

FORTY-EIGHTH DAY

Wednesday, March 29, 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 William Masuda of the Buddhist Study Center, after which the Roll was called showing all Senators present, with the exception of Senator Yee, who was excused.

The President announced that he had read and approved the Journal of the Forty-Seventh Day.

Senator Chong introduced to the members of the Senate a group from the Honolulu Chapter of the Order of DeMolay, an organization for boys, ages 13 to 21, as follows: Timothy Yuen, Master Councilor, Darryl Lau, Senior Councilor, Greg Lui, Brian Green, Donald Kaufman, Clinton Wong and Brian Pang. Also introduced were members of Bethel No. 2 of the International Order of Job's Daughters: Bobbie Lee, Melissa Wong, Grace Lee, Terri Tom and Cathy Chun.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 285 to 319) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 285), returning Senate Bill No. 36, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 36, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTER-GOVERNMENTAL TRANSFER OF EMPLOYEES", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 286), returning Senate Bill No. 113, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 113, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 287), returning Senate Bill No. 380, S.D. 2, which passed Third

Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 380, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETIREMENT FOR SEWER WORKERS", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 288), returning Senate Bill No. 389, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 389, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING PLANNING", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 289), returning Senate Bill No. 782, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 782, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR-BIKES", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 290), returning Senate Bill No. 1342, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1342, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF REVENUE BONDS FOR ANTI-POLLUTION PROJECTS", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 291), returning Senate Bill No. 1469, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1469, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 292), returning Senate Bill No. 1533-78, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form,

was placed on file.

By unanimous consent, action on S.B. No. 1533-78, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IN-SERVICE TRAINING PROGRAMS", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 293), returning Senate Bill No. 1581-78, S.D. 1, which passed Third Reading in the House of Representatives by not less than two-thirds vote of all the members to which the House is entitled, on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1581-78, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AN APPROPRIATION FOR RESEARCH, DEVELOPMENT, DEMONSTRATION, AND UTILIZATION OF ALTERNATE ENERGY SOURCES FOR HAWAII", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 294), returning Senate Bill No. 1591-78, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1591-78, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENT PROCUREMENT PRACTICES", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 295), returning Senate Bill No. 1622-78, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1622-78, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 296), returning Senate Bill No. 1643-78 which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1643-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CERTIFIED COPIES OF VITAL RECORDS", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse.

Com. No. 297), returning Senate Bill No. 1752-78 which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1752-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FREE EMERGENCY AMBULANCE SERVICE", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 298), returning Senate Bill No. 1782-78 which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1782-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 299), returning Senate Bill No. 1787-78, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1787-78, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 300), returning Senate Bill No. 1811-78, S.D. 2, which passed Third Reading in the House of Representatives on March 28, 1978, by not less than two-thirds vote of all the members to which the House is entitled, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1811-78, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AN INTERISLAND FERRY SYSTEM AND MAKING AN APPROPRIATION THEREFOR", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 301), returning Senate Bill No. 2005-78, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2005-78, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 302), returning Senate Bill No. 2100-78, S.D. 1, which passed Third

Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2100-78, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 303), returning Senate Bill No. 2114-78 which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2114-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A JOB-SHARING PILOT PROJECT IN THE DEPARTMENT OF EDUCATION", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 304), returning Senate Bill No. 2279-78 which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2279-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 305), returning Senate Bill No. 2302-78 which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2302-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BONDS ISSUED BY THE COUNTIES", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 306), returning Senate Bill No. 2386-78, S.D. 2, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2386-78, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEM", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 307), returning Senate Bill No. 2478-78, S.D. 1, which passed

Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2478-78, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENT BY ASSESSMENT", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 308), returning Senate Bill No. 2559-78 which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2559-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSTITUTIONAL CONVENTION", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 309), returning Senate Bill No. 2567-78, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2567-78, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 310), returning Senate Bill No. 2609-78, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2609-78, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 311), returning Senate Bill No. 2616-78 which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2616-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPACT FOR EDUCATION", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 312), returning Senate Bill No. 2617-78, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2617-78, S.D. 1, H.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", was deferred until Thursday, March 30, 1978.

A communication from the House (Hse. Com. No. 313), returning Senate Bill No. 1673-78, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, was placed on file.

A communication from the House (Hse. Com. No. 314), returning Senate Bill No. 1690-78, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1978, was placed on file.

A communication from the House (Hse. Com. No. 315), returning Senate Bill No. 1772-78 which passed Third Reading in the House of Representatives on March 28, 1978, was placed on file.

A communication from the House (Hse. Com. No. 316), returning Senate Bill No. 2190-78, which passed Third Reading in the House of Representatives on March 28, 1978, was placed on file.

A communication from the House (Hse. Com. No. 317), returning Senate Bill No. 2602-78 which passed Third Reading in the House of Representatives on March 28, 1978, was placed on file.

A communication from the House (Hse. Com. No. 318), returning Senate Bill No. 2614-78 which passed Third Reading in the House of Representatives on March 28, 1978, was placed on file.

A communication from the House (Hse. Com. No. 319), transmitting House Concurrent Resolution No. 144, which was adopted by the House of Representatives on March 29, 1978, was placed on file.

On motion by Senator Taira, seconded by Senator Anderson and carried, H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING DEEPEST REGRETS AND CONDOLENCES ON THE DEATH OF ELMO SAMSON", was adopted.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 380 to 384) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 380), entitled: "SENATE RESOLUTION CONGRATULATING AND EXTENDING BEST WISHES TO SHARON SANAE TOMASA, 1978 CHERRY BLOSSOM QUEEN", was jointly offered by Senators O'Connor, Soares, Hara, Ching, R. Wong, Takitani, Anderson, F. Wong, Toyofuku, Nishimura, Taira, Saiki, Leopold and Henderson.

On motion by Senator O'Connor, seconded by Senator Nishimura and carried, S.R. No. 380 was adopted.

A resolution (S.R. No. 381), entitled: "SENATE RESOLUTION CONGRATULATING AND EXTENDING BEST WISHES TO THE 1978 CHERRY BLOSSOM COURT", was jointly offered by Senators O'Connor, Soares, Hara, Ching, R. Wong, Takitani, Anderson, Leopold, F. Wong, Toyofuku, Nishimura, Taira, Saiki and Henderson.

On motion by Senator O'Connor, seconded by Senator Nishimura and carried, S.R. No. 381 was adopted.

At this time, Senator O'Connor introduced to the members of the Senate the 1978 Cherry Blossom Court: Queen Sharon Sanae Tomasa, Princess Cyd Yuri Yoshizawa and attendants, Phyllis Shizue Fukukawa, Karen Reiko Tsuneda and Luana Ushijima. Also introduced were the Nisei Queen Loris Kurashige and Miss Tomodachi Susan Takei and a group of members of the Japanese Junior Chamber of Commerce. Senator O'Connor and members of the Senate then presented certified copies of the resolutions and leis to the honorees.

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

The Senate reconvened at 11:43 o'clock a.m.

The President then called on Queen Sharon to say a few words to the members of the Senate and she stated as follows:

"On behalf of the Honolulu Japanese Junior Chamber of Commerce, my court, the Nisei Week Queen, Miss Tomodachi Susan Takei, and myself, would like to thank you for having us here today. We would like to express our greatest appreciation for supporting the Cherry Blossom Festival. Thank you very much."

A resolution (S.R. No. 382), entitled: "SENATE RESOLUTION EXTENDING CONDOLENCES AND DEEPEST SYMPATHY TO THE FAMILY OF MRS. ADELAIDE S. DUARTE", was jointly offered by Senators Yamasaki, Takitani, Young, Taira, Soares, F. Wong, Saiki, Ching, Hara, Ushijima, Kuroda, Chong, King, Hulten, Leopold, George, O'Connor, Nishimura, Kawasaki, Toyofuku, R. Wong, Henderson and Anderson.

On motion by Senator Yamasaki, seconded by Senator Takitani and carried, S.R. No. 382 was adopted.

A resolution (S.R. No. 383), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO PROVIDE PLANS FOR THE ESTABLISHMENT OF A HAWAII STATE VETERANS HOME", was jointly offered by Senators O'Connor, Kuroda, King, F. Wong, Takitani, Young, Chong, Hulten, George, Taira, Yamasaki, Hara, Nishimura, Toyofuku, Ching and Soares.

By unanimous consent, S.R. No. 383 was referred to the Committee on Housing and Hawaiian Homes.

A resolution (S.R. No. 384), entitled: "SENATE RESOLUTION REQUESTING THE DESIGNATION OF CERTAIN GOVERNMENT LANDS IN THE KAKAAKO DISTRICT, OAHU, (FORT ARMSTRONG-KEWALO PENINSULA) FOR USE AS A WATERFRONT PARK AND EARLY DEVELOPMENT OF SAID PARK", was jointly offered by Senators King, Anderson, Chong, Nishimura, Taira, Takitani, Soares, Henderson, Saiki and Leopold.

By unanimous consent, S.R. No. 384 was referred to the Committee on Ecology, Environment and Recreation.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 731-78), informing the Senate that Senate Concurrent Resolution No. 124, Senate Resolution Nos. 379 to 384 and Standing Committee Report Nos. 632-78 to 730-78 and 732-78 to 743-78 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 Takitani, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 732-78) recommending that the Senate advise and consent to the nominations of Albert M. Felix and Tom T. Shibano to the Board of Regents, University of Hawaii, in accordance with Governor's Message No. 82.

By unanimous consent, action on Stand. Com. Rep. No. 732-78 and Gov. Msg. No. 82 was deferred until Thursday, March 30, 1978.

Senator Takitani, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 733-78) recommending that the Senate advise and consent to the nomination

of Patricia Saiki to the Western Interstate Commission for Higher Education, in accordance with Governor's Message No. 83.

By unanimous consent, action on Stand. Com. Rep. No. 733-78 and Gov. Msg. No. 83 was deferred until Thursday, March 30, 1978.

Senator Takitani, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 734-78) recommending that Senate Concurrent Resolution No. 82 be adopted.

On motion by Senator Takitani, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.C.R. No. 82, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO AN INTERCOLLEGIATE POST-SEASON FOOTBALL BOWL GAME FOR HAWAII", was adopted.

Senator Takitani, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 735-78) recommending that Senate Resolution No. 292 be adopted.

On motion by Senator Takitani, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.R. No. 292, entitled: "SENATE RESOLUTION RELATING TO AN INTERCOLLEGIATE POST-SEASON FOOTBALL BOWL GAME FOR HAWAII", was adopted.

Senator Takitani, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 736-78) recommending that Senate Resolution No. 271 be adopted.

On motion by Senator Takitani, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.R. No. 271, entitled: "SENATE RESOLUTION RELATING TO NURSING EDUCATION AND QUALIFICATIONS", was adopted.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 737-78) recommending that Senate Resolution No. 64, as amended in S.D. 1, be adopted.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and S.R. No. 64, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING REVIEW AND STUDY OF PREPAID SURGICAL CONSULTATION BENEFITS", was adopted.

Senator Kuroda, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 738-78) recommending that Senate Resolution No. 42 be referred to the Committee on Legislative Management.

On motion by Senator Kuroda, seconded by Senator R. Wong and carried, the report of the Committee was adopted and S.R. No. 42, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY RECENT NATIONWIDE DEVELOPMENTS IN THE AREA OF PRODUCT LIABILITY AS THESE DEVELOPMENTS RELATE TO HAWAII'S CONSUMERS AND MANUFACTURERS", was referred to the Committee on Legislative Management.

Senator Kuroda, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 739-78) recommending that Senate Resolution No. 272 be adopted.

On motion by Senator Kuroda, seconded by Senator R. Wong and carried, the report of the Committee was adopted and S.R. No. 272, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE ADVISABILITY AND FEASIBILITY OF EXPANDING THE USE OF GENERIC DRUGS IN HAWAII", was adopted.

Senator Kuroda, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 740-78) recommending that House Bill No. 2793-78, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and 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 Second Reading and was placed on the calendar for Third Reading on Thursday, March 30, 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. 2793-78, H.D. 1.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 741-78) recommending that House Bill No. 2592-78, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and H.B. No. 2592-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLES", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 30, 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. 2592-78, H.D. 1.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 742-78) recommending that House Bill No. 2593-78, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and H.B. No. 2593-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE RULES OF THE ROAD", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 30, 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. 2593-78, H.D. 1.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 743-78) recommending that House Bill No. 2942-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and H.B. No. 2942-78, entitled: "A BILL FOR AN ACT RELATING TO TRUCK-TRACTORS AND SEMITRAILERS USED FOR AGRICULTURAL PURPOSES", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 30, 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. 2942-78.

ORDER OF THE DAY

MATTERS DEFERRED FROM MARCH 28, 1978

Senate Bill No. 350, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 350, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT FOR MANDATORY CERTIFICATION OF OPERATING PERSONNEL IN WASTEWATER TREATMENT FACILITIES", was deferred until Thursday, March 30, 1978.

Senate Bill No. 2200-78, H.D. 1:

By unanimous consent, action on S.B. No. 2200-78, H.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO TAXATION", was deferred until Thursday, March 30, 1978.

THIRD READING

House Bill No. 2352-78, S.D. 1:

By unanimous consent, action on H.B. No. 2352-78, S.D. 1 was deferred to the end of the calendar.

FINAL READING

Senate Bill No. 1773-78, S.D. 2, H.D. 1:

On motion by Senator King, seconded by Senator Hulten and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1773-78, S.D. 2, and S.B. No. 1773-78, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

MATTERS DEFERRED FROM TUESDAY, MARCH 28, 1978

Standing Committee Report No. 631-78 (Gov. Msg. No. 159):

Senator Taira moved that Stand. Com. Rep. No. 631-78 be received and placed on file, seconded by Senator Takitani and carried.

Senator Taira then moved that the Senate advise and consent to the nomination of Sunao Kido to the Public Utilities Commission, term to expire December 31, 1983, seconded by Senator Takitani.

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

Ayes, 24. Noes, none. Excused, 1 (Yee).

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

The Senate reconvened at 12:13 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

House Bill No. 2352-78, S.D. 1:

By unanimous consent, action on H.B. No. 2352-78, S.D. 1, was deferred to the end of the evening calendar.

At 12:26 o'clock p.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate stood in recess until 7:30 o'clock p.m., this evening.

EVENING SESSION

The Senate reconvened at 8:30 o'clock p.m., with all Senators present, with the exception of Senator Yee, who was excused.

THIRD READING

House Bill No. 1815-78, H.D. 1, S.D. 1:

On motion by Senator Toyofuku, seconded by Senator Young and carried, H.B. No. 1815-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 1994-78, S.D. 1:

On motion by Senator Toyofuku, seconded by Senator Young and carried, H.B. No. 1994-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2729-78, H.D. 2, S.D. 1:

Senator Toyofuku moved that H.B. No. 2729-78, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Young.

At this time, Senator Kawasaki rose to speak against the bill and stated as follows:

"Mr. President, I'm voting 'no' on this particular bill primarily because I'm a little concerned that we very arbitrarily, years ago, set the deputies' pay, a deputy for a particular department, at 95% of the compensation of the director of that department. It just seems to me that possibly 80% might be a more realistic figure when you consider that today many of our department heads and those of high position are paid salaries comparable to what the Governor of the State of Hawaii was receiving 3-½ years ago.

There are a lot of \$40,000 a year jobs

today with excellent fringe benefits and retirement benefits. I don't know that in the financial circumstances we're in today and the circumstances I predict we will be in in future years that we can afford this kind of writing into the law, an arbitrary figure like 95% of the pay of the director for the deputy.

I find, for example, to my consternation that the State Ombudsman's pay of \$42,500 is comparable to the pay of a circuit court judge. I feel it's high even as the author of the Ombudsman bill, when the compensation was originally set at about \$22,000 a year. Today, that particular position pays \$42,500 a year, which is, as I said, comparable to the Governor's salary 3-½ years ago. That's bad enough.

I found also to my consternation that the Deputy Ombudsman receives \$40,000 a year. Now, as the original sponsor of that bill, I did in no way years ago anticipate that we'd be paying this kind of salaries for deputy positions.

I'm not singling out one particular position, but my point is that this Legislature has gone overboard to pay the kind of compensation that the State of Hawaii and the people of this State, non-government workers, cannot afford to be paying. When we write into the law a further paying of 95% of the deputies' pay for positions not today included under the collective bargaining group of employees then I say we are compounding the problem.

I discussed this problem with the Chairman of the Human Resources Committee and he agreed that we may have to overhaul the entire salary schedule. I'm concerned because slowly but surely I see this State moving into the direction of New York City.

New York City today is in no way out of the financial straits they found themselves in years ago. Only by Congressional action, only by intercession on the part of the federal government, are they able to honor some of the bonds that are becoming due in payments.

The fact that the dollar of this nation, the greatest economic nation in the world, is today dropping daily against the Swiss mark, against the Japanese yen, against the West German mark, is symptomatic of the dire financial straits this country is in. It's in this condition because legislatures, including the Congressional Body, have refused to come to grips with what is facing us today. That the world today no longer respects the financial stability of our country.

Many of the states are having its problems - Michigan, California, Massachusetts, New York. Hawaii, I predict, is slowly going that way and I think it's about time that we had a little sharper pencil. Compensate dedicated employees properly but not extravagantly. I believe that this just compounds the problem and for that reason I would like at this time to have my vote recorded as a 'no' vote.

Thank you, Mr. President."

The motion was put by the Chair and carried, and H.B. No. 2729-78, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Kawasaki). Excused, 1 (Yee).

Standing Committee Report No. 635-78 (H.B. No. 2496-78, H.D. 1, S.D. 1):

On motion by Senator Hara, seconded by Senator Yim and carried, Stand. Com. Rep. No. 635-78 was adopted and H.B. No. 2496-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 636-78 (H.B. No. 2601-78, H.D. 1, S.D. 2):

On motion by Senator Hara, seconded by Senator Yim and carried, Stand. Com. Rep. No. 636-78 was adopted and H.B. No. 2601-78, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE KAMEHAMEHA DAY CELEBRATION COMMISSION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 637-78 (H.B. No. 2850-78, H.D. 1, S.D. 1):

On motion by Senator Hara, seconded by Senator Yim and carried, Stand. Com. Rep. No. 637-78 was adopted and H.B. No. 2850-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMBLEMS AND SYMBOLS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 1934-78, S.D. 1:

By unanimous consent, action on H.B. No. 1934-78, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1938-78, H.D. 1, S.D. 1:

On motion by Senator Taira, seconded by Senator Takitani and carried, H.B. No. 1938-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 1939-78, H.D. 1, S.D. 1:

On motion by Senator Taira, seconded by Senator Takitani and carried, H.B. No. 1939-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII WATER CARRIER LAW", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 641-78 (H.B. No. 1937-78, H.D. 1, S.D. 1):

On motion by Senator Taira, seconded by Senator Takitani and carried, Stand. Com. Rep. No. 641-78 was adopted and H.B. No. 1937-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER LAW", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2934-78, H.D. 1, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Ching and carried, H.B. No. 2934-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 3012-78, H.D. 1, S.D. 1:

On motion by Senator Chong, seconded by Senator Takitani and carried, H.B. No. 3012-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNICABLE DISEASES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Anderson and George). Excused, 1 (Yee).

House Bill No. 3011-78, H.D. 1, S.D. 1:

On motion by Senator Chong, seconded by Senator Takitani and carried, H.B. No. 3011-78, H.D. 1, 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, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 3039-78, H.D. 1, S.D. 1:

Senator R. Wong moved that H.B. No. 3039-78, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

At this time, Senator Kawasaki rose to speak against the bill and stated as follows:

"Mr. President, this is one of the two nights in the annual session that saddens me; primarily because I will have to vote against the bill that generally contains appropriations for some very worthwhile projects that need to be carried on for the benefit of the people of this State. It also contains appropriations for many projects of dubious value and, in my judgment, appropriations which are not justified. They're all lumped together in this one big bill and I cannot in good conscience vote for some of the projects in the bill.

After 12 years of being in the Senate, I am convinced that we cannot in a 60 or 70-day legislative session humanly evaluate, monitor and make sensible judgments in expenditures, for example, this bill of \$870 million for the biennium. I hope this message gets to the delegates to the Con Con, whoever they are going to be.

This is a night that I am convinced that the legislature should be a full-time proposition. If necessary, cut down the number of legislators from 76 to half. Go to the unicameral legislature if this is necessary to cut down the costs of having a legislature to do a job. Make it a full-time job, compensate the legislators properly. I think the members

of the Legislature are the only group of employees or workers, privately or publicly, who have not had a pay raise since 1968, ten years ago. We were too timid to up the compensation, or ask for a compensation increase, and I think, as I said, to compensate the legislators properly, \$25,000 or \$30,000 a year, cut down the number in half, require that they put full-time into this responsibility of serving the people of this State, to make judgments, financial judgments running into \$870 million dollars.

The idea may receive some criticism, but after 12 years of being around here I find that it's humanly impossible for the Ways and Means Committee and its Chairman to intelligently and adequately assess the propriety of the appropriations we allocate to some of these projects. There are good projects in there, there is some 'junk,' to use the vernacular, 'plain junk.' I can't in good conscience, not having had the opportunity to make intelligent judgments on appropriations of these kinds of amounts for a variety of programs, a whole gamut of programs, I cannot, in good conscience, vote 'aye' on this bill.

I would hope that in the conference committee with the House some very close scrutiny will be given to some of the items and the kinds of cost involved.

I would wish, as I said, that the next Constitutional Convention take very seriously my suggestion that you cannot possibly in a 60 or 70-day part-time legislative session make good financial judgments benefiting the people of this State.

I will have to vote 'no' on this bill.

Thank you, Mr. President."

Senator Anderson then expressed his concern as follows:

"Mr. President, I was hoping the Chairman of the Ways and Means was going to say a few words, but I don't want left standing on the record, unchallenged, that the bicameral system is the reason for this budget.

Over the years we on the Republican side of the aisle have criticized the size, the growth, the content, the 'rubbish,' as my colleague calls it, and year after year after year this budget has grown and grown and grown, and no longer is it called deficit because it's no longer popular. You now call it a manageable deficit. This budget is balanced. The budget that came over from the House, controlled

by the majority party, is balanced. The problem is that the bills that are floating around total some \$20 to \$25 million and once those bills are plugged into this balanced budget, it's no longer balanced. It becomes a manageable deficit by definition. I don't think a bicameral legislature is the reason for this, Mr. President. It's politics, it's election year, it's taking care of the boys, it's taking care of the constituency, it's putting on the books projects that we know will never be funded. Putting projects there that we hope the revenues will turn around and the Governor may release. It's all kinds of decisions that aren't made by responsible business-type decision-makers. But politicians aren't business-like decision-makers, they're political animals, they try to take care of the constituency, the Parkinson's law comes into play where they create demands to meet expenditures and income. It goes on and on and on, but it's not the bicameral system.

I would venture to say that if the unicameral system was established in this State, and I don't want to go on record in opposition to it because I think it should be aired and it may be a responsible alternative, but this budget is not in this situation.

I've been here for 16 years and in the last 10 or 12 years this budget has grown astronomically out of proportion and it's not because of the bicameral legislature. It's because the decision-makers, the politicians, can't say 'no.' They all want to be popular in their districts.

'Heaven's to Betsy' that if we had a unicameral legislature, some of our full-time legislators, and I don't particularly mean this Body, but some of our full-time legislators, not having the opportunity to provide some checks and balances in the Senate, this budget would be in a worse condition than it is today. The responsibility of this Body to pass a budget that is not well thought out is diluting our respect in the community.

The Constitution provides that the legislature is the policy-making body and we control the money and the income. By continually over-appropriating, and this goes back to Governor Burns' days and days before that, we've passed on 10, 15, 20% more than we have anticipated, allowing the Governor to pick and choose. If this continues, the day is rapidly approaching that when a legislator sticks into the budget a particular appropriation, it's going to be almost comical because it ends up in the so-called Part V and the stigma that's attached to Part V because it's a political budget and not the State budget, is pretty sad. The time has really come for this legislature to take the Governor's budget and to scrap it.

We had before the Ways and Means Committee this year what we call 'zero-base budgeting.' It was almost comical to sit there because they're talking about rolling back 10 or 20 percent of the State appropriations and starting afresh. We can't roll back 3% or 4% anymore.

Last year the Ways and Means Committee rolled back 3% and all hell ran through the community and the administration. You've just allowed this to grow and to grow and you've promised the sky to everybody and now it no longer balances.

I share your concern, Senator Kawasaki, but it's not the unicameral that's going to solve it. It's going to be responsible legislators who are willing to say 'no.' Grow up and assume the responsibility as charged in the Constitution and then it will happen.

Manageable deficit - we are rapidly going to become a New York City if we don't correct it. The balance in the budget, surely, but in the next couple of days you are going to be acting on \$20 million worth of legislation that you probably all will be voting 'aye' for, which is going to throw the so-called balanced budget way out of proportion. To sit here and say we hope the conference committee resolves it is just kidding ourselves and I think we all know it."

Senator Kawasaki then added as follows:

"Mr. President I do not wish to prolong this matter but I think the good Senator from the Third District, my good friend, misconstrued my remarks. I did not advocate a unicameral legislature. I said that in order for us to do a good job, an intelligent job of evaluating the sums that we appropriate, we may have to go to a full-time legislative proposition. It doesn't have to be the unicameral legislature. But, if there are objections on the part of the public that feel, 'look, we can't afford to have you guys working for us full-time,' then I say cut it in half. It can be a bicameral legislature of half the members; redistrict, reapportion, if necessary, but make it a full-time proposition. Pay the legislators more than \$12,000 a year when it costs Senators every four years \$35 to \$40 thousand just to get elected. This is nonsense!

My point is we have to have a full-time body examining the budget and the programs. Short of that, I would suggest that next year, and if I am back next year, Godwilling, I will

move for the position of having the legislature work full-time and appropriate enough money in our Senate legislative expense budget to give the Ways and Means Committee a bigger staff, a competent staff that can be on full-time, year-round, to examine the budget appropriations, monitor the programs for which we give this money. Either that or supplement the staffing and the appropriations for the B&F people so they in conjunction with the competent staff on the Ways and Means Committee evaluate and monitor these programs for which we provide appropriations. This may help us to come to some intelligent decisions based on the recommendations of the full-time competent staff that we provide for the Senate next year.

I would hope that the legislative expenses bill that we provide for the Senate next year would contain enough money to provide staffing short of our being able to serve full-time around the year with decent salaries."

The President then stated that: "We can appreciate the discussion being carried on right now, but I don't want the discussion to get away from the very thing that we are talking about, the budget. We don't want to get into unicameralism, bicameralism, staffing or anything of that sort. We all appreciate that, so please confine your remarks to the subject at hand, and that's the budget,"

Senator Anderson further remarked:

"Mr. President, if the Vice President of the Senate will check the record, two or three years ago, we increased the so-called interim staff. There's nothing wrong with the Ways and Means staff and I don't know why I am standing here defending the Ways and Means staff, the Chairman can do that a lot better than I can.

The information available to make the decisions is there. The time spent by staff to make decisions is there in the Ways and Means Committee. They present to us on blackboards, all the statistical information that we need to make the decisions. We're skirting and running away from them.

Sitting here tonight on a self-imposed deadline is a good example. A good example of poor administration. This pile of bills represents some hundred and odd pieces of legislation, some of which are far-reaching, some housekeeping. But, because of a self-imposed deadline of this Body and the one across the hall, we have to sit here tonight and try to digest and understand and vote on a hundred and some odd bills.

The budget before us is understood and we are capable of making the hard-nosed decisions the Vice President spoke about. The budget before us from staff has been presented because they have worked all year long. The information is here and it's upstairs. The product before you is a document not based on the statistics, not based on the recommendations always of the staff, but political decisions. All the staff and all the money taking you from \$12,000 to \$30,000 isn't going to improve the document until the politician grows up."

Senator R. Wong then rose to speak in favor of the budget, as follows:

"Mr. President, I would like to say a few words in favor of the budget.

First, Mr. President, I would like to correct a misconception by my honorable colleague from the Fifth Senatorial District, the Honorable Vice President of the Senate. The budget does not contain 'junk,' Mr. President. I want to make the record very clear that many of the proposals and the programs suggested in the budget are a result of requests from constituents to their duly-elected officials.

Whether you or I agree that an ophihi study is not important to Oahu but may be important to the Big Island, is a Big Island decision. What I'm saying, Mr. President, is that I think the democratic process works through the system of duly-elected officials listening, hopefully, to their constituency. It may not necessarily have state-wide implication, but it may have county implication, county problems, county needs and county wishes.

All I want to point out, Mr. President, is that in the few years that I have had the privilege of chairing this particular Committee, the decisions have been hard and difficult. I think oftentimes I've lost my bid to project new types of legislation for getting revenues. I think each and every member of the Ways and Means Committee has had a full opportunity for input and in particular, Mr. President, I remember in 1975 when I attempted to pass an omnibus tax which I think was not very popular at the time, which my committee, in its wisdom, or for whatever the reason might be, decided not pass that particular budget.

In the years that followed, Mr. President, we have attempted to try and keep down spending and to get some semblance of fiscal responsibility here in the Senate. I think for the first time in

many, many years there was an honest attempt by the members of the Senate, and in particular, the members of the Ways and Means, to try and keep a ceiling on the spending of the CIP portion of the legislation. I believe that with the help of the minority in our committee, we agreed, Mr. President, that we would keep a limit on debt service to this State, which in turn means in essence that the bond ratings for this particular State may be affected by what we do here.

This year, Mr. President, the debt service limit for the State of Hawaii ranges in the area of \$374 million. We have managed through this budget to cut \$17 million off of the Governor's budget and in addition have managed to keep our spending level at \$200 million. I think this is the most responsible position we have taken in the Senate in the past three years.

With reference to the budget that you have before you, we have attempted to meet all the needs and the requests of the people of this State. I must agree with Senator Anderson that it's very difficult to try and balance the budget in view of the revenues coming into the State. But, in our attempt to do this we have resorted to certain, what I call financial moves, within the budget and it's clearly understood by the members of the Ways and Means Committee to try and restrict the spending in this State.

Mr. President, I want the record to take note that the Senate has deleted \$17 million from the requests of the Governor and I think this is responsible. I think when one views this particular budget, it tries to maintain the current levels of service which we have no control over and it has tried in its attempt to meet needs. These are very difficult as we realize that a deficit has occurred in an area where many of us have very deep concerns in the area of welfare and much of the needs of the programs that we have envisioned, much of the money that we have poured into this worthwhile activity providing help to the people who need it. We may have the rules and the regulations to restrain or restrict more spending in this area, but we in the State of Hawaii, as Democrats joining hands with the Republicans on most issues, have managed to take care of the poor.

In a period where unemployment is high, jobs are scarce, we have stretched our budget to the limit to make sure that these people who are in need are well taken care of.

Mr. President, certain references

were made to the Ways and Means staff. I must say, Mr. President, the entire Senate agreed with the legislative appropriations bill to provide full staffing for the Ways and Means Committee. I think we are the only Committee that is here on a year-round basis and for the record, I am a full-time legislator. I spend full-time here at the legislature. I work with my staff and I thought they did 'one hell of a job.' I have no regrets, whatever the outcome may be in the next election. I can tell you that the Senate is moving in the right direction when it is provided the means to monitor, and I use the word 'monitor,' the administration. The result of this budget that you see in terms of the numbers that appear here which are very confusing to most people is clearly understood by my staff and clearly understood by the members of the Ways and Means.

Mr. President, I can say in all honesty, in the three years, now going to the fourth, that I have been here serving as a Senator and as Chairman of this Committee, my Committee operation has been truly open to every member of the Ways and Means Committee, both minority and majority, for input into any document that comes out of Ways and Means and here on the floor for a vote.

I want to say this, Mr. President, it could only have been done with the understanding of not only people within the Committee, but the members here on the floor who never really get to see the document until it arrives on the Senate floor. Our Ways and Means Committee has tried in its effort in the past three or four years to maintain the concept of prior concurrence. To most of the Committee Chairmen here seated in this hall, we have acquiesced, the word is 'acquiesced,' to their suggestions as to how the format of the budget should be made out and the final form in which you see here has had the concurrence of every Chairman from every Committee here in the Senate. I think this is in keeping with the idea that everybody has had a part in making truly this budget. I am saying this because I know there is a great deal of concern about the economics in this State.

Mr. President, we have been monitoring the Department of Taxation since the last session and I am aware of the fact that revenues that are coming in are not within the projections that we made a year ago. Right now the revenue projection is at 6.1. We have projected this budget based on an 8.3 projection for the fiscal year and a 10.4 for the following. We still

think this is possible, Mr. President.

There are circumstances within the Tax Department relative to collection that we feel will raise this 6.1 cumulative to somewhere around 8%. I am not an economist, Mr. President, and the idea of revenue estimating is really a guesstimate but this budget is based on the most reliable source that we can depend on, the Governor's Revenue Estimating Committee which is made up of people throughout the community who have some knowledge of the economics of this State. We have checked with them before the submittal of this budget and they maintain that the growth rate for this fiscal year will end up at 8.3. I don't know what other source to use or to recommend to this Honorable Body but I can say that this is the best and most reliable authority that we have.

Based on that, Mr. President, we have presented before this Honorable Body a balanced budget. Yes, there are certain changes made within lapsing and those kinds of things which occur in the budget process but we are hopeful that this bill will go into conference and, as Senator Kawasaki alluded to, will receive close scrutiny. I can assure the Senator and my distinguished colleague from across the aisle, he being a member of the conference committee and always scrutinizes very well what is the final product.

Mr. President, I have no qualms about this budget. I think we have met the needs of this State. I think we have fulfilled our responsibility. I ask this Honorable Body to vote 'aye' for this budget.

Thank you very much, Mr. President."

At this time, Senator O'Connor rose to add his remarks, as follows:

"Mr. President, I am going to vote 'aye' on this bill but with a distinct caveat which I would like to state for the record. That caveat being that Part VA of this budget contains a listing of projects. This listing of projects is identical to the listing of projects which came over to us in the House version of this bill. The caveat with which I vote on this bill is one in which I do not agree necessarily with some of the projects listed in that particular section.

I want it clearly understood that when this bill goes into conference, if it does go into conference, that we simply, by listing those projects in Part VA, have not established a situation where we are agreeing with the House position. More clearly, the sum of \$1 million has been allocated for those projects and

the House allocated a sum of \$5 million indicating, obviously, that many of the projects listed in VA of this document could not be funded and would not appear in a final budget document."

Senator Anderson then quickly added:

"For a point of clarification, the \$1 million and \$5 million, if the good Senator would have totaled up those projects, they total \$9 million and the House funded \$5 million - we came in with \$1 million for a conference item."

Senator O'Connor then replied:

"Mr. President, that's exactly why I made my caveat. I thought the good Senator was going to join me."

The motion was put by the Chair and carried, and H.B. No. 3039-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1977 TO JUNE 30, 1979", 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, 23. Noes, 1 (Kawasaki).
Excused, 1 (Yee).

Standing Committee Report No. 646-78 (H.B. No. 2318-78, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 646-78 and H.B. No. 2318-78, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 647-78 (H.B. No. 2827-78, H.D. 2, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 647-78 was adopted and H.B. No. 2827-78, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 648-78 (H.B. No. 1075, H.D. 1, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 648-78 was adopted and H.B. No. 1075,

H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS FOR NATIONAL GUARDSMEN AND MILITARY RESERVISTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 649-78 (H.B. No. 2727-78, H.D. 1, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 649-78 was adopted and H.B. No. 2727-78, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES PAID FROM CERTAIN FEDERAL FUNDS AND AMENDING CHAPTER 88, HAWAII REVISED STATUTES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 650-78 (H.B. No. 3045-78, H.D. 1, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 650-78 was adopted and H.B. No. 3045-78, H.D. 1, 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, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 651-78 (H.B. No. 2164-78, H.D. 1, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 651-78 was adopted and H.B. No. 2164-78, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATE MEDICAID FRAUD UNIT AND MAKING AN APPROPRIATION THEREFOR", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 652-78 (H.B. No. 1770-78, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 652-78 and H.B. No.

1770-78, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 653-78 (H.B. No. 2102-78, H.D. 2, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 653-78 was adopted and H.B. No. 2102-78, H.D. 2, S.D. 1, 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, 19. Noes, 5 (Anderson, Henderson, Leopold, Saiki and Soares). Excused, 1 (Yee).

Standing Committee Report No. 654-78 (H.B. No. 2936-78, H.D. 1, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 654-78 was adopted and H.B. No. 2936-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 655-78 (H.B. No. 2937-78, H.D. 1, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 655-78 was adopted and H.B. No. 2937-78, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OAHU METROPOLITAN PLANNING ORGANIZATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Henderson). Excused, 1 (Yee).

Standing Committee Report No. 656-78 (H.B. No. 3046-78, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 656-78 was adopted and H.B. No. 3046-78, 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, 22. Noes, 2 (Anderson and Leopold). Excused, 1 (Yee).

House Bill No. 592, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, H.B. No. 592, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM INCOME TAX", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 450, H.D. 1, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, H.B. No. 450, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE TAXATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 1911-78, H.D. 1, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, H.B. No. 1911-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 1803-78, H.D. 2, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, H.B. No. 1803-78, H.D. 2, S.D. 1, 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, none. Excused, 1 (Yee).

House Bill No. 1917-78, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, H.B. No. 1917-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL SURPLUS PROPERTY PROGRAM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2293-78, H.D. 2, S.D. 1:

On motion by Senator King, seconded by Senator Hulten and carried, H.B. No. 2293-78, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 664-78 (H.B. No. 491, H.D. 2, S.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 664-78 was adopted and H.B. No. 491, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VANDALISM IN THE SCHOOLS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 665-78 (H.B. No. 1688, H.D. 1, S.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 665-78 was adopted and H.B. No. 1688, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE LAW ENFORCEMENT PLANNING AGENCY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Soares). Excused, 1 (Yee).

Standing Committee Report No. 666-78 (H.B. No. 1870-78, H.D. 1, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 666-78 was adopted and H.B. No. 1870-78, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE MORTGAGE INSTRUMENTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 667-78 (H.B. No. 1960-78, H.D. 1, S.D. 1):

1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 667-78 was adopted and H.B. No. 1960-78, H.D. 1, S.D. 1, 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, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 668-78 (H.B. No. 2319-78, H.D. 1, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 668-78 was adopted and H.B. No. 2319-78, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF WOMEN", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 669-78 (H.B. No. 2379-78, H.D. 1, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 669-78 was adopted and H.B. No. 2379-78, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF ARTISTIC PRINTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 670-78 (H.B. No. 2447-78, H.D. 1, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 670-78 was adopted and H.B. No. 2447-78, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 671-78 (H.B. No. 2816-78, H.D. 1, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 671-78 was adopted and H.B. No. 2816-78, H.D. 1, 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, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 672-78 (H.B. No. 2895-78, H.D. 1, S.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 672-78 was adopted and H.B. No. 2895-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTACHMENT AND EXECUTION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 673-78 (H.B. No. 3049-78, H.D. 1, S.D. 2):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 673-78 was adopted and H.B. No. 3049-78, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE MARSHAL", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Young). Excused, 1 (Yee).

House Bill No. 49, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 49, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERSHIP OF VARIOUS BOARDS AND COMMISSIONS IN THE DEPARTMENT OF REGULATORY AGENCIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 263, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 263, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECKLESS ENDANGERING WITH A FIREARM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 617, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 617, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1838-78, H.D. 2, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1838-78, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH AND MORALS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 1876-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1876-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEANING OF CHILD AND RELATED TERMS IN THE UNIFORM PROBATE CODE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 1879-78, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1879-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE CONCERNING PENALTIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Anderson, Henderson, Saiki and Soares). Excused, 1 (Yee).

House Bill No. 1884-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1884-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE CONCERNING NOTICE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2087-78, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2087-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RELEASE ON BAIL", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2094-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2094-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURES ACT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2312-78, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2312-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM PROBATE CODE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2611-78, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2611-78, H.D. 1, S.D. 1, 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, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2893-78, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2893-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPLAINTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2894-78, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2894-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 3060-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 3060-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL CLAIM CONCILIATION PANELS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 1987-78, H.D. 1, S.D. 1:

On motion by Senator Young, seconded by Senator Toyofuku and carried, H.B. No. 1987-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLD", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

At 9:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:19 o'clock p.m.

Standing Committee Report No. 689-78 (H.B. No. 2054-78, H.D. 1, S.D. 1):

On motion by Senator Young, seconded by Senator Toyofuku and carried, Stand. Com. Rep. No. 689-78 was adopted and H.B. No. 2054-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 690-78 (H.B. No. 2499-78, H.D. 1, S.D. 1):

On motion by Senator Young, seconded by Senator Toyofuku and carried, Stand. Com. Rep. No. 690-78 was adopted and

H.B. No. 2499-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL-LANDLORD TENANT CODE", 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 (Yee).

Standing Committee Report No. 691-78 (H.B. No. 2765-78, H.D. 1, S.D. 1):

On motion by Senator Young, seconded by Senator Toyofuku and carried, Stand. Com. Rep. No. 691-78 was adopted and H.B. No. 2765-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2173-78, H.D. 3, S.D. 3:

On motion by Senator F. Wong, seconded by Senator Hara and carried, H.B. No. 2173-78, H.D. 3, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO PLANNING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (O'Connor). Excused, 1 (Yee).

Standing Committee Report No. 693-78 (H.B. No. 2756-78, S.D. 2):

Senator F. Wong moved that Stand. Com. Rep. No. 693-78 be adopted and H.B. No. 2756-78, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hara.

Senator King then rose to speak in favor of the bill, stating as follows:

"Mr. President, I rise to speak in favor of this bill though you may not guess it from the remarks I'm about to make.

It's an all right bill, got good things -- my 'w/r' was with regret so I rise, Mr. President, to mark and mourn what it might have been.

What it might have been was a simple, stark commitment to agriculture, a commitment on a basic minimal level - action on our part, to underwrite the thousands upon thousands of words

spun off, vaporous verbalizing of state policy in support of agriculture.

You've heard the phrase talk is cheap. Talk is. You've heard the phrase too, dirt cheap. Dirt isn't, not in this limited loved fleet of islands we call Hawaii, we call home.

And what kind of home it will be for us down the road will depend in substantial measure, it seems to me, on the degree to which we keep our commitment to diversified agriculture.

The part that's not in this bill, Mr. President, is the part that would have provided simply, clearly, and unequivocally, that the cream of our agricultural land, now in agricultural use, would remain in agricultural use, period. Or exclamation point.

Now what there is over any desirable agricultural district is a question mark. Will the Land Use Commission reclassify it urban? Or in some major cases, when will the Land Use Commission reclassify it urban?

This bill could have included an amendment saying Prime and Unique agricultural land stays in agriculture.

Of the 1,900,000 acres of land in the agricultural district, Prime and Unique total only 335,000; 304,000 in Prime and 31,000 in Unique. That's only 17.4 percent of the land in the agricultural district, less than 1/6th of the lands dedicated to agriculture in this state, just 8% of the total land area of the State of Hawaii, a mere 1/12th of Hawaii Nei.

That 1/12th is the best farming land we have. Prime land is the most flexible, the most versatile. It is capable of growing diversified crops, feed, forage, and fiber crops. We can grow on Prime land the variety of crops we need to help sustain our population.

Unique land is called unique because it is best suited to crops which are unique to Hawaii. So unique land is prime in the sense that it is the best land for some crops which are high quality or high yield or are important crops in the island economy.

If prime and unique lands are lost to development, nothing can bring them back, no other lands can take their place.

Yet it is easier to say, 'We must preserve agricultural lands' than to do something to preserve them and once again we have lost a chance to cast our vote for the future of Hawaii.

Once again we are content to sit back

and allow our best agricultural land to be redistricted if the right applicant comes forward. Once again we are content to watch special uses allowed on land best suited for green growing food crops.

All of us who speak pretty words about open space and green belts, about the rosy future of diversified agriculture, about the need to protect ourselves from foreign oil supplies and mainland dock strikes, must now face the fact we would rather talk than act.

Mr. Robert Ota, who's with the agricultural division of a reputable institution, the Bank of Hawaii, recently gave a talk on Kauai on agriculture and this hard-headed banker wound up his speech by saying, 'I can't help but be bullish about the future of agriculture in the State.' He said, 'Last year our agricultural producers brought into the state about \$1½ million per day from sales outside of the state, or a total of \$535 million.' He said, 'In addition, we produced an additional \$80 million of milk, eggs, vegetables, beef and other commodities for our local consumption.' He said, 'Our agricultural labor situation looks something like this - agriculture employs 12,400 employees and their families; in self-employed agriculture there are 4,500 families.' He said, 'It is estimated that an agricultural dollar in Hawaii has a multiplying effect of six times its productive value.' He said, 'We can triple or quadruple our production of certain commodities without appreciably affecting its market-ability or price.' This is from a hard-headed banker, Mr. President.

A growing number of our young people are getting into agriculture. What will happen if we keep pulling our best land out.

And so, Mr. President, I mourn tonight that just now, when all of us are working to find ways to control growth in Hawaii, to shape a sane, stable future for our state, we are not allowed to commit less than 8% of the best land in our state to agriculture.

Land in agriculture means green growing crops to people who view land as a resource. But I guess, Mr. President, it means green flowing bucks to some who view land as a commodity.

We will have such a measure, Mr. President, the only question is when. And how much more Prime land we'll lose forever before that comes to pass.

In my 6 years as a legislator, Mr. President, I've never 'kanalua'd.' Tonight, in effect, I'd like to 'kanalua' three times to toll what might have been.

Thank you, Mr. President."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 693-78 was adopted and H. B. No. 2756-78, S. D. 2, 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, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 139, H. D. 1, S. D. 1:

On motion by Senator F. Wong, seconded by Senator Hara and carried, H. B. No. 139, H. D. 1, S. D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

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

On motion by Senator F. Wong, seconded by Senator Hara and carried, H. B. No. 2100-78, S. D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING IN THE NORTHWESTERN HAWAIIAN ISLANDS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2689-78, H. D. 1, S. D. 1:

Senator F. Wong moved that H. B. No. 2689-78, H. D. 1, S. D. 1, having been read throughout, pass Third Reading, seconded by Senator Hara.

At this time, Senator King rose to speak against the measure, as follows:

"Mr. President, I rise to speak against this bill and I'll be brief.

It seems to me that what this bill says is that if a county finds that unreasonable economic hardship or where land utilization can be improved then they can allow lots and agricultural districts to be cut down provided that there are no more than the same number of lots.

It seems to me what this would allow is a developer to come in with an area

with a certain number of lots and then plead economic hardship or say that he wants to improve land utilization, make maybe three \$500,000 lots, they're very large, then do the others much smaller, a half acre, and so move in much more easily to putting a subdivision into agricultural districts.

I therefore, urge a 'no' vote on this, Mr. President."

Senator Kawasaki then stated as follows:

"Mr. President, I vote with certain reservations on this bill because I am opposed to setting all lands classified as agricultural, Class A, B, Prime, Unique.

I am concerned that, particularly on this island, legislative bodies like ours, like the City Council, will have to consider the requirements for a piece of land for the average citizen who wants to live somewhere close to where the action is, within a 30-mile radius of City Hall and State Capitol.

We will have to provide lands that are going to be set aside so that future generations may not have to go way out to Mililani, Pacific Palisades, the Leeward side, miles away, with the cost of transportation being what it is today in this energy crisis era. We have classified a lot of lands, I think, under the general classification of agriculture that may be very conducive to providing decent fee simple lands for a prime commodity requirement by the average citizen to build a home to raise his family.

When we say that the minimum agricultural lot should be no smaller than one acre we preclude thousands of our citizenry here to being able to purchase land, fee simple, somewhere close to town so he can go to work very conveniently and without great cost to him over a period of years. Something for his family that is easy to purchase. Not many people can purchase in today's prices fee simple land of one acre minimum. The cost of purchasing fee land which is of one acre minimum is prohibitive to the majority of our citizens here.

While we worry about setting aside agricultural land for the professional agriculture entrepreneur we do not provide for the man who wants to retire or the man who wants to do agricultural pursuits on a part-time basis. There are many crops conducive to part-time activity, orchids being one of them, anthuriums, bromeliads, many types of flower crops -ginger.

I have seen, for example, a nursery on the Kaneohe side with 33,000 square feet under saran provisions raising dendrobiums. The gentleman, a member of the legislature, cannot meet the demands for his crop which is dendrobium orchids.

My point is that there is a need for us to provide lands in sizes less than one acre suited for agricultural work but suited also for putting up a residence to raise a family. When we specify that all lands, I'm not talking about prime lands particularly, but all lands under agricultural use district shall be one acre minimum in the future, we preclude many of our citizens, thousands of our retirees and citizens from being able to buy a lot larger than 7,500 square feet, larger than 5,000 square feet. Something even the size of half an acre that he may be able to afford, may be able to raise some crops to supplement his table requirements or food requirements, and that may supplement his retirement income.

We will have to be thinking of this in the future and I would advocate permitting agricultural use of lots, particularly those that are conducive to raising a family on a residential basis, land that is conducive for part-time agricultural pursuits even as small as half an acre, because this is the size, in my judgment, that the average person can afford. As a matter of fact, I doubt that many people can even afford half an acre today. When we set aside one acre as a minimum then we are saying that the average person that wants a lot, as I described, will have no chance on this island to purchase such a lot.

I vote with reservations on this bill because that's still better than making a two-acre minimum requirement, but I would hope that someday this Body consider setting aside on this island, close to the City where the action and the work is, lands that people can use to raise their families and do part-time agricultural work."

Senator F. Wong then rose to speak in favor of the bill and stated:

"Mr. President, I rise, very briefly, to speak in favor of the bill.

I think we find ourselves too often providing laws on the books that make the administration of our laws totally inflexible. This is one of those cases. The administration has come to us and asked us for relief for what is considered to be a practical problem.

Mr. President, the bill clearly states on page 2 that under a consolidation and resubdivision the number of lots

cannot be any greater than there was prior to consolidation.

Thank you, Mr. President."

The motion was put by the Chair and carried, and H.B. No. 2689-78, H.D. 1, 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, 22. Noes, 2 (Chong and King). Excused, 1 (Yee).

House Bill No. 1473, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Chong and carried, H.B. No. 1473, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 698-78 (H.B. No. 992, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 698-78 was adopted and H.B. No. 992, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 1771-78, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, H.B. No. 1771-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 700-78 (H.B. No. 1779-78, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 700-78 and H.B. No. 1779-78, H.D. 1, S.D. 2, was deferred to the end of the calendar.

At 9:35 o'clock p.m., the Senate stood in recess subject to the call

of the Chair.

The Senate reconvened at 9:36 o'clock p.m.

Standing Committee Report No. 701-78 (H.B. No. 1885-78, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 701-78 and H.B. No. 1885-78, H.D. 2, S.D. 2, was deferred to the end of the calendar.

House Bill No. 2480-78, H.D. 1, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, H.B. No. 2480-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 703-78 (H.B. No. 2462-78, H.D. 2, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 703-78 was adopted and H.B. No. 2462-78, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF EMPLOYMENT AGENCIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Chong, Henderson, Kuroda and Soares). Excused, 1 (Yee).

Standing Committee Report No. 704-78 (H.B. No. 2764-78, H.D. 2, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 704-78 was adopted and H.B. No. 2764-78, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALE AND DISTRIBUTION OF SESSION LAWS, SUPPLEMENTS AND REPLACEMENT VOLUMES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2185-78, H.D. 2, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, H.B. No. 2185-78, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT CARE HOMES, FAMILY BOARDING HOMES, AND OTHER SIMILAR INSTITUTIONS", having been read throughout, passed

Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 514, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, H.B. No. 514, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 707-78 (H.B. No. 559, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 707-78 was adopted and H.B. No. 559, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREFIGHTER'S PENSIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 708-78 (H.B. No. 2728-78, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 708-78 and H.B. No. 2728-78, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 630, H.D. 2, S.D. 1:

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, H.B. No. 630, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 710-78 (H.B. No. 819, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 710-78 and H.B. No. 819, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 711-78 (H.B. No. 2239-78, H.D. 2, S.D. 2):

Senator R. Wong moved that Stand. Com. Rep. No. 711-78 be adopted and H.B. No. 2239-78, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

At this time, Senator Kawasaki remarked:

"Mr. President, I signed the Committee Report emanating from the Judiciary Committee, 'I concur,' because I was in agreement with the Senate position. But an article in tonight's evening paper regarding the concern on the part of the staff of the Crime Commission for the absolute necessity of the immunities provision that's advocated by the House is well taken.

I would hope that in the conference committee the Senate conferees would consider very strongly the plea on the part of the Crime Commission staff for the absolute necessity of the immunities provision that was provided in the House version.

If we are to give meaning to our professed claim that we want to do something to contain the activities of the organized criminal elements, if we want to help the law enforcement agencies or police departments with some 2,000-force manpower, and I have every confidence the police forces of the respective counties could adequately contain the activities of a couple of dozen hoodlums who are a part of the organized criminal elements, if we are to give meaning and sincere support in our effort to help the law enforcement agencies, our judiciary system, to contain the proliferating of organized criminal activity here, then we should provide the Crime Commission with the necessary tools, including the provision of immunity from suits that they are asking us for. I would hope that the Senate conferees would support the House version providing for this tool that's needed so badly."

Senator Soares then rose to speak against the measure and stated:

"Mr. President, I rise to speak against this bill as I did so when the Senate bill passed.

One of the problems that was in the Committee hearing was that the law enforcement the Crime Commission is asking for, this very subject that my colleague across the hall is asking for, would put a burden on our police departments, our law enforcement agencies.

They do not have that immunity and problems would be created when the commission would ask for information or records of the police departments on a certain case being investigated,

interfering with it to begin with, and then having the opportunity to be immune from any suits and the department who gave it to them would then be sued. I think this is an irresponsible act toward our police departments. I think they are doing an excellent job and the power being asked for in this bill is far beyond what I feel a crime commission should be empowered with.

I ask my colleagues to vote this bill down."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 711-78 was adopted and H.B. No. 2239-78, H.D. 2, 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, 22. Noes, 2 (Saiki and Soares). Excused, 1 (Yee).

Standing Committee Report No. 712-78 (H.B. No. 2170-78, H.D. 2, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 712-78 was adopted and H.B. No. 2170-78, H.D. 2, S.D. 1, 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, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 713-78 (H.B. No. 2403-78, H.D. 1, S.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Stand. Com. Rep. No. 713-78 was adopted and H.B. No. 2403-78, H.D. 1, S.D. 1, 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, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 714-78 (H.B. No. 2545-78, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com Rep. No. 714-78 and H.B. No. 2545-78, H.D. 2, S.D. 2, was

deferred to the end of the calendar.

House Bill No. 1889-78, H.D. 2, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1889-78, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII SUPREME COURT CONCERNING A FULL COURT, ORAL ARGUMENTS, AND SUBSTITUTE JUSTICES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 227, S.D. 1:

By unanimous consent, action on H.B. No. 227, S.D. 1, was deferred to the end of the calendar.

House Bill No. 429, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 429, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 1920-78, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1920-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2085-78, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2085-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING PERMITS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2095-78, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2095-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPOUSAL LIABILITIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 10 (Anderson, Ching, Henderson, Hara, Hulten, O'Connor, Saiki, Soares, Taira and F. Wong). Excused, 1 (Yee).

House Bill No. 2118-78, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2118-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITING, PEDDLING, AND DISORDERLY CONDUCT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2390-78, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2390-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2465-78, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2465-78, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 2687-78, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2687-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY RIGHTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

House Bill No. 2860-78, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2860-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Anderson). Excused, 1 (Yee).

Standing Committee Report No. 726-78 (H.B. No. 425, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 726-78 and H.B. No. 425, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 727-78 (H.B. No. 2248-78, S.D. 2):

Senator Nishimura moved that Stand. Com. Rep. No. 727-78 be adopted and H.B. No. 2248-78, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator O'Connor.

At this time, Senator King rose to speak against the measure:

"Mr. President, I rise to speak against this bill and in so doing I'd like to cite a classic example of depressing legislative shenanigans a lot of us had hoped had been put behind us with the advent of sunshine. Not even sunshine just plain old basic rules and the question: If it's something you or a powerful special interest wants, forget the rules, kid. It's not a game we're playing.

A concerted effort began last session to scuttle the park dedication statute. They got part of what they wanted last session with House Bill 1547, H.D. 1, and they got ready with a resolution and the taxpayer supported self-serving Council to scuttle it some more this time.

Well they've done it, but let me make clear, it's not what they've done I'm talking about tonight it's how.

For differences of opinion, strong differences of opinion are inevitable, are okay. But we're supposed to go by certain rules. The House Water Land Committee went by rules. When this measure came up in the House they sent out a hearing notice with date, time and place, House Bill 1869, 'Relating to the Dedication of Park and Playground Space.' Everybody was alerted. They had a chance to testify, both pro and con and the bill died in Representative Kawakami's Water Land Committee.

But, let me cite what happened then in the House. Senate Bill 71 moved from the

Senate to the House, a good bill reported out by Senator Young's Housing and Hawaiian Homes Committee. It went to the House Housing Committee and there, lo and behold, that's lo spelled 'l o w', there, low and behold, it suddenly got tacked onto at some place along page 43, the measure taking away home rule from the Counties, particularly the City and County of Honolulu, and determining how best to serve the people of that County in terms of park needs. From there it went to House Finance and there it very properly, in accordance with the rules, died.

I'd like to quote, Mr. President, from the latest issue, March 27, of Building Industry Digest of Hawaii, just a brief quote first from John Connell's 'Straight from C.I.O.' Here's how Mr. Connell described what happened in House Finance. He said, and I quote, 'However, even though the Committee members agreed with the intent, the park dedication portion was deleted from the bill due to procedural irregularities. It appears,' said Mr. Connell, 'that one of the rules of the House is that no measure should be piggy-backed onto another one unless they had both been reported through to the Committee free and clear.'

From the same issue, Mr. President, under the General Contractor's Association of Hawaii article I'd like to quote Mr. Elroy Chun, also describing what happened in House Finance. He said, and I quote, 'After almost an hour of discussion, Committee Chairman Jack Suwa recommended the industry proposed addition to the bill be deleted on the basis of the House's own rule prohibiting piggy-backing. His recommendation was sustained.' Mr. Chun goes on and I quote, 'We feel every legislator does try to play it straight and if there is any seeming deviousness we must assume there may have been a strategic reason for it.'

Well, there was certainly deviousness, Mr. President, in the way this scuttling measure reappeared in the Senate. It was on our desks last night fourth from the bottom of a big stack of bills and not many knew it was there. I didn't until this morning because the bill was entitled, 'Relating to the General Powers of Counties.' It was a bill actually, Mr. President, that should have come to my Committee in the first place and there's a memo of record to the President's office pointing this out, but saying I wouldn't press it. It should have come to my Committee, Mr. President, because it was a bill that dealt with enforcement of ordinances regulating or prohibiting

noise, smoke, dust, vibration or odors which constitute a public nuisance. That's what the bill was.

The amendment to the section, a reasonable one I think and one that I would have supported, had to do with agricultural burning permits and all the testimony at IGR to which this was first referred dealt with just that. It passed clean to Judiciary but when it came out of Judiciary with no members of the public ever knowing the park dedication scuttling measure was being considered, it had it tacked onto it. Absolutely no relation to agricultural burning, Mr. President, unless you consider the act done under a smoke cover.

I don't know if the bill, if it passes as is, is subject to legal challenge since clear, proper procedure was so blatantly ignored. I won't address that, as I haven't addressed the merits of the measure. I only speak of the way it was done. I could use Elroy Chun's word 'devious.' I could say 'odorous, reprehensible.' What it was was 'sneaky' and it stinks.

I urge a 'no' vote by the Senate, Mr. President, to say to people loud and clear that in our State Senate rules still count.

Thank you, Mr. President."

Senator Chong then added:

"Mr. President, as a member of the Senate Judiciary Committee I thought I was signing a bill relating to the general powers of the counties relating to agricultural burning of which there was a hearing in the committee. It was a little shock to see attached to the back of this bill the last 3 or 4 pages on the park dedication matter added to it. So, I also urge the members of this Body to vote against this bill."

At 9:50 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:28 o'clock p.m.

Senator Nishimura then inquired if the Senator from the Sixth Senatorial District would yield to a question to which Senator King replied in the affirmative.

Senator Nishimura then asked:

"Mr. President, words such as devious, odorous, sneaky, was used by the speaker in making her objections noted on the record. I, as Chairman of the Judiciary Committee would like to know whether I was included as a principal, and included in the definition of such words as devious, odorous and sneaky?"

To which, Senator King replied:

"Mr. President, I would like to state clearly for the record that the individual Chairman of the Committee is certainly not included."

Senator Nishimura thanked Senator King then added:

"Mr. President, I appreciate the vote of confidence, considering the fact that I, as Chairman of the Judiciary Committee, have experienced in this session, or last year, the dubious distinction of having had a bill yanked out of Committee, of having had to sign committee reports 'I do not concur' and voting 'no' on bills that I sent out from my Committee. It will not be the last time that I vote 'no' on bills that come out from the Judiciary Committee. I can foresee that in the near future I will be voting 'no' again on other bills that the members of my committee feel should be considered by the whole Senate.

For the record, I should like to state that with respect to House Bill 2248, 'Relating to General Powers of Counties,' there was a hearing held on this bill on Wednesday, March 22, 1978. At that time we received testimony from the General Contractor's Association of Hawaii and the statements presented by them are on record. They indicated that they wanted the bill amended to provide for the possibility of taking care of the park dedication problem that they were encountering. We also received additional testimony from another individual also testifying in favor of the proposal to take care of the problem pertaining to the dedication problem encountered with the City and County of Honolulu.

On Thursday, March 23, we had a decision-making hearing at which time when the public was present and during an open meeting, the matter was discussed openly by the full Committee--perhaps not the full Committee by that time, some members had gone home or gone to other places, but I recall that there was still a quorum present at the time that the decision was made about tacking on the bill to this House Bill 2248 and we looked for another vehicle, unfortunately, the title was not broad enough. Mindful of the constitutional requirement that no law shall be passed except by bill and that each law shall embrace but one subject which shall be expressed in its title, we decided to use this bill as a vehicle, with the clear understanding that in the event the additional subject matter became too burdensome, it would be knocked off and we would

preserve the original subject matter pertaining to cane burning.

I don't know what the problem is really because earlier this evening we voted on and acted favorably on House Bill 49 which, if you are going to use the word piggy-backing, piggy-backed the subject matter of the real estate board onto the bill requiring public members to be added to boards and commissions.

In addition, on House Bill 1920 which we acted favorably on earlier, this being, 'A Bill for an Act Relating to Boards and Commissions,' we piggy-backed the Board of Barbers and the Board of Massage. In other words, they were sunsetted, but we revived them even though it was after Easter. They were piggy-backed and no one squawked then so I don't really understand what the problem is.

All I know is that no rules were violated. The decisions were made in open meetings by the Judiciary Committee, all members were given the committee report and the bill, and for the record, Mr. President, my name was affixed to the Committee Report the very last."

Senator Anderson then rose to speak against the bill:

"Mr. President, we've been trying to get a park dedication program into effect in the City and County of Honolulu for the last 10 years, I swear. This bill doesn't affect the neighbor islands because you don't have the heavy concentration of subdivisions and you don't have the lack of playgrounds because of your open space--your mountains and your streams and the low density.

We have had over the years not a couple of calls but hundreds of calls and lots of them Leeward, lots of them Windward, lots of them out in the Seventh Senatorial District where our major urban sprawl subdivisions have popped up asking about lack of playgrounds for the children.

Over the years, when these developers have come in, beautiful rendering drawings of the subdivisions have always been up on the blackboard and in the center of these subdivisions usually are these tremendous park layouts. One by one the lots would begin to sell and then the lots were offered to the City and County of Honolulu to be purchased for a park under the old system and in 20 years, I believe, the City and County has bought only one single park of this nature. Consequently, by strange coincidence, these renderings and these park sites put aside by the subdividers always lend themselves to be cut up properly into house lots once the County hasn't

been able to afford to buy it. The park dedication program was to put the burden of providing this recreational area on the new homes in that area.

The Committee Report says on page 2, there was testimony to the effect that one subdivider was asked to contribute \$3,240 per dwelling unit while another subdivider was asked to contribute \$1,300 per dwelling unit as a result of the park dedication ordinance; that your committee finds that there's a great disparity in the amount of cash contributions.

Well, if one subdivision happened to be in Waipahu and one in Waikiki, sure there's going to be disparity because the land costs more in some areas. There's got to be disparity geographically and financially as the cost per square foot varies throughout the City and County of Honolulu. That certainly isn't to be worked against it.

The report goes on to say the ordinance has increased the development costs, which are passed on to the new homeowner. That was understood when we tried to put the dedication program together. The cost of the park was wanted and needed by the young families moving into these areas.

As these subdivisions opened up in our community in this County, the people that moved to it basically are new, young, married couples starting out in families and having families. And who needs recreational parks more than these young people? Sure, maybe the \$2,000 or \$2,300 per dwelling looks expensive and it is expensive to these people who are trying to make ends meet, but records will show, Mr. President, that after a year or six months or two years in these subdivisions the hue and cry from the community from these subdivisions are from these very people who want the park, the swings and the slides for their children, and the County has not been able to provide it. That was the whole crux of the ordinance as we passed it.

Now the City and County of Honolulu is moving ahead on it. We have a letter on file from the Council Chairman opposed to this measure and \$500 per unit, in most cases, for all practical purposes, scuttled this bill.

I don't know the problem on the neighbor islands in upteenth degree, but I do know in the City and County of Honolulu, in the Third, the Fourth, the Fifth and the Seventh Senatorial Districts we need this kind of a measure.

It's an assessment to the parties who buy, be it through this route or a property tax increase, it's the same thing, it's going to be on those individuals. Nothing is for free. They want the parks for their kids.

We've had all kinds of bills and talks and discussions about keeping children busy, keeping them off the streets, and we finally get a measure that provides a recreational park to provide and burn up their energy and all of a sudden we're trying to scuttle it.

I would really ask the Senators from this County with the problems in your particular districts to search deep. This should never have been allowed to be put onto this measure. I'm not accusing piggy-back, I look at it as an amendment and it's fair game, but we don't need to repeal the park dedication bill. It should be enforced, it should be implemented. I think that the \$1,300 or \$3,000 is going to be money well spent to keep these kids off the streets. I would really ask that you reconsider and vote this measure down.

Thank you, Mr. President."

Senator R. Wong also rose to speak against this bill and stated:

"Mr. President, usually I would not do this, but I would like to make two clarifications. One, personally as the Chairman of a Committee and second, I don't consider this measure piggy-backing. As far as I'm concerned, the title of the bill determines its content. To me the title is very broad. It can include the burning of cane and it also can include what Senator King alluded to in terms of a park kind of dedication concept.

I do want to make the record clear, as Senator Anderson has reiterated here before this Honorable Body, that on Oahu we seem to have a problem with reference to parks. I don't want to bring up old stories, but I remember in 1975 a bill was passed by the Senate which would have addressed itself to this particular problem and that was the question of the room tax of which 60% of all proceeds collected from the room tax would be used for the purchase of parks. In the wisdom of the House, after much disagreement, the House decided not to pass the measure.

I think, if this measure would have passed, it would have given us the parks and would have lessened the burden to the developers who, surely, Mr. President, are harrassed by rules and regulations and cost factors, and we would not have this problem today.

Therefore, Mr. President, I wish to urge the members of this Honorable Body to vote against this measure, for Oahu's sake and for the children of Oahu.

Thank you."

Senator Hulten then rose to speak in favor of the bill and stated:

"Mr. President, I was the author of the original park dedication bill in 1967 whereby we passed the legislation mandating the counties to adopt ordinances which would require developers to dedicate lands for public parks in the event they were developing large subdivisions.

What has happened, however, is the counties, especially the City and County of Honolulu, would rather have cash than parks. What the City has been doing is requiring the developers to put up cash rather than to give land. They won't accept the land, they want the cash. This cash is then spent, God knows where, but it's not spent on the park in the neighborhood where the subdivision is going, it may be spent across town someplace. It's frustrating the way the ordinance was adopted by the City and County of Honolulu.

Now, what this measure does is limit the amount of cash the City can demand. Hopefully, they will then rather accept the land than go after the money because the prime purpose of the original statute was to see that land was provided so that these young families that they talk about would have parks in their neighborhoods. As it is today, there are no parks in the neighborhoods, the money goes someplace else.

I urge that we act favorably on this legislation."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 727-78 was adopted and H.B. No. 2248-78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL POWERS OF COUNTIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 10 (Anderson, Chong, George, King, Kuroda, Leopold, Soares, R. Wong, Yim and Young). Excused, 1 (Yee).

Standing Committee Report No. 728-78 (H.B. No. 3033-78, H.D. 1, S.D. 1):

On motion by Senator Nishimura, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 728-78 was adopted and H.B. No. 3033-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESERVATION AND DISPOSITION OF GOVERNMENT MINERAL RIGHTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 729-78 (H.B. No. 1822-78, H.D. 2, S.D. 2):

Senator R. Wong moved that Stand. Com. Rep. No. 729-78 be adopted and H.B. No. 1822-78, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator Kawasaki then rose to speak against the bill and stated:

"Mr. President, as I did in the previous session, I am voting against this bill primarily because, in my judgment, the Department of Economic Development has the responsibility of providing coordination for the tourist industry. This bill just creates another \$37,500 a year director's position and it also provides for staff in addition to what's already provided the DPED.

It just seems to me the DPED should, among its resources of staff allocation, provide one of its staff people the responsibility of being the coordinator of all tourist activities. If, however, they find that an additional person and an additional staff is needed, then my suggestion would be to finance the cost of those provisions by deducting from the HVB, who should logically be doing all the coordinating activities. Deduct from the almost \$2.1 million that HVB receives in State funds, in addition to what they solicit from the private sector, the cost of providing the tourist coordinator and his staff.

I would not like to see additional funds be allocated in addition to what's given to HVB to provide for another high-paid position. If they don't want to do that then I would suggest that DPED allocate one man from their staff resources to be the effective tourist coordinator.

For that reason, I will vote against this bill."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 729-78 was adopted and H.B. No. 1822-78, H.D. 2, S.D. 2, entitled: "A BILL

FOR AN ACT RELATING TO TOURISM", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Leopold, Kawasaki, King and O'Connor). Excused, 1 (Yee).

Standing Committee Report No. 730-78 (H.B. No. 2618-78, H.D. 1, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 730-78 was adopted and H.B. No. 2618-78, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", 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, 24. Noes, none. Excused, 1 (Yee).

MATTER DEFERRED FROM
THE MORNING CALENDAR

House Bill No. 2352-78, S.D. 1:

Senator King moved that House Bill No. 2352-78, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hulten.

The motion was put by the Chair and failed to carry and H.B. No. 2352-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSAL OF SOLID WASTES", having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 10. Noes, 14 (Anderson, Ching, George, Hara, Henderson, Kawasaki, Leopold, O'Connor, Soares, Taira, Takitani, Toyofuku, F. Wong and Yamasaki). Excused, 1 (Yee).

At 10:50 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:55 o'clock p.m.

MATTERS DEFERRED FROM
EARLIER ON THE CALENDAR

House Bill No. 1934-78, S.D. 1:

On motion by Senator Taira, seconded by Senator Takitani and carried, H.B. No. 1934-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", having been read throughout,

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

Ayes, 22. Noes, 2 (Chong and King). Excused, 1 (Yee).

Standing Committee Report No. 646-78 (H.B. No. 2318-78, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 646-78 was adopted and H.B. No. 2318-78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE LOANS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 652-78 (H.B. No. 1770-78, H.D. 1, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 652-78 was adopted and H.B. No. 1770-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", 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 (Yee).

House Bill No. 617, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 617, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 700-78 (H.B. No. 1779-78, H.D. 1, S.D. 2):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 700-78 was adopted and H.B. No. 1779-78, H.D. 1, S.D. 2, 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", 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, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 701-78 (H.B. No. 1885-78, H.D. 2, S.D. 2):

Senator R. Wong moved that Stand. Com. Rep. No. 701-78 be adopted and H.B. No. 1885-78, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator Kawasaki then rose to state:

"Mr. President, I am voting against this bill and I would like to suggest to my colleagues that if we are not certain of the absolute necessity of providing additional judges to the judiciary system and where we are not willing to make appropriations available to them, we are just saying we authorize the additional judges, then we should not allow this bill to pass. Just as certain as death and taxes, funds will be appropriated in the future session.

I have not been quite convinced of the necessity for the additional judges requested by the Judiciary. It just seems to me that this Body and the Body across have been very generous with the Judiciary. We've raised their salaries, some of which I have a jaundiced view of; we've given them additional clerks in the Supreme Court; we've given them additional staffing and now, they are asking for additional judges.

Apparently, the Ways and Means Committee is not in concurrence with the need for these positions because they are saying let's authorize the possible appointment of these positions and worry about the funds later.

If in the future sessions we are convinced that there is need for additional judges to be allocated then at that time we should make the decision that is requested of us tonight and at that time sufficient funds be provided for these added judges. Until then, I would suggest that we vote 'no' on this bill.

Thank you, Mr. President."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 701-78 was adopted and H.B. No. 1885-78, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIRCUIT AND DISTRICT JUDGES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 6 (Kawasaki, King, Kuroda, Saiki, Soares and Yim).

Excused, 1 (Yee).

Standing Committee Report No. 708-78 (H.B. No. 2728-78, H.D. 2, S.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 708-78 was adopted and H.B. No. 2728-78, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 710-78 (H.B. No. 819, S.D. 1):

Senator R. Wong moved that Stand. Com. Rep. No. 710-78 be adopted and H.B. No. 819, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator Kawasaki then rose to speak against the measure and stated:

"Mr. President, I am voting against this bill because when we started converting into the Civil Service tenure system some of those positions that were originally created with the clear definition that they were not covered under Civil Service tenure and people accepted these positions on that understanding, we opened the door for future requests like this. We have allowed this to happen, opening a 'Pandora's Box' of requests of similar nature for other people not tenured under Civil Service.

As a matter of fact, I am quite in agreement with President Carter, who wants a close examination of the U.S. Civil Service System and what it does under the tenure system in promoting efficiency and work output by people covered under the Civil Service System. Until perhaps the results of the federal study comes out, we should hold in abeyance any more converting of these positions into the Civil Service tenure system.

As I stated earlier, when we employed these people they knew very clearly that they were not tenured and I would suggest that we wait until the federal report examining the whole Federal Civil Service tenure system is publicized. We can then make decisions to further cover other people if at that time it seems feasible."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 710-78 was adopted and H.B. No. 819, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND

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

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

Standing Committee Report No. 714-78 (H.B. No. 2545-78, H.D. 2, S.D. 2):

Senator Ching moved that Stand. Com. Rep. No. 714-78 be adopted and H.B. No. 2545-78, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hara.

Senator Yamasaki then remarked:

"Mr. President, while I had originally intended to vote 'no' on this bill, I now would like to vote 'yes.' However, I have certain reservations on this bill.

I would like to see this bill moved to the House so that further amendments can be made with respect to safety requirements for school buses.

I am informed by two families, concerned members of this community, that the school buses here in this County are really bad and that much of the safety requirements are lacking. Therefore, I would like to see this bill go into conference and have the requirements on safety be strengthened so that it will comply with the federal requirements on school bus transportation as required by Public Law 89-563 and amended by Public Law 93-492. I would like to see that this bill is strengthened further by requiring compliance with mandatory requirements, in accordance with the federal law on school buses.

Thank you, Mr. President."

Senator Kawasaki then rose to speak against the bill and stated:

"Mr. President, I have to vote against this bill. I think this is a very clear example of special legislation.

We're extending the bus transportation contract with the State with those people who already enjoy the benefits of these contracts. These contracts provide for an extension of two years and again, by this bill, we extend those extensions another two years, for a total of ten years.

I think the public interest dictates that at the end of the extension period of the people today holding State trans-

portation contracts, all such contracts should be put out to bid for other people, to have other organizations who do want to get into the business, to have an opportunity to bid for these contracts. This would provide the competition required.

I think the present law giving the extension under existing contracts have given these people enough time to write off the cost of the equipment, if that is their desire. But to extend further the present contracts which already have options for renewal provided is going to open the 'Pandora's Box' of requests by other people holding other contracts with the State to say, 'please extend my contract, you did it for the transportation people in the school bus program, why don't you do it for us?' There will be requests for extension of contracts by airport concessionaires, and other concessionaires that are today doing work for the State.

I think this sets a bad precedent and it's certainly unfair to those companies who may have wanted to enter into a business agreement, a business contract with the state and have anticipated that they have no certain time period and they too will be eligible to bid for contracts of this nature."

Senator Chong then added:

"Mr. President, very briefly, I rise to speak against this bill.

In very simple English, this bill would enable school bus contractors to extend without open public bidding up to four years. That's four years without public bidding, whereas, right now they automatically come up every year. I should think that healthy competition is necessary and in the public interest to keep the contract situation the way it is."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 714-78 was adopted and H.B. No. 2545-78, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS CONTRACTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 11 (Chong, Kawasaki, King, Kuroda, Leopold, Nishimura, O'Connor, Saiki, R. Wong, Yim and Young). Excused, 1 (Yee).

House Bill No. 227, S.D. 1:

Senator Nishimura moved that H.B. No. 227, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator O'Connor.

Senator Kawasaki then stated:

"Mr. President, the bill apparently was introduced by the administration's Department of Regulatory Agencies as a House bill saying that they would like to be released of the administrative responsibilities and the chores attendant to a franchisor who wants to do business in Hawaii selling franchises to franchisees to register the conditions or terms of a contract for these franchises with the Regulatory Agencies and these registration forms require certain disclosures. The Regulatory Agencies would like only to have the terms be known to a possible purchaser of one of these franchise contracts. I see some objections to this.

It is in the public interest to have all of the information about the terms of a contract on a franchise be available to anyone else that may be interested. He simply can go to the Department of Regulatory Agencies and get all the information to determine whether he would like to get into the business or not. I see no particular burden of responsibility to have the Regulatory Agencies continue this registration and disclosure requirement being submitted to them.

I would like also, if this goes to conference, to remove the exemption of those franchise companies who's net worth is over a million dollars. Most of the franchises sold today are certainly worth over a million dollars and why not have those people make full disclosure of their terms to a possible purchaser. Why do we exempt a business because it is big financially? Abuses on the part of franchisees may be just as easy to perpetrate by big franchises as the small ones that are required today.

I would like to see in conference, if this goes to conference, that the conferees representing the Senate remove the exemption that is provided for a company with a net worth of a million dollars or more."

Senator O'Connor then added:

"Mr. President, I am voting in favor of this bill; however, mostly because our franchise laws existing on the books drastically need some updating. This bill is a good vehicle for that updating. However, as our good and friendly Senator Hulten oft says, 'there are several mechanical errors in this bill' and I trust that they will be worked out as we go along toward the end of this session.

I think that for the most, people know where they are and the problems that exist with them; however, we

do have a problem with the franchise law. It has to be updated. It has to be straightened out as it presently exists on the books and I vote in favor of this measure as a vehicle to do that."

The motion was put by the Chair and carried, and H.B. No. 227, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FRANCHISE INVESTMENT LAW", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Anderson, Kawasaki, Saiki and Soares). Excused, 1 (Yee).

House Bill No. 2465-78, H.D. 1, S.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2465-78, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Leopold and Saiki). Excused, 1 (Yee).

At 11:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:20 o'clock p.m.

Standing Committee Report No. 726-78 (H.B. No. 425, H.D. 1, S.D. 1):

Senator Nishimura moved that Stand. Com. Rep. No. 726-78 be adopted and H.B. No. 425, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator O'Connor.

Senator Kawasaki then expressed his concern and stated:

"Mr. President, there is quite a misunderstanding about the language of this bill.

What this bill does in effect is to prohibit an ordinary homeowner to act as a journeyman plumber. The language of the bill says that homeowners doing work at home are exempt, providing they do not do any work involving valves or the rearrangement of pipes.

If I wanted to rearrange the pipe in my garden as part of my landscape I would be prohibited by this language from doing that. If I wanted to change the valve because my valve is corroded and it needs to be changed and rearrange a part of my piping system in the yard, I could not do this under the provisions of this bill.

I would suggest that this bill be recommitted and the language cleaned up a bit, then perhaps I might be in favor of the bill."

Senator Toyofuku then answered:

"Mr. President, I would like to suggest that the previous speaker read the section, entitled: 'Unlicensed Activity', in its entirety. It says, 'No person shall act or assume to act as a journeyman electrician, journeyman speciality electrician, supervising electrician, supervising speciality electrician, motion picture operator, journeyman plumber, master plumber or maintenance electrician without a license previously obtained in compliance with this Chapter and the rules and regulations of the Board.' Then it goes further to say, '... except that any person who owns his principal place of residence may personally perform emergency repair work in a plumbing system.'

I suggest that the previous speaker read the section in its entirety."

Senator Kawasaki then replied:

"Mr. President, I would suggest that the previous speaker continue from the next word on which says, 'except that any person who owns his principal place of residence may personally perform emergency repair work in a plumbing system when such repairs do not involve or require rearrangement of valves, pipes or fixtures.'"

Senator Toyofuku then stated:

"Mr. President, without this bill, no homeowner can do any repairs as such. He must call in a journeyman plumber. I do hope that the previous speaker understands that if this bill dies then he has to call in a journeyman plumber to fix any pipe that may be broken."

Senator Kawasaki then added:

"Mr. President, really, this has some impact on a lot of do-it-yourself homeowners worried about the cost of calling in a union plumber at \$12.00 a half an hour plus fringes.

The present law prohibits the ordinary homeowner to act as a journeyman plumber for compensation in doing work for someone else. That's fine, but really, this language will prevent me or any other homeowner who's got great talents in doing do-it-yourself fixit operations on plumbing from even changing his valves or rearranging

his pipe. That is exactly what the language says and I think this was not the intent of the bill, but that is what the end result is going to be.

For that reason, I will have to vote against this bill."

Senator Anderson then stated:

"Mr. President, I find myself in the dubious position of agreeing with the Senator from the Fifth Senatorial District.

The bill doesn't sound like much, it's kind of comical, but really I think it would turn an awful lot of our constituency throughout the State into illegal positions. I don't think that when I change a valve today I am acting or assuming to act as a master plumber or a journeyman plumber. I'm merely fixing a faucet or a valve in my yard. I am not assuming to be anything other than a handyman.

The bill does make it illegal the moment I put a five-foot extension pipe and put a common valve into my yard. Either way, this bill is unenforceable. They haven't been enforcing it the way it was and no county's going to be able to enforce it the way you are amending it.

This kind of legislation should really never see the light of day because some inspector could get cute out in the field if the bill does pass and if he interprets it to the letter of the law he could harrass somebody in the community.

Coming from the Windward District where we have an awful lot of do-it-yourselfers, and the neighbor island, I think it would be best that the bill be clarified before it is passed."

Senator Nishimura then rose in support of the bill and stated:

"Mr. President, in the consideration of this bill, I had the occasion to talk to a councilman from Kauai and he was kind enough to show me an opinion that was extended by a county attorney who indicated that the law, as it stood right now, could be interpreted to provide that no emergency repair work could be performed by a homeowner.

I saw that legal opinion and I'm not in a position to refute or challenge the ability of the lawyer who wrote the opinion.

The Kauai people seem to think that unless this law is amended they cannot perform emergency repair work. I am going along and try to kokua them and ask all my colleagues to kokua our one Senator from Kauai."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 726-78 was adopted and H.B. No. 425, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Anderson,

Ching, Henderson and Kawasaki).
Excused, 1 (Yee).

ADJOURNMENT

At 11:24 o'clock p.m., on motion by Senator Taira, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 30, 1978.