034-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 137), transmitting House Bill No. 3045-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3045-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID TO COUNTY OR STATE AGENCIES FOR ELIGIBLE WATER POLLUTION CONTROL FACILITIES AND PLANS, CONCEPTS AND PROJECTS RELATED TO SUCH ELIGIBLE FACILITIES", passed First Reading by title and was referred to the Committee on Ecology, Environment and Recreation.

A communication from the House (Hse. Com. No. 138), transmitting House Bill No. 3051-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3051-78, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT AND HARBOR REVENUE BONDS", passed First Reading by title and was referred to the Committee on Transportation, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 139), transmitting House Bill No. 939, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 939, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 140), transmitting House Bill No. 1858-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1858-78, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF A PLAN FOR STATE LANDS", passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 141), transmitting House Bill No. 1889-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1889-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII SUPREME COURT CONCERNING A FULL COURT, ORAL ARGUMENTS, AND SUBSTITUTE JUSTICES", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 142), transmitting House Bill No. 1935-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1935-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed First Reading by title and was referred to the Committee on Public Utilities.

A communication from the House (Hse. Com. No. 143), transmitting House Bill No. 1946-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1946-78, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN BIRTH CERTIFICATES", passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 144), transmitting House Bill No. 1948-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1948-78, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS", passed First Reading by title and was referred to the Committee on Health, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 145), transmitting House Bill No. 1987-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1987-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLD", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 146), transmitting House Bill No. 2114-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2114-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY", passed First Reading by title and was referred to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 147), transmitting House Bill No. 2192-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2192-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMOBILE NO-FAULT INSURANCE", passed First Reading by title and was referred to the Committee on Consumer Protection, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 148), transmitting House Bill No. 2390-78, H.D. 1, which passed Third Reading in the House of Representatives on March

7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2390-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 149), transmitting House Bill No. 2396-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2396-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GROUP INSURANCE", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 150), transmitting House Bill No. 2432-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2432-78, entitled: "A BILL FOR AN ACT RELATING TO THE GARNISHMENT OF PROPERTY AND CHOSSES IN ACTION", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 151), transmitting House Bill No. 2499-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2499-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL-LANDLORD TENANT CODE", passed First Reading by title and was referred to the Committee on Consumer Protection, then to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 152), transmitting House Bill No. 2612-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2612-78, entitled: "A BILL FOR AN ACT RELATING TO BANKING", passed First Reading by title and was



referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 153), transmitting House Bill No. 2756-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2756-78, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", passed First Reading by title and was referred to the Committee on Intergovernmental Relations, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 154), transmitting House Bill No. 2837-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2837-78, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 155), transmitting House Bill No. 2879-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2879-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION", passed First Reading by title and was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 156), transmitting House Bill No. 2929-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2929-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 157), transmitting House Bill No. 3011-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3011-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING", passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 158), transmitting House Concurrent Resolution No. 30, H.D. 1, which was adopted by the House of Representatives on March 7, 1978, was placed on file.

By unanimous consent, H.C.R. No. 30, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION AND APPROPRIATE STATE AGENCIES TO ASSIST THE SUGAR INDUSTRY IN MEETING THE STANDARDS OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY", was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 159), transmitting House Bill No. 139, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 160), transmitting House Bill No. 145, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 145, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 161), transmitting House Bill No. 1594, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1594, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 162), transmitting House Bill No. 1823-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1823-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 163), transmitting House Bill No. 1932-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1932-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR CARRIER LAW", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 164), transmitting House Bill No. 1934-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1934-78, 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 Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 165), transmitting House Bill No. 1994-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1994-78, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 166), transmitting House Bill No. 1996-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1996-78, entitled: "A BILL FOR AN ACT RELATING TO PROVISIONAL APPOINTMENTS OF PUBLIC EMPLOYEES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 167), transmitting House Bill No. 2086-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2086-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDED RESEARCH PROJECTS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 168), transmitting House Bill No. 2165-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2165-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURCHASE BY A PUBLIC UTILITY OF GEOTHERMAL ENERGY", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 169), transmitting House Bill No. 2305-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2305-78, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR CREDIT CARD OFFENSES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 170), transmitting House Bill No. 2334-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2334-78, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC EVENTS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 171), transmitting House Bill No. 2394-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2394-78, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 172), transmitting House Bill No. 2388-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2388-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PODIATRY", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 173), transmitting House Bill No. 2399-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2399-78, 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 Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 174), transmitting House Bill No. 2400-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2400-78, entitled: "A BILL FOR AN ACT RELATING TO THE CHARGES COLLECTIBLE BY INDUSTRIAL LOAN COMPANIES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 175), transmitting House Bill No. 2465-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2465-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 176), transmitting House Bill No. 2611-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2611-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 177), transmitting House Bill No. 2895-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2895-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTACHMENT AND EXECUTION", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 178), transmitting House Bill No. 3047-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3047-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 179), transmitting House Bill No. 445, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 445, entitled: "A BILL FOR AN ACT RELATING TO LIVING WILLS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 180), transmitting House Bill No. 617, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 617, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 181), transmitting House Bill No. 1445, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1445, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 182), transmitting House Bill No. 1539, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1539, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL SURETIES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 183), transmitting House Bill No. 1803-78, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1803-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT", passed First Reading by title and was placed

on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 184), transmitting House Bill No. 1876-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1876-78, entitled: "A BILL FOR AN ACT RELATING TO THE MEANING OF CHILD AND RELATED TERMS IN THE UNIFORM PROBATE CODE", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 185), transmitting House Bill No. 1878-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1878-78, entitled: "A BILL FOR AN ACT RELATING TO NOTICE IN GUARDIANSHIP OF THE PERSON PROCEEDINGS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 186), transmitting House Bill No. 1882-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1882-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS ELIGIBLE FOR APPOINTMENT AS GUARDIAN OF THE PERSON OF MINORS AND INCAPACITATED PERSONS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 187), transmitting House Bill No. 1884-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1884-78, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE CONCERNING NOTICE", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House

(Hse. Com. No. 188), transmitting House Bill No. 1888-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1888-78, entitled: "A BILL FOR AN ACT RELATING TO JURISDICTIONAL LIMIT OF THE CLERK IN HANDLING SMALL ESTATES OF PERSONS LEAVING NO KNOWN RELATIVES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 189), transmitting House Bill No. 1893-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1893-78, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 190), transmitting House Bill No. 1970-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1970-78, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY SERVICE AS A SENTENCING ALTERNATIVE", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 191), transmitting House Bill No. 2066-78, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2066-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL AVIATION", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 192), transmitting House Bill No. 2087-78, H.D. 1, which passed Third Reading in

the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2087-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RELEASE ON BAIL", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 193), transmitting House Bill No. 2100-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2100-78, entitled: "A BILL FOR AN ACT RELATING TO FISHING IN THE NORTHWESTERN HAWAIIAN ISLANDS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 194), transmitting House Bill No. 2105-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2105-78, entitled: "A BILL FOR AN ACT RELATING TO PROOF OF FINANCIAL RESPONSIBILITY REQUIRED UPON CONVICTION OF CERTAIN OFFENSES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 195), transmitting House Bill No. 2143-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2143-78, entitled: "A BILL FOR AN ACT TO AMEND SECTION 621-18, HAWAII REVISED STATUTES, RELATING TO WITNESSES IN CRIMINAL CASES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 196), transmitting House Bill No. 2144-78, which passed Third Reading in the House of Representatives on March 7, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2144-78, entitled: "A BILL FOR AN ACT RELATING TO CARRYING DEADLY WEAPONS; PENALTY", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 197), transmitting House Bill No. 2152-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2152-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE: DEFERRED ACCEPTANCE OF GUILTY PLEA", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 198), transmitting House Bill No. 2168-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2168-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 199), transmitting House Bill No. 2239-78, H.D. 2, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2239-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A CRIME COMMISSION", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 200), transmitting House Bill No. 2242-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2242-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY FOR THEFT BY SHOPLIFTING",

passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 201), transmitting House Bill No. 2248-78, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2248-78, entitled: "A BILL FOR AN ACT RELATING TO GENERAL POWERS OF COUNTIES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 202), transmitting House Bill No. 2286-78, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2286-78, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE OF THE OFFENSE OF DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 203), transmitting House Bill No. 2317-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2317-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIONS BY THE ATTORNEY GENERAL", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 204), transmitting House Bill No. 2337-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2337-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL AND LITTER CONTROL", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 205), transmitting House Bill No. 2478-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2478-78, H.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE REPAIR AND MAINTENANCE OF PUBLIC FACILITIES AND MAKING APPROPRIATIONS THEREFOR", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 206), transmitting House Bill No. 2496-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2496-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 207), transmitting House Bill No. 2592-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2592-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 208), transmitting House Bill No. 2593-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2593-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE RULES OF THE ROAD", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 209), transmitting House Bill No. 2618-78, H.D. 1, which passed Third Reading in

the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2618-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 210), transmitting House Bill No. 2687-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2687-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY RIGHTS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 211), transmitting House Bill No. 2693-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2693-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTE REVISION AND PUBLICATION", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 212), transmitting House Bill No. 2728-78, H.D. 2, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2728-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 213), transmitting House Bill No. 2729-78, H.D. 2, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2729-78, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 214), transmitting House Bill No. 2816-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2816-78, 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 Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 215), transmitting House Bill No. 2822-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2822-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 216), transmitting House Bill No. 2893-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2893-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPLAINTS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 217), transmitting House Bill No. 2894-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2894-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS", passed First Reading by title and was placed on the calendar for further consideration on Thursday,

March 9, 1978.

A communication from the House (Hse. Com. No. 218), transmitting House Bill No. 2934-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2934-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 219), transmitting House Bill No. 3042-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3042-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS FOR WITNESS EXPENSE IN CRIMINAL PROCEEDINGS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 220), transmitting House Bill No. 3054-78, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3054-78, entitled: "A BILL FOR AN ACT RELATING TO VESSELS OR PROPERTY TAKEN INTO LEGAL CUSTODY AND PROHIBITING UNAUTHORIZED CONTROL THEREOF", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 221), returning Senate Concurrent Resolution No. 72 which was adopted by the House of Representatives on March 8, 1978, was placed on file.

A communication from the House (Hse. Com. No. 222), transmitting House Bill No. 158, H.D. 2, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 158, H.D. 2, entitled: "A BILL FOR AN ACT MASS TRANSIT SYSTEM", passed First Reading by



title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 223), transmitting House Bill No. 450, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 450, 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 Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 224), transmitting House Bill No. 704, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 704, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 225), transmitting House Bill No. 1770-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1770-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 226), transmitting House Bill No. 1779-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978 by not less than two-thirds vote of all the members to which the House is entitled, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 1779-78, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE JUDICIARY FOR THE FISCAL BIENNIUM JULY 1, 1977,

TO JUNE 30, 1979, AND AUTHORIZING THE ISSUANCE OF BONDS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 227), transmitting House Bill No. 2102-78, H.D. 2, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2102-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TAXES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 228), transmitting House Bill No. 2166-78, H.D. 2, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2166-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 229), transmitting House Bill No. 2169-78, H.D. 2, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2169-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 230), transmitting House Bill No. 2185-78, H.D. 2, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2185-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT CARE HOMES, FAMILY BOARDING HOMES, AND OTHER SIMILAR INSTITUTIONS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 231), transmitting House Bill No. 2191-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2191-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATION OF TAXES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 232), transmitting House Bill No. 2296-78, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2296-78, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 233), transmitting House Bill No. 2379-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2379-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF ARTISTIC PRINTS", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 234), transmitting House Bill No. 2402-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2402-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 235), transmitting House Bill No. 2447-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2447-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 236), transmitting House Bill No. 2634-78, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2634-78, entitled: "A BILL FOR AN ACT RELATING TO BEER AND WINE SALES IN HAWAII", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 237), transmitting House Bill No. 2689-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 2689-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

A communication from the House (Hse. Com. No. 238), transmitting House Bill No. 3012-78, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.B. No. 3012-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNICABLE DISEASES", passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 9, 1978.

#### ORDER OF THE DAY

#### THIRD READING

Senate Bill No. 1533-78, S.D. 1:

On motion by Senator Toyofuku, seconded by Senator Young and carried, S.B. No. 1533-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IN-SERVICE TRAINING PROGRAMS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1654-78, S.D. 1:

Senator Toyofuku moved that S.B. No. 1654-78, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Young.

Senator Toyofuku then commented as follows:

"Mr. President, I'd like to note for the record that there may appear to be a contradiction if we were to adopt both Senate Bill No. 1654-78, S.D. 1 and Senate Bill No. 1787-78, S.D. 1, but the Revisor of Statutes has informed us that there would be no problem in picking out the changes intended by the Legislature and that he would be able to do this without any contradiction."

The motion was put by the Chair and carried, and S.B. No. 1654-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VACANCIES IN CIVIL SERVICE POSITIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1682-78, S.D. 1:

On motion by Senator Toyofuku, seconded by Senator Young and carried, S.B. No. 1682-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNLAWFUL SUSPENSION OR DISCHARGE FROM EMPLOYMENT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Anderson, Henderson, Soares and Yee).

Senate Bill No. 1787-78, S.D. 1:

By unanimous consent, consideration of S.B. No. 1787-78, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1805-78:

On motion by Senator Toyofuku, seconded by Senator Young and carried, S.B. No. 1805-78, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2100-78, S.D. 1:

On motion by Senator Toyofuku,

seconded by Senator Young and carried, S.B. No. 2100-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2609-78, S.D. 1:

On motion by Senator Toyofuku, seconded by Senator Young and carried, S.B. No. 2609-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2047-78, S.D. 1:

Senator King moved that S.B. No. 2047-78, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hulten.

At 6:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:10 o'clock p.m.

Senator King then spoke for the measure as follows:

"Mr. President, I rise to speak in favor of the bill but I did sign it with reservations and I'd like to just mention briefly the reason for my reservations.

We're talking here about an enormous facility--the estimate of the cost range up to 80 to 85 million dollars. The acreage needed ranges from 15 to 25 acres. There was substantial testimony against it.

My qualms derive from the fact that over and over in the testimony there was discussion about economies of scale and the necessity of maintaining at least 1,000 tons of solid waste a day. I hope that in the future we will be increasingly recycling material and would hate to make a commitment to a monster that we have to keep feeding.

Thank you, Mr. President."

At 6:12 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:13 o'clock p.m.

The motion was put by the Chair and carried, and S.B. No. 2047-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSAL OF SOLID WASTES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Anderson, George, Hara, Henderson, Kawasaki, Leopold, Saiki and Soares).

Senate Bill No. 2436-78:

On motion by Senator King, seconded by Senator Hulten and carried, S.B. No. 2436-78, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hara and Takitani).

Senate Bill No. 2604-78, S.D. 1:

On motion by Senator King, seconded by Senator Hulten and carried, S.B. No. 2604-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID TO COUNTY OR STATE AGENCIES FOR ELIGIBLE WATER POLLUTION CONTROL FACILITIES AND PLANS, CONCEPTS AND PROJECTS RELATED TO SUCH ELIGIBLE FACILITIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 6:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:21 o'clock p.m.

Senate Bill No. 2533-78, S.D. 1:

By unanimous consent, consideration of S.B. No. 2533-78, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1912-78:

By unanimous consent, consideration of S.B. No. 1912-78 was deferred to the end of the calendar.

Senate Bill No. 2030-78:

By unanimous consent, S.B. No. 2030-78, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF VETERANS CEMETERIES", was recommitted to the Committee on Economic Development.

Senate Bill No. 2279-78:

Senator F. Wong moved that S.B. No. 2279-78, having been read throughout, pass Third Reading, seconded by Senator Hara.

Senator Kawasaki spoke in opposition to the measure as follows:

"Mr. President, I'm voting against this bill primarily because the language of the bill does not very specifically state what segment of the agriculture industry would be given a liberalized loan repayment treatment.

It just seems to me because we have been overly liberal in our farm loan program, our monitoring has been lax. This is the reason why we have had situations like the Kohala Task Force mess that we have been involved in in the last two years.

The subsidies the farmers obtain from the State at taxpayers' expenses are the kind of subsidies other businesses do not get. For this reason, I would hate to just carte blanche liberalize the term of repayment on the monthly principal, which payments basically are pretty nominal sums. I think to further extend the limitation for five years for all categories of farmers may not be improving our miserable farm loan repayment record in this State.

Thank you, Mr. President."

Senator F. Wong then spoke for the passage of the bill as follows:

"Mr. President, I think it is wrong to categorize that the bill is too liberal because it covers all farm loans. Our farm loan system right now is vested with the Board of Agriculture. They have the discretionary powers to extend the particular loans that we are talking about.

I have indicated to the Senator from the Fifth District that our present statute right now does not permit the discrimination in favor of one particular segment of our agricultural industry against the other and thus whatever farm loan statutes that we have have to be applied across the board to all segments of agriculture.

More importantly, Mr. President, we have a serious problem in our farm community today. The situation in extending the farm loan is similar to a measure that was adopted by the U.S. Congress and given a mandate

to the United States Department of Agriculture to extend similar farm loans up to two years, and this conforms our statute to the Federal statute.

I ask all members to support the agricultural industry and pass this measure.

Thank you very much."

The motion was put by the Chair and carried, and S.B. No. 2279-78, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senate Bill No. 2427-78, S.D. 1:

By unanimous consent, S.B. No. 2427-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", was recommitted to the Committee on Economic Development.

Senate Bill No. 2448-78, S.D. 1:

On motion by Senator F. Wong, seconded by Senator Hara and carried, S.B. No. 2448-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRICULTURE COORDINATING COMMITTEE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 389, S.D. 1:

Senator Young moved that S.B. No. 389, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Toyofuku.

Senator Yee then stated that he would be voting "no" on this measure as he feels "it is just more governmental red tape."

The motion was put by the Chair and carried, and S.B. No. 389, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING PLANNING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Anderson, Saiki, Soares and Yee).

Senate Bill No. 1950-78, S.D. 1:

On motion by Senator Young, seconded by Senator Toyofuku and carried,

S.B. No. 1950-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (King).

Standing Committee Report No. 447-78 (S.B. No. 1983-78):

By unanimous consent, Stand. Com. Rep. No. 447-78 and S.B. No. 1983-78, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF WOMEN", were recommitted to the Committee on Judiciary.

Standing Committee Report No. 448-78 (S.B. No. 2146-78, S.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 448-78 was adopted and S.B. No. 2146-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLD HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 449-78 (S.B. No. 2494-78, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 449-78 was adopted and S.B. No. 2494-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1698-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 1698-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF WITNESS EXPENSES BY THE PUBLIC PROSECUTOR OR COUNTY ATTORNEY, AND BY THE PUBLIC DEFENDER", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1695-78:

By unanimous consent, S.B. No. 1695-78, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY SERVICE AS A SENTENCING ALTERNATIVE",

was recommitted to the Committee on Judiciary.

Senate Bill No. 1702-78:

By unanimous consent, S.B. No. 1702-78, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS", was recommitted to the Committee on Judiciary.

Senate Bill No. 1919-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 1919-78, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF DEFENDANTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1979-78:

Senator Nishimura moved that S.B. No. 1979-78, having been read throughout, pass Third Reading, seconded by Senator O'Connor.

Senator Kawasaki then spoke in favor of the bill as follows:

"Mr. President, I speak in favor of the passage of this bill and in so doing, I'd like to commend the Judiciary Committee and its Chairman for passing out of its committee in this session a number of very effective, I hope, pieces of legislation, addressed to the organized criminal elements.

This particular bill makes the penalty for the possession of silencers to a class A felony. A person has a silencer in his possession only for one reason.

Also emanating from the Judiciary Committee is going to be Senate Bill No. 1855-78, S.D. 1, and Senate Bill No. 2086-78, S.D. 1. One makes it mandatory sentencing for repeater offenders who are felons and the other makes it mandatory for the judge to impose restitution to a victim of an offender. Where a victim suffers financial damage, it mandates the judges to require restitution.

After the offender is incarcerated, he comes out on parole, then he has to make restitution over a period of time at the discretion of the judge at the terms outlined by the judge.

These are law and order bills, if you want to call them that, but I think this is well addressed to the criminal elements. Hopefully, the

public who is so concerned about the proliferation of serious crimes, will be made aware of the Senate's position on this.

I think it would be in the public service for the media to publicize these bills and their passages adequately so that the criminal elements will get a very clear message that at least the Senate of the State of Hawaii will not condone the kind of activities the criminal elements have been involved in in the last few decades.

Thank you."

The motion was put by the Chair and carried, and S.B. No. 1979-78, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS OFFENSES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 6:30 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:34 o'clock p.m.

Senate Bill No. 2154-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator Taira and carried, S.B. No. 2154-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSMETOLOGY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (O'Connor).

Senate Bill No. 2480-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2480-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RIGHTS OF SUBROGATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2483-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2483-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTACHMENT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2485-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2485-78, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2487-78, S.D. 1:

By unanimous consent, S.B. No. 2487-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CHARGES COLLECTIBLE BY INDUSTRIAL LOAN COMPANIES", was recommitted to the Committee on Judiciary.

Senate Bill No. 2490-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2490-78, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2595-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2595-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OBSTRUCTION OF JUSTICE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2545-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2545-78, entitled: "A BILL FOR AN ACT RELATING TO PROBATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2591-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2591-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTAKE SERVICE CENTERS", having been read throughout,

passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1782-78:

On motion by Senaor Toyofuku, seconded by Senator Young and carried, S.B. No. 1782-78, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1785-78:

Senator Toyofuku moved that S.B. No. 1785-78, having been read throughout, pass Third Reading, seconded by Senator Young.

Senator O'Connor then pointed out that "this bill seems absolutely unnecessary as it doesn't change the law an inch."

The motion was put by the Chair and carried, and S.B. No. 1785-78, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (O'Connor).

Senate Bill No. 2556-78, S.D. 1:

On motion by Senator Toyofuku, seconded by Senator Young and carried, S.B. No. 2556-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1797-78, S.D. 1:

On motion by Senator F. Wong, seconded by Senator R. Wong and carried, S.B. No. 1797-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 468-78 (S.B. No. 1786-78):

Senator R. Wong moved that Stand. Com. Rep. No. 468-78 be adopted and that S.B. No. 1786-78, having been read throughout, pass Third Reading.

Senator O'Connor then stated that "this bill seems absolutely unnecessary as it doesn't change the law an inch."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 468-78 was adopted and S.B. No. 1786-78, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (O'Connor and Soares).

Standing Committee Report No. 469-78 (S.B. No. 2005-78, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 469-78 was adopted and S.B. No. 2005-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 470-78 (S.B. No. 71, S.D. 3):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 470-78 was adopted and S.B. No. 71, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 471-78 (S.B. No. 2084-78, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 471-78 was adopted and S.B. No. 2084-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1622-78, S.D. 1:

By unanimous consent, consideration of S.B. No. 1622-78, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 473-78 (S.B. No. 1925-78, S.D. 2):

By unanimous consent, consideration of Stand. Com. Rep. No. 473-78 and S.B. No. 1925-78, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 474-78 (S.B. No. 2478-78, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 474-78 was adopted and S.B. No. 2478-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENT BY ASSESSMENT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 475-78 (S.B. No. 2559-78):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 475-78 was adopted and S.B. No. 2559-78, entitled: "A BILL FOR AN ACT RELATING TO THE CONSTITUTIONAL CONVENTION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 476-78 (S.B. No. 897, S.D. 1):

By unanimous consent, consideration of Stand. Com. Rep. No. 476-78 and S.B. No. 897, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 477-78 (S.B. No. 780, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 477-78 was adopted and S.B. No. 780, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES RETIREMENT SYSTEM OF THE STATE OF HAWAII", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 478-78 (S.B. No. 2605-78, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 478-78 was adopted and S.B. No. 2605-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION FEES FOR PSYCHOLOGIST



LICENSES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Standing Committee Report No. 479-78 (S.B. No. 673, S.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 479-78 was adopted and S.B. No. 673, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Henderson, Saiki, Soares and Yee).

Standing Committee Report No. 480-78 (S.B. No. 1555-78, S.D. 2):

Senator Nishimura moved that Stand. Com. Rep. No. 480-78 be adopted and S.B. No. 1555-78, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator O'Connor.

Senator Kawasaki then spoke in opposition to the measure as follows:

"Mr. President, I am voting against this bill because what this bill does primarily is to give the Department of Social Services a responsibility of developing a master no-fault insurance program to cover all of the welfare family recipients who do have cars.

There is no mandate or instruction in this bill to require that the Department of Social Services very carefully screen the necessity of covering a number of cars in a family.

I would support the program that would perhaps provide at taxpayers' expense a covering of automobile insurance premiums for the principal bread winner of a welfare recipient family. But this one does not limit it to that. If a family has four cars, three of which belong to the youngsters in the family with no apparent contribution of income to that family, the taxpayers still have to pay for that insurance, and for this reason, I will have to vote against this bill.

Thank you, Mr. President."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 480-78 was adopted and S.B. No. 1555-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

WELFARE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 481-78 (S.B. No. 1613-78, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 481-78 and S.B. No. 1613-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REQUIREMENTS OF RETAIL INSTALLMENT CONTRACTS", were recommitted to the Committee on Judiciary.

Standing Committee Report No. 482-78 (S.B. No. 1646-78):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 482-78 was adopted and S.B. No. 1646-78, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 483-78 (S.B. No. 1658-78, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 483-78 was adopted and S.B. No. 1658-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, None.

Standing Committee Report No. 484-78 (S.B. No. 2036-78, S.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 484-78 was adopted and S.B. No. 2036-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING FOR VIOLATIONS OF HAWAII'S LITTER LAWS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kuroda).

Standing Committee Report No. 485-78 (S.B. No. 2300-78, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 485-78 and S.B. No. 2300-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS

CONTRACTS", were recommitted to the Committee on Judiciary.

Standing Committee Report No. 486-78 (S.B. No. 2523-78, S.D. 2):

Senator Nishimura moved that Stand. Com. Rep. No. 486-78 be adopted and that S.B. No. 2523-78, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator O'Connor.

Senator Nishimura then commented as follows:

"Mr. President, so that there will be no ambiguity in the interpretation of this bill if it is enacted into law, I would like to note that on page 13, the first paragraph, line 7, the words 'while on the premise' means that the individual who is intoxicated, immoral, profane, lewd or brawling, or who would disturb the peace, or who, in the opinion of the keeper--the hotel person--is a person who threatens to be detrimental to the business of the hotel, must be on the premises and it applies to all of those situations enumerated in that particular paragraph."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 486-78 was adopted and S.B. No. 2523-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOTELS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 487-78 (S.B. No. 2581-78, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 487-78 was adopted and S.B. No. 2581-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 488-78 (S.B. No. 2606-78):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 488-78 was adopted and S.B. No. 2606-78, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY", having been read throughout, passed Third Reading on the following

showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 489-78 (S.B. No. 2617-78, S.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 489-78 was adopted and S.B. No. 2617-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF A CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM WITHIN THE DEPARTMENT OF LAND AND NATURAL RESOURCES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1812-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 1812-78, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1855-78, S.D. 1:

By unanimous consent, consideration of S.B. No. 1855-78, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1863-78:

Senator Nishimura moved that S.B. No. 1863-78, having been read throughout, pass Third Reading, seconded by Senator O'Connor.

Senator Anderson then spoke against the bill as follows:

"Mr. President, I rise to speak against this bill. I remember a few years ago when this very body had to be the first in the country to ratify the 18-year-old vote. I don't think the ink was dry on the newspaper or the cable and before it was typed in the back room, then a resolution supporting the 18-year-old vote was before this body.

Since then we changed the age of majority and it's really somewhat contradictory to recognize an 18-year-old person who is responsible and liable for all the laws of the State, who can vote for the governor, who can get involved in the Constitutional Convention, who can change the make-up of this State entirely, but who can't drink until he is 19 even though he is recognized as a legal adult when

he is 18.

Again, it's just trying to legislate moral standards on people. If a young man has been drinking at 18, they're going to drink at 17, or they're going to drink at 16 or 14. It really depends on the environment, his home and his upbringing, and all the laws that you pass and all the words that you put down on paper trying to prohibit it, isn't going to stop the young man at 18 not to drink because you passed a law.

I think it's contradictory to our past actions and I will vote 'no'.

Thank you, Mr. President."

At 6:47 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:50 o'clock p.m.

By unanimous consent, consideration of S.B. No. 1863-78 was deferred to the end of the calendar.

Senate Bill No. 2046-78:

Senator Nishimura moved that S.B. No. 2046-78, having been read throughout, pass Third Reading, seconded by Senator O'Connor.

Senator Kawasaki then spoke against the measure as follows:

"Mr. President, I am voting 'no' on this bill primarily because of the Department of Accounting and General Services' concern about the immensity of a contract like this. They estimate that a contract involving this type of program might involve somewhere between 60 and 80 million dollars with the term of the contract running 20 to 25 years.

We were also told in testimony before the Committee that the County now has the authority to enter into no-bid contracts involving these types of projects and they do not need our sanction. That being the case, I don't think we should enable them to enter into these types of contracts by state statute.

I recall very clearly some of the newspaper articles involving the Federal investigation of the sewer treatment plant overruns by the City and County of Honolulu and some of the concerns of the Federal officials. Let me quote a sentence or two that I am concerned with, and you will know that these types of projects will, as of necessity, require Federal funding, Federal consent, and so forth.

In the Honolulu Star-Bulletin, December 1, 1977, there was an article entitled 'Non-Bid Sewage Contracts Questioned', and it

goes to say 'A preliminary audit report by the United States Environmental Protection Agency (EPA) says that the City had apparent deficiencies in its selection process for non-bid contracts for sewage plant projects that may have led to 'unreasonable' architectural and engineering fees. Further, public works personnel indicated that in most instances the final selection of an architectural engineering firm was made within the Mayor's office, the audit report said.'

Mr. President, it's articles like this that I would quote on but I won't take the time to, that lead me to believe that if the County wants to enter into non-bid contracts involving these amounts of money for a long time--20, 25 years--then that's their business. Certainly we should not sanction this by State statute and I will vote against this bill for that reason.

Thank you, Mr. President."

The motion was put by the Chair and carried, and S.B. No. 2046-78, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT OF PUBLIC CONTRACTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Anderson, Chong, Hara, Henderson, Kawasaki, King, Leopold, Saiki, Soares and Yee).

Senate Bill No. 2093-78:

Senator Ching moved that S.B. No. 2093-78, having been read throughout, pass Third Reading, seconded by Senator Hara.

Senator Nishimura then spoke against the measure as follows:

"Mr. President, this bill came out from the Judiciary Committee of which I am Chairman and I signed the report 'I do not concur'. It is the first time in the ten years that I have been here that I have signed a committee report prepared by my Committee 'I do not concur'. But, inasmuch as I have learned a lesson from that here, I have allowed this bill to come down to the floor for full consideration by the whole body and I would like to try to persuade members of this Honorable Body to feel as I do, that we don't need this bill.

In 1970, Mr. President, the Judicial Council of Hawaii Penal Law Revision Project, chaired by the Honorable Judge Masato Doi, published a preliminary draft detailing a comprehensive division

of the criminal laws of this State. The final product was a polished one that emerged after intensive review encompassing many hours of hard work. The final product became Act IX of 1972 and, from 1973, we have been governed by the provisions of the Hawaii Penal Code.

The Penal Code provided that upon conviction, a judge would basically face two choices; he could either place the defendant on probation or he could incarcerate the defendant. If the judge chose incarceration, he had to sentence the defendant to the maximum sentence provided by law, except for a few unique circumstances.

Within six months, the Parole Board sets the minimum sentence the defendant must serve prior to being eligible for parole. At the time of hearing to set the minimum sentence, the Parole Board had the benefit of detailed studies profiling the defendant's strengths, weaknesses and needs. Thus, the Parole Board knows how much time is needed for a program of rehabilitation so that when he once again emerges from the confines of the prison walls, he will be able to walk the streets as a useful productive member of society.

Now, this is not the only factor recognized by the Parole Board. They also look at the seriousness of the crime to determine the length of the minimum sentence. But now this body is asked to change the system.

I ask why? What has happened in the last five years to make us change our minds? Has the Parole Board demonstrated incompetence? Has the Parole Board demonstrated laziness? In my opinion, it has not.

In my opinion, they have done an excellent job. It is not an easy job to judge the future of peoples' lives, balancing the need of the convict, the needs of society.

Just a short two years ago, we enacted into law, Act 92 making the Parole Board a full-time board. Since then, they have made great strides in developing uniformity of minimum sentences.

One criticism of our system of sentencing is the disparity of the length of sentences meted out to the defendant. Two defendants, for example, of similar background and committing the same crime in similar circumstances may meet and find that one is serving a minimum

of five years while the other is serving ten years.

The injustice of it all is quickly apparent to everyone and especially to the one serving ten years. The bitterness engendered does not make rehabilitation any easier--it makes it a hell of a lot tougher.

In the Federal system, the judge sets the minimum and the disparity resulting of sentencing has been attacked by experts in the correction field.

The Senate of the United States has just passed S. 1437 decodifying and revising the U.S. Penal Code in a serious attempt to reform criminal law at the national level. That bill makes provision for a sentencing commission to issue guidelines on sentencing to attack the problem of disparate sentences. While the Federal government moves in one direction towards uniformity, we are now considering a move toward disparity since obviously the judge sets the minimum, there will be no uniformity.

The Parole Board has met this problem of disparate sentences head on. They have set up guidelines on the minimum sentences that should be served for such types of crime, for each type of crime, but to insure flexibility they have set up a system where time could be added to the sentence when aggravating factors exist and the minimum could be reduced when mitigating circumstances warrant such action.

Before the full-time Parole Board existed, Mr. President, the average minimum was one-fourth of the maximum sentence. Now it is more like one-third of the maximum.

Some argued that we should wait nine months before setting the minimum. They say that a good criminal can be a good con artist and behave for six months, but would find it difficult to behave for nine months. I say that this demonstrates a certain naivete of the usefulness of information on behavior in prison.

Mr. President, prison society is a society of criminals. The one who gets along best in that kind of society is the criminal. He will not be a behavior problem for his values and mores fit in with the rest of the prison society. A good con, in other words, knows how to pull time. It is the inexperienced prisoner who is not a hard-core criminal that finds it difficult to adjust to prison life. What we can learn in the additional three months is irrelevant to the making of an intelligent decision.

Some say that judges should set the minimum sentence because they know all the circumstances of the case. That may be true, Mr. President, if the case went to trial, but we should remind ourselves that over 90% of convictions result from guilty pleas. The only facts the judge ever knows are those contained in the pre-sentence report which is also available to the Parole Board.

There is also the problem of time-- a judge will have other duties besides setting minimum sentences and doing parole revocation hearings. He must preside over trials, sentence hearings, pre-trials and hear motions. And these go on constantly, since by its very nature, criminal law is very litigation-oriented.

Just recently the First Circuit had to assign a fourth judge to the criminal calendar to handle the volume of cases going to trial. But yet it is not uncommon for trials to go long into the night. In fact, sometimes the session goes as long as those of our colleagues across the way.

Could the Judiciary handle this extra burden? In this respect, Mr. President, I should like to call to the member's attention that the Judiciary Branch testified on this bill and on February 27, 1978, they submitted written testimony and also read into the record, their feelings on this bill.

Rather than read the reasons why they feel this bill should not pass, let me just read the bottom line: 'The Judiciary actively opposes Senate Bill No. 2093-78 on the following bases:' (And they outline the reasons why they do not want this particular bill.)

Mr. President, since our recent poll results show that crime is the number one concern of the citizens of this State, it seems that any bill which claims to deal more harshly with criminals has become a 'motherhood' bill which should be passed in the interest of the public safety and public welfare.

This bill will not reduce crime, Mr. President. This bill will not guarantee that the convicted person will end up in jail. This bill will not ensure that longer sentences of convicted criminals will result. On the contrary, Mr. President, this bill, if it becomes law, will do just the opposite of what the proponents think the provisions

of this bill will accomplish.

I for one, Mr. President, am willing to give our Parole Board a vote of confidence. I am willing to kokua the Judiciary branch who has asked that this bill be filed, and I ask all the members of this body to join me, Mr. President, in extending a helping hand to the Judiciary branch by voting 'no' on the bill.

Thank you, Mr. President."

By unanimous consent, consideration of S.B. No. 2093-78 was deferred to the end of the calendar.

Senate Bill No. 2148-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2148-78, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2188-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2188-78, entitled: "A BILL FOR AN ACT RELATING TO CORPORATION DIRECTORS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2287-78:

By unanimous consent, consideration of S.B. No. 2287-78 was deferred to the end of the calendar.

Senate Bill No. 2476-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2476-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE IMPORTATION OF BEER FOR PRIVATE CONSUMPTION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2590-78, S.D. 1:

Senator Nishimura moved that S.B. No. 2590-78, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator O'Connor.

Senator Kawasaki then spoke against the bill as follows:

"Mr. President, I am voting 'no' on this bill primarily because of the Judiciary Department's objection to the bill.

In my dialogue with the Department, I was told that they are particularly concerned because the pre-sentencing program which we enacted a year or two ago has not as yet been truly implemented.

They are going through the throes of a new type of program being consolidated and so forth, and to add the parole and probationary program to the Intake Services personnel is, in the judgement of the Judiciary Department, just going to compound a problem. They would be supporting such a proposition in subsequent years after the pre-sentencing program has been fully developed and fully operating to the Judiciary's satisfaction.

They are concerned about the lack of dialogue for example, right now, in the pre-sentencing program between the Judiciary, the judges and the authorities in the Judiciary and the pre-sentencing Intake Services personnel. So with the recommendation of the Department of the Judiciary, I will have to vote 'no' and I urge others to vote the same way.

Thank you."

Senator O'Connor then commented:

"Mr. President, lest there be some confusion on the part of the members on the comments that were made by my esteemed colleague, this bill has to do with matters that happen after sentencing or after trial has occurred. The bill which has to do with the pre-sentencing portion of this did not come down from the Judiciary Committee. So this bill does not change the law as it presently exists for Intake Service Centers in the pre-sentencing area. It has to do with probation and supervision of convicted persons who are placed on probation and matters that occur after the sentencing."

Senator Kawasaki then stated, "For the edification of the previous speaker, I am fully aware of the situation, Mr. President."

Senator Nishimura then explained further:

"Mr. President, there are two bills that pertain to pre-sentence investigation. My understanding of the Judiciary's concern and objections relate to a bill that is still in the House.

This particular bill, as the Vice Chairman of the Judiciary Committee has noted, pertains to probation, which is post-sentence, and it is my understanding that the Judiciary Branch has no objection to this particular bill...the functions being transferred to the Intake Service Center."

Senator Kawasaki then asserted, "Mr. President, as a matter of clarification, twenty minutes ago, I talked with Mr. Lester Cingcade of the Judiciary Department to clarify this very bill."

By unanimous consent, consideration of S.B. No. 2590-78, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 500-78 (S.B. No. 1568-78, S.D. 1):

Senator R. Wong moved that Stand. Com. Rep. No. 500-78 be adopted and S.B. No. 1568-78, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator R. Wong then spoke for the measure as follows:

"Mr. President, I rise to speak in favor of this bill and the following seven bills. Senate Bill Nos. 1568-78, S.D. 1; 1570-78, S.D. 1; 1572-78, S.D. 1; 1573-78, S.D. 1; 1578-78, S.D. 1; 1579-78, S.D. 1; 1581-78, S.D. 1; and 1597-78, S.D. 1 are the various bills comprising the Senate Energy Program which were referred to Ways and Means and which are now before us for Third Reading.

This package of bills reflects the commitment of the members of the Senate towards the development of alternative energy sources for Hawaii. All the members of the Senate have been involved in the development of this package.

I would, however, like to especially acknowledge the hard work and long hours put in by the Senate Energy/Natural Resources Committee and staff under the able chairmanship of Senator T.C. Yim. Mr. President, the results of their work are now before us.

I urge the members of the Senate to vote in favor of these bills."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 500-78 was adopted and S.B. No. 1568-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No.  
501-78 (S.B. No. 1570-78, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 501-78 was adopted and S.B. No. 1570-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE HAWAII LABORATORY FOR RIFT ZONE GEOTHERMAL RESERVOIRS AND MAKING AN APPROPRIATION FOR INITIATING RESEARCH THEREUPON", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No.  
502-78 (S.B. No. 1572-78, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 502-78 was adopted and S.B. No. 1572-78, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY OF THE NON-ELECTRICAL APPLICATIONS OF GEOTHERMAL ENERGY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No.  
503-78 (S.B. No. 1573-78, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 503-78 was adopted and S.B. No. 1573-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BIOMASS ENERGY PLANTATIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No.  
504-78 (S.B. No. 1578-78, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 504-78 was adopted and S.B. No. 1578-78, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STUDY ON AN UNDERWATER CABLE SYSTEM INTERCONNECTING ISLANDS FOR THE TRANSMISSION OF ENERGY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 505-78 (S.B. No. 1579-78, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 505-78 was adopted and S.B. No. 1579-78, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY ON A HYDROELECTRIC SYSTEM FOR MOLOKAI", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

Standing Committee Report No. 506-78 (S.B. No. 1581-78, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 506-78 was adopted and S.B. No. 1581-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN APPROPRIATION FOR RESEARCH, DEVELOPMENT, DEMONSTRATION, AND UTILIZATION OF ALTERNATE ENERGY SOURCES FOR HAWAII", having been read throughout, passed Third Reading by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 507-78 (S.B. No. 1597-78, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 507-78 was adopted and S.B. No. 1597-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCENTIVES FOR ENERGY CONSERVATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 508-78 (S.B. No. 2602-78):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 508-78 was adopted and S.B. No. 2602-78, entitled: "A BILL FOR AN ACT RELATING TO INACTIVE STUDENT ACTIVITY ACCOUNTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 509-78 (S.B. No. 1936-78, S.D. 1):

Senator R. Wong moved that Stand.

Com. Rep. No. 509-78 be adopted and S.B. No. 1936-78, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator Kawasaki, in opposition to the measure, commented as follows:

"Mr. President, although I am a music major myself, I am voting against this bill.

If this bill had provided that the thirty tuition waivers for the University of Hawaii students were based on need, it would be one thing, but just blanket providing tuition waivers for thirty music major students and possibly denying some other students who may need tuition waivers, in addition to the 600 that we already provide for, I think might not be the desirable thing under the present situation.

I would be in favor of a bill that very specifically states that the tuition waiver to a music major student should be based on financial need and not blanket tuition waiver treatment for thirty students."

Senator Yee, also in opposition, spoke as follows:

"Mr. President, I feel again that we are making an exception to one group of students, and I feel that there are other groups of worthy artistic talent not included here-- in art, dancing, athletics, whatever you have. I think it is very discriminatory to single out just one group, so I will be voting 'no' on this measure."

Senator Soares, in support of the bill, commented as follows:

"Mr. President, I am going to speak in favor of the bill.

I know that many students are given scholarships for their football, baseball, basketball or other athletic ability. These athletic scholarships are based on their ability and not on need.

Many of the grants are based on need but scholarships are not. Therefore, I'd like to see this bill passed because it will be moving to a new area where we have a lot of musical talent and where we can attract top students for our orchestra at the University. So I urge a 'yes' vote on the bill."

The motion was put by the Chair and carried, and Stand. Com. Rep.

No. 509-78 was adopted and S.B. No. 1936-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS FOR UNIVERSITY OF HAWAII MUSIC MAJORS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Anderson, Henderson, Kawasaki and Yee).

Senate Bill No. 2470-78, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 2470-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING FOR THE ELDERLY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2332-78, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, S.B. No. 2332-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2086-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2086-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2147-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2147-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 515-78 (S.B. No. 566, S.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 515-78 was adopted and S.B. No. 566, S.D. 1, entitled:



"A BILL FOR AN ACT RELATING TO THE OFFICE OF THE PUBLIC DEFENDER", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Anderson, George, Henderson, Leopold, Saiki and Soares).

Standing Committee Report No. 516-78 (S.B. No. 1820-78, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 516-78 was adopted and S.B. No. 1820-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT, INCLUDING DISCLOSURE OF FINANCIAL INTERESTS BY LEGISLATORS AND STATE EMPLOYEES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Senate Bill No. 1824-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 1824-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNSELING SERVICES FOR MINORS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2063-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2063-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2596-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2596-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESS IMMUNITY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2622-78, S.D. 1:

On motion by Senator Nishimura,

seconded by Senator O'Connor and carried, S.B. No. 2622-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTEMPT OF COURT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 521-78 (S.B. No. 596, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 521-78 was adopted and S.B. No. 596, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED COMPENSATION PLANS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### MATTERS DEFERRED FROM EARLIER IN THE DAY

House Bill No. 1998-78, H.D. 1, S.D. 1:

On motion by Senator King, seconded by Senator Hulten and carried, H.B. No. 1998-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Ching, Hara, Kawasaki, Taira and Toyofuku).

Standing Committee Report No. 417-78 (S.B. No. 2080-78, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 417-78 was adopted and S.B. No. 2080-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF COUNTIES OF THE STATE OF HAWAII", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 418-78 (S.B. No. 2302-78):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 418-78 was adopted and S.B. No. 2302-78, entitled: "A BILL FOR AN ACT RELATING TO BONDS ISSUED BY THE COUNTIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 7:24 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:43 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Senate Bill No. 1787-78, S.D. 1:

On motion by Senator Toyofuku, seconded by Senator Young and carried, S.B. No. 1787-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Soares).

Senate Bill No. 2533-78, S.D. 1:

Senator King moved that S.B. No. 2533-78, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hulten.

Senator O'Connor then stated as follows:

"Mr. President, I'm going to vote against this bill because the section of the law as presently constituted sets up a formula for a landowner who has a historic site on his property with a 90-day period during which he may not touch the property. At the end of the 90-day period, the State is required either to go forward with condemnation or to allow the landowner to do something about the historic site.

The proposed amendment would alter that formula and tack on a 6-month period before the 90-day period and instead of having the landowner able to do anything during that period, he would then be hung up for a period of nine months with no knowledge of what might happen to his land.

I believe that this is unconscionable. I believe that the State, if acting in this fashion, should be faced with a condemnation period within which they either have to do something or 'get off the pot'. Therefore I am going to vote 'no' on this bill."

The motion was put by the Chair and S.B. No. 2533-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION", having been read throughout, failed to pass Third Reading on the following

showing of Ayes and Noes:

Ayes, 11. Noes, 14 (Anderson, Ching, Hara, Henderson, Kawasaki, O'Connor, Saiki, Soares, Taira, Takitani, Toyofuku, F. Wong, Yamasaki and Yee).

Senate Bill No. 1912-78:

By unanimous consent, S.B. No. 1912-78, entitled: "A BILL FOR AN ACT RELATING TO WATER CONSERVATION", was recommitted to the Committee on Economic Development.

Senate Bill No. 1622-78, S.D. 1:

Senator R. Wong moved that S.B. No. 1622-78, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator Anderson then spoke against the bill as follows:

"Mr. President, we have no argument with the portion of compensation for the people who legitimately went to court and settled with the State, but in this bill on page 10, Mr. President, various school teachers have damages to their cars. For instance, damage to car in Kahuku High and Elementary School parking lot, \$89.80; damage to car by vandals at Roosevelt High School, \$57.20; damage to car by vandals at McKinley High School, \$197.00; damage to car by vandals at McKinley High School, \$169.31. I thought most of the people had insurance programs for vandalism to cars.

In questioning the Attorney General's Office and DAGS, I believe it was, when they were before the Ways and Means Committee, we were told that there is no policy if a teacher's car or a student's car or a State employee's car is vandalized in the various parking lots. I think it allows all kinds of shenanigans between students. It allows all kinds of abuses against the State on the claiming of vandalism. If the car is scratched by students, deliberately, on his own car or someone else's car with a point job on the hood, he can now, under the procedures claim vandalism and get compensation for a new paint job. It can go on and on.

I don't think this was the intent of the bill originally. I think the State needs a policy of vandalism. Everybody has to have and should have an insurance policy which takes care of these kinds of compensations and for this part of the bill, I ask that a 'no' vote be had--that the bill be put back in Committee and this be taken out and then re-submitted

at a later date.

Thank you."

Senator R. Wong then commented:

"Mr. President, in answer to the Minority Floor Leader's comments, I would like to point out that the bill contains payments for school teachers and not students.

The point to be made, Mr. President, is that under the collective bargaining contract with the HSTA organization, part of the negotiating item involved in the settlement of fringe benefits is the idea that teachers be allowed to park on the school premises. Therefore, Mr. President, under those circumstances, it becomes a responsibility of the schools. All of the claims submitted in this bill for damages to automobiles have occurred on school premises. I just want the body to note that.

Thank you."

Senator Yee, in opposition to the measure, spoke as follows:

"Mr. President, to elaborate further, I think what the Minority Floor Leader was alluding to is that these are school teacher's cars parked on school campuses, but there is no criteria as to when you are going to say, okay it's a teacher's car or custodian's car or student's car, because then this can apply to the University of Hawaii where thousands of cars are parked each day by students, faculty and employees on State property. This can go on and on and create a tremendous financial burden on the State, so our reason for voting 'no' is because of this opening of Pandora's box to all kinds of claims against the State on State property.

Thank you, Mr. President."

Senator R. Wong then noted:

"Mr. President, I don't want to belabor the point, but in terms of the DOE, there is a screening process by which all claims of occurrence of accidents or any cases of vandalism on school premises are processed through the Department of Education and then through the Attorney General and then submitted to us for our scrutiny, whether or not we feel this is fair.

Thank you."

Senator Anderson then added:

"Mr. President, they are processed by the Department of Education, but really, they are accepted by the Department of Education to pass on to the Attorney General.

When we questioned the Attorney General, he admitted to members of the Ways and Means Committee that there was no policy and they just submit it to the Budget and Finance people for compensation.

There's more confusion and lack of policy in this program than I've seen in a long time in a very small program among the various agencies. Nobody seemed to know why they passed it on or whether it was authorized or whether it was a compensation plan. Everybody just kept passing it on to Eileen Anderson until she finally printed it in the bill. She didn't know why she did it because she couldn't find any policy.

It's a small amount in this bill, but it's a precedent and there are thousands and thousands of school teachers out there and there was no discussion about collective bargaining. We did discuss the possibility of students being included and again the area of gray appeared.

Anybody who parks on State land, including our own employees in our State parking lots, are accountable under this vandalism open clause and it could, in the future, run into many, many thousands of dollars.

Thank you, Mr. President."

The motion was put by the Chair and carried, and S.B. No. 1622-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (Anderson, George, Henderson, Kawasaki, Leopold, Saiki, Soares and Yee). Excused, 1 (Taira).

Standing Committee Report No. 473-78 (S.B. No. 1925-78, S.D. 2):

Senator R. Wong moved that Stand. Com. Rep. No. 473-78 be adopted and S.B. No. 1925-78, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator Soares spoke in opposition to the measure as follows:

"Mr. President, I rise to speak against this bill and I want to be sure that I am understood that I support a crime commission, but in the discussion of this bill in Committee and with other members of the law enforcement group, I am at a loss to find that the bill contains a certain amount of provisions that raise the efficiency question as to how they are going to operate in concert with our police department.

My first question, Mr. President, is why is the Chairman of the Commission appointed by a two-thirds majority of a Joint Session of the House and Senate and yet the Commission themselves are appointed by the Governor and confirmed by the Senate.

Also, Mr. President, the bill allows the Commission to investigate without any concurrence from the counties or the Department here in Honolulu who may be on the trail of something that is very important, and order them to divulge their investigation and turn over the evidence to the Commission. I question this kind of feasibility of power that we have with the Commission.

Mr. President, the bill provides that the Commission have closed hearings and they can mandate the County governments to cooperate as they see fit, rather than work with and together with the various county police departments.

In the hearings held in the Ways and Means Committee, the local police department felt that while they were working very well with the Commission that these features of the bill would hamper their operation and may cause some problems.

For that reason, I will vote against the bill."

Senator Kawasaki, in favor of the measure, commented as follows:

"Mr. President, I specifically want to respond to the question posed by the good Senator from the Seventh District.

It was my amendment that provided for the appointment of the Chairman of the Crime Commission primarily because of some of the names that were tossed around by the media as to possible Lt. Governor candidates. I was just afraid if we had a person elected to that position by the language of this bill, that whatever his capabilities to lead a Crime Commission is, he automatically would be the Chairman

of the Commission. We could have a man or a woman who would not be strong enough to withstand possible intimidation on the part of the organized criminal elements, and this is a possibility because organized crime activities involve big money.

It's an economic necessity for these people sometimes to have an ineffective Crime Commission. I wanted to make sure that the person who leads the Crime Commission is an able person, a tough person with unquestionable integrity, a person whose reputation would be unimpeachable by the respective county police departments.

This is the reason I felt that the appointment should be by two-thirds majority of each house at a vote to be taken in joint session. This is the way we appoint the Legislative Auditor, the Director of the Legislative Reference Bureau and the Ombudsman.

As to giving the Crime Commission subpoena powers and some of the powers enumerated in the bill, I think a Crime Commission without these powers would be emasculated.

We do not quite agree that the efforts on the part of the county law enforcement agencies to contain the activities of organized crime is quite satisfactory, not only to the Legislature, but to the entire population. And I think a very objective Crime Commission that is efficient with the necessary powers, completely divorced from any entanglements with each county's law enforcement agencies, might just do the job.

I certainly would want to give the Crime Commission every support possible and I want to, in this connection, congratulate and compliment the Chairman of the Ways and Means Committee, whose idea it was to form a Crime Commission.

When the idea was first broached here there were a lot of skeptical people, but in retrospect, when you examine what they have done in the short tenure with a very limited amount of funds, about \$106,000 I believe, I think what they have come out with is quite impressive.

I certainly would like to continue the life of the Crime Commission. Give them ample funds, give them the subpoena powers and then see what they can do. Otherwise, all our enunciated concern about criminal activities, particularly on the part of organized criminal elements here, would be meaningless. If you don't provide for a strong Chairman, you emasculate the entire program

of the Crime Commission.

For that reason, I want to not only congratulate the Chairman for having the foresight to have enacted something like this with his initiative but also his desire to continue the life of the Commission with ample funds.

Thank you."

Senator Soares then commented:

"Mr. President, I might also add that a two-thirds majority vote of a joint session of the House and Senate would be necessary to remove a commissioner only for neglect of duty, misconduct or disability. It means that no matter what kind of performance he has made between sessions, we will have to go back in the next year in joint session to prove either misconduct or prove negligence of duty before he can be removed. I think that feature is dangerous in the sense of a very overly strong Chairman.

Thank you, Mr. President."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 473-78 was adopted and S.B. No. 1925-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A CRIME COMMISSION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (George, Saiki, Soares and Yee). Excused, 1 (Taira).

Standing Committee Report No. 476-78 (S.B. No. 897, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 476-78 was adopted and S.B. No. 897, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SICK LEAVES FOR GOVERNMENT EMPLOYEES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Anderson, George, Henderson, Saiki and Soares). Excused, 1 (Taira).

Senate Bill No. 1855-78, S.D. 1:

By unanimous consent, consideration of S.B. No. 1855-78, S.D. 1 was deferred to the end of the calendar.

Senate Bill No. 1863-78:

By unanimous consent, S.B. No.

1863-78, entitled: "A BILL FOR AN ACT RELATING TO THE DRINKING AGE FOR INTOXICATING LIQUOR", was recommitted to the Committee on Judiciary.

At 8:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:01 o'clock p.m.

Senate Bill No. 2093-78:

The motion to pass S.B. No. 2093-78, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED PERSONS", having been read throughout, on Third Reading was put by the Chair and failed to carry on the following showing of Ayes and Noes:

Ayes, 10. Noes, 14 (Chong, George, King, Kuroda, Leopold, Nishimura, O'Connor, F. Wong, R. Wong, Yamasaki, Yee, Yim, Young and Ushijima). Excused, 1 (Taira).

Senate Bill No. 2287-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, S.B. No. 2287-78, entitled: "A BILL FOR AN ACT RELATING TO THE LIMITATION OF ACTIONS FOR DAMAGES TO REAL PROPERTY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Ching and King). Excused, 1 (Taira).

Senate Bill No. 2590-78, S.D. 1:

The motion to pass S.B. No. 2590-78, S.D. 1 on Third Reading was put by the Chair, and carried, and S.B. No. 2590-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTAKE SERVICE CENTERS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taira).

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Senate Bill No. 1855-78, S.D. 1:

Senator O'Connor moved that S.B. No. 1855-78, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ching.

Senator Nishimura then spoke in opposition to the measure as follows:

"Mr. President, I rise to speak against

this bill. This is another bill that emanated from the Judiciary Committee of which I am Chairman and I signed the Committee Report 'I do not concur' This bill will amend Section 706-646.5 relating to sentencing of repeat offenders.

The laws as we presently have on the books provide that for certain kinds of convictions pertaining to murder, relating to assault in the first degree, relating to kidnapping, relating to rape in the first degree, relating to sodomy in the first degree, relating to burglary in the first degree, relating to robbery in the first degree, relating to the promoting of a dangerous drug in the second degree, relating to the promoting of a harmful drug in the first degree, we have mandatory prison sentences.

It would require, for example, that upon conviction of a second offense for the same offense, in these categories, a person would be sentenced for five years and for the third conviction for the same offense, for ten years mandatory sentence.

The laws on our books, Mr. President, in our Penal Code, provide the chapter on disposition of defendant. It's a balanced, logical, cohesive, rational and integrated treatment of how to handle defendants who are convicted for crimes that they are charged with, particularly felony.

For example, when a person is convicted, our Penal Code Section 706-605. Authorized disposition of convicted defendants..." (Senator Nishimura read the entire section from the Hawaii Revised Statutes.)

"Mr. President, this is what the courts may do when a person has been convicted. Now if the court is going to sentence the person, then the court has to consider Section 706-621. Grounds favoring withholding sentence of imprisonment..." (Senator Nishimura then read the entire section from the Hawaii Revised Statutes.)

"Then, Mr. President, there is Section 706-622. Criteria for placing defendant on probation..." (Senator Nishimura read the entire section from the Hawaii Revised Statutes.)

"On the other hand, Mr. President, when the person has been convicted of a felony and the felony for the person being sentenced falls into certain categories outlined in the Penal Code, then the sentencing is a little stricter.

For example, there is a clear provision in the law for the judge to sentence imprisonment for extended terms and in Section 706-662. Criteria for sentence of extended terms of imprisonment for felony..." (Senator Nishimura then read the entire section from the Hawaii Revised Statutes.)

Mr. President, this bill would substitute a legislative mandate that the judge or the Parole Board not exercise any of the discretionary powers that they have in looking at the record of the defendant before the court or the Parole Board that is sentencing him.

I feel, Mr. President, that the Penal Code which has been praised by many people spells out correctly the approach to be used when sentencing a person who has been convicted of a felony, whether he be classified as a multiple offender or dangerous offender or as a professional criminal.

I think it is better to leave the sentencing aspect to the person who is handling the case, who has the felon before him, so that all the pertinent factors and circumstances may be reviewed and the sentencing can be appropriate to the offense and to the individual.

If there is a feeling by the members of this body that the court or certain judges are not implementing the laws of this State correctly, then the proper action to take is to have an investigation and perhaps impeach and remove such incompetents, if he be an incompetent judge. I do not believe, Mr. President, that by enacting mandatory sentencing, we are going to change the incident of crime or the number of criminals that are sent to jail.

For this and other reasons, I urge all the members of this body to vote down this bill on mandatory sentencing."

Senator Kawasaki spoke in favor of the bill as follows:

"Mr. President, I would like to compliment the members of the Judiciary Committee who heard testimony for and against this bill. By virtue of the number of people who have voted in the majority for the enactment of this bill, I think perhaps this is evidence that we are all concerned about the effectiveness of all the statutes covering fines, parole and the implementation of the statutes that we have.

I think if we are really to give meaning to our professed desire to contain the activities, particularly of the serious offender, the felon Class A, B and

C, then it behooves us at least to enact this legislation and see what kind of a dent it will make in our crime statistics.

I think you are, as I am, appalled almost weekly when I pick up the morning and evening papers and find that some of the apprehended criminals in very serious offenses against persons particularly, are people who have been paroled time and again... people who had paid fines, people who are back in society again inflicting damage. I point out to you the recent cases of victims who are no longer living today because they were the victims of paroled felons, who were put into society at the judgment of parole authorities.

Had the proponent of this bill who just spoke not been such a strong advocator of the Parole Board having the responsibility of setting the minimum sentence, then perhaps what he has just recited would be received by me with some credence.

He has admitted that who knows better the proper disposition of an offender than a court judge who presided at the trial, who took into consideration all of the evidence of the particular offense, who took into consideration the personal history, the criminal history of an offender. Yet he advocated that we leave the decision as to minimum sentencing on the part of the Parole Board.

I don't quite understand this disparity of view here. As a matter of fact, I wish that the previous bill had passed.

I had the occasion to speak to a number of very respected judges in the Circuit Court system and the Supreme Court, notwithstanding the contention that the Judiciary-- and I suppose in this case he is talking about the administrator, Mr. Cingcade, his opposition to the passage of the other bill.

I am concerned on the part of respected judges who are exasperated and chagrined at the fact that, while they mete out sentences that they think are effective in keeping with the seriousness of the offense, the paroling authority metes out minimum sentences that are just a fraction of the original sentence.

When you have this dual authority here I say that existing statutes would be made a sham, statutes regarding fines, the imposition of fines, and the paroling system. I maintain

that if we are to have some effective means of combating the proliferation of serious crimes, particularly against persons, then we've got to mandate by statute, mandatory sentencing legislation.

For that reason, I support the enactment of this bill."

Senator Nishimura responded:

"Mr. President, in response to the previous speaker's comments, I must admit that I am not as articulate as he is, not having had many occasions to expound on this floor and I don't know as many \$50 words as he does, but I think I read the Hawaii Penal Code a little bit better than he can. And what this thing says is that the judge may withhold sentencing of imprisonment. In other words, the judge may grant probation and he has that function.

On the other hand, the judge does impose the maximum sentence when he does imprison a defendant. The paroling board does impose the minimum sentence. What I am saying is that this is a simple bill on its face, but it has wide ramifications. It touches many parts of the Penal Code pertaining to disposition of defendant.

In our highly complex and technological society, Mr. President, there are no simple answers, only intelligent choices. I submit that staying with the Penal Code is better than enacting laws that appear simple but will not do the job.

Thank you."

Senator Anderson then commented:

"Mr. President, the Hawaii Penal Code isn't a 'sacred cow' document. It was a document that the judges spent many hours on as one to bring our laws in uniformity and conformity. It was to bring some equity. But it is a living document.

It's one that can be changed and amended as times change. I would hate to think that my support of the Hawaii Penal Code some years back was one that I could never change my mind on, I could never amend, or I could never look at it differently as society changes.

I think the Hawaii Penal Code and its various sections--and I don't profess to be an expert in it--needs constant review as the problems in society become more complex. I think it's a document that definitely needs review.

The Chairman of the Judiciary Committee was talking about the public having the right for an investigation if they aren't satisfied. Well, I saw some 2,000 to 3,000 signatures circulating in the Capitol a couple of days ago calling for such an investigation, and I haven't heard yet the Senate Judiciary Committee picking up the cause for the public to be a forum for the public hearing.

The Supreme Court, I suppose, is the proper role, but if the Senate Judiciary Committee is really concerned in what he says in the problems of the public and their sincerity, then maybe the Senate Judiciary Committee is the proper forum for receiving these 2,000 signatures and listening to some of the problems of our people.

Earlier he said that the judges and their discretion...well, their discretion is challenged and questioned by the great majority of our people in this society today in our State. They don't have much confidence in the judicial system anymore. Maybe it is time the mandated sentences be tried or tested and maybe it's an overreaction for a period.

Many of our laws I think are overreactions

when you get into a period of concern and I would like to have seen this bill go one step further in this period of overreaction.

I guess I am as guilty as anybody else. I think these people ought to be put in jail once they've repeated two, three and four times and then the key thrown away."

The motion was put by the Chair and carried, and S.B. No. 1855-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 6 (King, Nishimura, Toyofuku, R. Wong, Young and Ushijima). Excused, 1 (Taira).

At this time, members of the Senate extended congratulations to Senator Takitani on the celebration of his birthday.

#### ADJOURNMENT

At 8:26 o'clock p.m., on motion by Senator Ching, seconded by Senator Anderson and carried, the Senate adjourned until 11:00 o'clock a.m., Thursday, March 9, 1978.