

## FIFTY-NINTH DAY

Thursday, April 13, 1978

The Senate of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 10:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Mr. Ray "Duke" Hammett of the Fellowship of Christian Athletes Church, after which the Roll was called showing all Senators present, with the exception of Senator F. Wong, who was excused.

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

Senator Kuroda then introduced to the members of the Senate parents and staff members of the Pearl City Child Development Centers, as follows: Parents, Mrs. Sherry Rapalee, Mrs. Chikako Zalewski, Mrs. Elaine Hearn, Mrs. Ethel Aleki, Mrs. Garce Mizumoto, Mrs. Theresa Doane, Mrs. Nani Alphonso, Mrs. Sheila Whipple and Mrs. Pat Franz; Staff members, Mrs. Lori Tokuhama, Mrs. Jo Ann Funasaki, Mrs. Michi Yoshimoto, Mrs. Kay-Ellen Hones, Mrs. Phyllis Mann and Mrs. Itsuko Suzuki.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 256 to 259) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 256), advising the Senate that the original termination date of State Commissioner of Motor Vehicle Insurance, David T. Ishikawa, confirmed by the Eighth State Legislature, 1975 Regular Session, is in error and is corrected to read May 29, 1981, rather than 1980, was placed on file.

A message from the Governor (Gov. Msg. No. 257), advising the Senate that the original termination dates of the members of the Hawaii Paroling Authority, confirmed by the Ninth State Legislature, 1977, Regular Session, are in error and are corrected to read as follows:

Schuyler F. Hoss, term to expire December 31, 1978;

Thomas K. Hugo, Jr., term to expire December 31, 1980; and

Seido Ogawa, term to expire December 31, 1979,

was placed on file.

A message from the Governor (Gov. Msg. No. 258), advising the Senate that the original terms of the Public Utilities Commission, confirmed by the Ninth State Legislature, 1977, Regular Session, are in error and are corrected to read as follows:

Sunao Kido, term to expire December 31, 1977 (subsequently confirmed for a second term to expire December 31, 1983);

Robert H. Rath, Sr., term to expire December 31, 1979; and

Albert Q. Y. Tom, term to expire December 31, 1981,

was placed on file.

A message from the Governor (Gov. Msg. No. 259), informing the Senate that he signed the following bills into law on the dates indicated:

April 4, 1978: S.B. No. 1641-78 as Act 7, entitled: "RELATING TO HEALTH CARE FACILITIES IDENTIFICATION AND REGULATIONS GENERALLY";

April 6, 1978: S.B. No. 2612-78 as Act 8, entitled: "RELATING TO REVENUE BONDS ISSUED BY THE STATE OF HAWAII";

April 7, 1978: S.B. No. 1759-78 as Act 9, entitled: "RELATING TO LEAVES OF ABSENCE";

April 7, 1978: S.B. No. 1799-78 as Act 10, entitled: "RELATING TO THE ESTABLISHMENT OF STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICES IN STATE GOVERNMENT";

April 7, 1978: S.B. No. 2414-78 as Act 11, entitled: "RELATING TO RETIREMENT SYSTEM INVESTMENTS"; and

April 8, 1978: S.B. No. 1129 as Act 12, entitled: "RELATING TO COFFEE INSPECTORS";

was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 559 to 569) were read by the Clerk and were placed on file:

A communication from the House (Hse. Com. No. 559), informing the Senate that the House reconsidered its action taken on April 3, 1978, in disagreeing to the amendments made by the Senate

to House Bill No. 3011-78, H.D. 1, and the Speaker on April 12, 1978 discharged the Managers on the part of the House for the consideration of H.B. No. 3011-78, H.D. 1, S.D. 1, was placed on file.

At this time, the President discharged the Managers on the part of the Senate appointed pursuant to the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3011-78, H.D. 1.

A communication from the House (Hse. Com. No. 560), informing the Senate that the amendments proposed by the Senate to House Bill No. 2166-78, H.D. 2, were agreed to by the House; and H.B. No. 2166-78, H.D. 2, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 12, 1978, was placed on file.

A communication from the House (Hse. Com. No. 561), informing the Senate that the amendments proposed by the Senate to House Bill No. 2689-78, H.D. 1, were agreed to by the House; and H.B. No. 2689-78, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 12, 1978, was placed on file.

A communication from the House (Hse. Com. No. 562), informing the Senate that the amendments proposed by the Senate to House Bill No. 2756-78 were agreed to by the House; and H.B. No. 2756-78, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 12, 1978, was placed on file.

A communication from the House (Hse. Com. No. 563), informing the Senate that the amendments proposed by the Senate to House Bill No. 3012-78, H.D. 1, were agreed to by the House; and H.B. No. 3012-78, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 12, 1978, was placed on file.

A communication from the House (Hse. Com. No. 564), returning Senate Concurrent Resolution No. 15 which was adopted by the House of Representatives on April 12, 1978, was placed on file.

A communication from the House (Hse. Com. No. 565), returning Senate Concurrent Resolution No. 71 which was adopted by the House of Representatives on April 12, 1978, was placed on file.

A communication from the House (Hse. Com. No. 566), returning Senate Concurrent Resolution No. 73 which

was adopted by the House of Representatives on April 12, 1978, was placed on file.

A communication from the House (Hse. Com. No. 567), returning House Bill No. 1075, H.D. 1, S.D. 2, on April 12, 1978, was placed on file.

The President then directed the Clerk of the Senate to immediately return H.B. No. 1075, H.D. 1, S.D. 2, to the House of Representatives.

A communication from the House (Hse. Com. No. 568), returning House Bill No. 1771-78, S.D. 1, on April 12, 1978, was placed on file.

The President then directed the Clerk of the Senate to immediately return H.B. No. 1771-78, S.D. 1, to the House of Representatives.

At 11:02 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

Senator Anderson then rose to speak on the return by the House of the foregoing bills, as follows:

"Mr. President, to this subject, I'd like to restate the concern this side of the aisle has on this tactic that the House has invented this year. In all of my 16 years of serving in the Legislature, I have never heard of one house not accepting the bill sent over from the other house because they're either controversial or not popular, for whatever reason.

I think you reiterated the other day, when you sent them back, that the Constitution mandates that when one house sends bills to the other it provides that they must act on it. Your letter, provided to us last night, states that the majority caucus, evidently with minority consensus, has taken a position to somewhat pick and choose. Last week, when we sent the three bills over, it was not accepted and was sent back to us. It's been like a ping-pong ball.

We had a discussion in the Ways and Means Committee on the three bills. Our understanding of the policy there, being that all three bills are Ways and Means, is that the House would act on all three bills or no bills, knowing full well the firemen as well as the guardsmen would get down here and lobby. Without arguing the merits or the demerits of the particular bills, because the firemen are a very active group and they have been lobbying very effectively the last two or three days, the House has now conceded to keep that bill even though

the title was changed like the other two. That's straight politics and I want that known very clearly and I want the press to record it as such.

I don't think the House has a right to pick and choose or to yield to political pressure groups. If we could get all of the Hawaii Kai residents down to the Capitol to lobby for the next day or two, I am sure the Hawaii Kai sewerage bill as well as the guardsmen's bill would pass.

I know the leadership in the Senate has repeatedly sent letters and met with the House leadership, but I've just got to believe that the precedent that they are establishing has to be far-reaching and dangerous and if any bill in the future is not wanted it will somehow bounce back and forth in the interim period. When we adjourn tomorrow night, I don't know who's going to be in possession of these bills. Maybe it's going to end on the Clerk's desk someplace or maybe in the messenger's office, which is really unheard of and very, very irresponsible.

I'm asking the Senate leadership to meet with the leadership in the House one more time.

I can't believe that the majority party in this state, in such overwhelming numbers, cannot find some concensus or some compromise to prevent this from happening and to take care of the two other groups that are being shortchanged in this misunderstanding or this ping-pong game.

Again, I would like to ask that the President meet with the Speaker one more time today. I'm sure the minority leader would be happy to meet so that a concensus of all 25 Senators is reached.

Thank you, Mr. President."

Senator Ching then added:

"Mr. President, I guess we finally gave the minority floor leader a chance to 'zing' us before the adjournment, sine die, of this session.

I just want to assure my colleagues on this side of the aisle that although we agree with his basic premise that what the House is trying to do here is not agreeable to us, I also want to point out one thing, just for the sake of those that have not seen or read a copy of the President's letter

to the Speaker of the House. The majority caucus and the minority leadership concurrence with the action was on the part of the House, not the Senate. That was the action by which they tried to return the two bills yesterday afternoon. Failing that, because we refused to accept the bills at that time, they have formally returned it to us through what they consider official channels.

It's our feeling that the House has not constitutionally acted on these bills, therefore, for the second time we are formally returning the bills to them. Actually, it's the third time that we are returning the bills to them. The second attempt being by informal action of the caucus. I want to make that point very clear to the minority floor leader and to my colleagues in the majority.

As far as being in communication with the House, our lines are still open. They know that we are ready to sit and talk to them, either on all three bills as a package or on the two remaining bills as a package or on those two bills individually. As far as I know, they have made no attempts to get back to us."

The President then stated as follows:

"I would like to reassure the minority floor leader that every attempt is being made to keep our lines of communication open so far as these two bills are concerned."

A communication from the House (Hse. Com. No. 569), returning Senate Bill No. 2620-78, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 1978, in an amended form, was placed on file.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on the Final Reading of S.B. No. 2620-78, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE."

A communication from the House (Hse. Com. No. 570) informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 3039-78, H.D. 1, was adopted and H.B. No. 3039-78, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 13, 1978, by not less than two-thirds vote of all the members to which the House is entitled, was placed on file.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 470 to 477) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 470), entitled: "SENATE RESOLUTION THANKING MR. CARL L. HEHNKE FOR HIS EFFORTS IN ASSISTING HAWAII'S SHEET METAL WORKERS", was jointly offered by Senators Ching, Yamasaki, Takitani, Hulten, R. Wong, Chong, Yim, King, George, Hara, Kawasaki, Young, Taira, Toyofuku, Nishimura, Henderson, Soares, Leopold, F. Wong, Anderson, Ushijima, Kuroda, O'Connor, Saiki and Yee.

On motion by Senator Ching, seconded by Senator Taira and carried, S.R. No. 470 was adopted.

A resolution (S.R. No. 471), entitled: "SENATE RESOLUTION EXTENDING ALOHA AND BEST WISHES TO EDWARD T. WHITE, PROVOST AND CHIEF ADMINISTRATIVE OFFICER OF KAUAI COMMUNITY COLLEGE, UPON HIS RETIREMENT FOLLOWING A DISTINGUISHED CAREER IN EDUCATION", was jointly offered by Senators Toyofuku, Takitani, Yamasaki, Taira, Ching, Kawasaki, F. Wong, Soares, Young, Henderson, King, Anderson, R. Wong, Nishimura, Ushijima, Hara, Chong, O'Connor, Leopold, George, Kuroda, Saiki, Yee, Hulten and Yim.

On motion by Senator Toyofuku, seconded by Senator Takitani and carried, S.R. No. 471 was adopted.

A resolution (S.R. No. 472), entitled: "SENATE RESOLUTION HONORING THE MEMORY OF THE LATE MASATOSHI 'PAPOOSE' SADANAGA AND EXTENDING CONDOLENCES AND DEEPEST SYMPATHY TO HIS FAMILY", was jointly offered by Senators Kuroda, Chong, Takitani, Yamasaki, Hulten, Leopold, Soares, Young, Saiki, O'Connor, Ching, Ushijima, Toyofuku, Yee, King, George, Hara, Anderson, F. Wong, Henderson, Taira, R. Wong, Nishimura and Kawasaki.

On motion by Senator Kuroda, seconded by Senator Ching and carried, S.R. No. 472 was adopted.

A resolution (S.R. No. 473), entitled: "SENATE RESOLUTION EXTENDING THANKS TO SEGUNDO CABAHOOG FOR HIS HEROISM", was jointly offered by Senators King, Hulten, Chong, Yamasaki, Leopold, Kawasaki, Nishimura, Takitani, Hara, Soares, O'Connor, Taira, R. Wong, Toyofuku, Ching, Kuroda and George.

On motion by Senator King, seconded

by Senator Yamasaki and carried, S.R. No. 473 was adopted.

At this time, Senator King introduced to the members of the Senate the honoree Segundo Cabahog, accompanied by Mr. Ted Dumaran, father of the children who were saved by Mr. Cabahog, Mr. Sam Orpilla and Mr. Leon Dagdagan, Editor of the Pacific Courier. A certified copy of the resolution was then presented to the honoree.

At 11:23 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:25 o'clock a.m.

A resolution (S.R. No. 474), entitled: "SENATE RESOLUTION EXPRESSING ALOHA AND MAHALO TO MAJOR GENERAL THOMAS U. (TUG) GREER FOR HIS MANY CONTRIBUTIONS AS COMMANDER, UNITED STATES ARMY SUPPORT COMMAND, HAWAII AND COMMANDER, UNITED STATES ARMY CINCPAC SUPPORT GROUP", was jointly offered by Senators Kuroda, Ching, Young, Chong, Takitani, Yamasaki, Hulten, Leopold, Soares, Saiki, O'Connor, Ushijima, Toyofuku, Yee, George, Hara, Anderson, King, F. Wong, Henderson, Taira, R. Wong, Nishimura and Kawasaki.

On motion by Senator Taira, seconded by Senator Kuroda and carried, S.R. No. 474 was adopted.

A resolution (S.R. No. 475), entitled: "SENATE RESOLUTION CONGRATULATING MRS. HELEN NAWAA", was jointly offered by Senators R. Wong, Yamasaki, Anderson, Hara, Kuroda, Soares, Henderson, Toyofuku and Hulten.

On motion by Senator R. Wong, seconded by Senator Yim and carried, S.R. No. 475 was adopted.

A resolution (S.R. No. 476), entitled: "SENATE RESOLUTION RECOGNIZING DOROTHY KOTAKA, BERTRAM NAKAMA AND GUY 'ACE' NAGO AND CONGRATULATING THEM FOR THEIR LONG AND DISTINGUISHED SERVICE TO THE COMMUNITY OF PEARL CITY THROUGH THE LITTLE LEAGUE PROGRAM", was jointly offered by Senators Kuroda, Ching, Young, Chong, Takitani, Yamasaki, Hulten, Leopold, Soares, Saiki, Ushijima, Anderson, King, F. Wong, Hara, O'Connor, Toyofuku, Yee, George, Henderson, Taira, R. Wong, Nishimura and Kawasaki.

On motion by Senator Young, seconded by Senator Kuroda and carried, S.R. No. 476 was adopted.

A resolution (S.R. No. 477), entitled: "SENATE RESOLUTION EXTENDING

CONGRATULATIONS TO THE ELIGIBLE PARTICIPANTS AND COACHES TO THE HAWAII STATE FORENSIC TOURNAMENT", was jointly offered by Senators Ching, Toyofuku, Taira, Takitani, Ushijima, F. Wong, Kawasaki, R. Wong, Kuroda, Hulten, Yamasaki, Young, Leopold, Soares, George, Saiki, Anderson, Yee, O'Connor, Chong, Henderson, King and Hara.

On motion by Senator Ching, seconded by Senator Taira and carried, S.R. No. 477 was adopted.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 993-78) informing the Senate that Governor's Message Nos. 256 to 258, Senate Resolution Nos. 470 to 476, Conference Committee Report No. 58-78 and Standing Committee Report Nos. 994-78 to 1092-78 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.

At this time, Senator R. Wong, for the Committee on Ways and Means, presented reports (Stand. Com. Rep. Nos. 1084-78 and 1086-78) recommending that Senate Resolution No. 340, S.D. 1, and Senate Resolution No. 341, S.D. 1, respectively, be adopted.

On motion by Senator R. Wong, seconded by Senator Kuroda and carried, the reports of the Committee were adopted and S.R. No. 340, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF AN ORTHOPEDIC UNIT TO SERVE ORTHOPEDICALLY HANDICAPPED AND OTHER HEALTH IMPAIRED CHILDREN IN THE KAUAI, MAUI, HAWAII, WINDWARD, LEEWARD, AND CENTRAL SCHOOL DISTRICTS", and S.R. No. 341, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT FUNDING FOR THE INFANT AND CHILD DEVELOPMENT PROGRAMS BE INCLUDED IN THE 1979-1981 BIENNIAL BUDGET", were adopted.

Senator Kuroda, then rose to state, "... that the parents from the Infant and Child Development Program from the Pearl City Health Center are here to observe and to see to fruition and final action these resolutions which call for the Health Department and the Department of Education to provide such services in the coming fiscal year." He added, "... that the parents have followed these resolutions and want to emphasize to this body the importance of the action that the resolutions request."

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 994-78) recommending that House Concurrent Resolution No. 8, H.D. 1, be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and H.C.R. No. 8, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING SUPPORT FOR THE CONTINUED USE OF ETHYLENE DIBROMIDE FOR USE IN PAPAYA, PINEAPPLE, AND OTHER AGRICULTURAL PRODUCTION", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 995-78) recommending that House Concurrent Resolution No. 10, H.D. 1, be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and H.C.R. No. 10, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE CAPITAL INFUSION PROMOTION PROGRAM", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 996-78) recommending that House Concurrent Resolution No. 26 be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, Stand. Com. Rep. No. 996-78 was adopted and, Roll Call having been requested, H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO DISPOSE OF PUBLIC LANDS FOR AGRICULTURAL PURPOSES BY MEANS OTHER THAN PUBLIC AUCTION", was adopted on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Kawasaki). Excused, 1 (F. Wong).

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 997-78) recommending that House Concurrent Resolution No. 30, H.D. 1, be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and H.C.R. No. 30, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION AND APPROPRIATE STATE AGENCIES TO ASSIST THE SUGAR INDUSTRY IN MEETING THE STANDARDS OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 998-

78) recommending that House Concurrent Resolution No. 92 be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PROVISION OF ADDITIONAL FEDERAL RESOURCES TO STRENGTHEN FEDERAL AGRICULTURAL RELATED INSPECTION REQUIREMENTS AT SELECTED MAJOR AIRPORTS IN THE STATE OF HAWAII", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 999-78) recommending that House Concurrent Resolution No. 110 be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE MANAGEMENT OF FISH IN THE HAWAIIAN ARCHIPELAGO", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1000-78) recommending that Senate Resolution No. 125 be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and S.R. No. 125, entitled: "SENATE RESOLUTION REQUESTING A STATE FISHERIES DEVELOPMENT MASTER PLAN STUDY", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1001-78) recommending that Senate Resolution No. 126 be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and S.R. No. 126, entitled: "SENATE RESOLUTION RELATING TO HYPOBARIC CONTAINERS FOR FISH", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1002-78) recommending that Senate Resolution No. 127 be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and S.R. No. 127, entitled: "SENATE RESOLUTION RELATING TO COMMERCIAL FISHING VESSEL FINANCING", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1003-78) recommending that Senate Resolution No. 128 be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and S.R. No. 128, entitled: "SENATE RESOLUTION RELATING TO THE MARKETING OF HAWAIIAN FISHERIES PRODUCTS", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1004-78) recommending that Senate Resolution No. 129, as amended in S.D. 1, be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and S.R. No. 129, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO THE CONCURRENT TESTING OF CULTURED AND NEAR-SHORE BAITFISH", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1005-78) recommending that Senate Resolution No. 136 be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and S.R. No. 136, entitled: "SENATE RESOLUTION REQUESTING THE DEVELOPMENT OF THE STATE'S WATER SUPPLIES AND SYSTEMS TO SUPPORT AGRICULTURE", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1006-78) recommending that Senate Resolution No. 155 be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and S.R. No. 155, entitled: "SENATE RESOLUTION RELATED TO THE DEVELOPMENT OF THE HAWAIIAN FISHING INDUSTRY", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1007-78) recommending that Senate Resolution No. 274 be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and S.R. No. 274, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF WATER SYSTEMS IN THE HAKALAU AREA", was adopted.

Senator F. Wong, for the Committee

on Economic Development, presented a report (Stand. Com. Rep. No. 1008-78) recommending that Senate Resolution No. 347 be adopted.

On motion by Senator Hara, seconded by Senator Taira and carried, the report of the Committee was adopted and S.R. No. 347, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO CONDUCT A STUDY OF THE FEASIBILITY OF ESTABLISHING A FOREIGN TRADE MART ON THE BIG ISLAND", was adopted.

Senators Chong and O'Connor, for the Committees on Health and Transportation, presented a joint report (Stand. Com. Rep. No. 1009-78) recommending that Senate Resolution No. 174, as amended in S.D. 1, be adopted.

On motion by Senator Chong, seconded by Senator O'Connor and carried, the joint report of the Committees was adopted and S.R. No. 174, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF TRANSPORTATION TO FORMULATE RULES REGULATING BOAT NOISE", was adopted.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1010-78) recommending that Senate Resolution No. 224, as amended in S.D. 1, be adopted.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.R. No. 224, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY ON THE HONOLULU POLICE DEPARTMENT'S POLICY OF REFUSING TO ISSUE CITATIONS AT THE SCENE OF AUTOMOBILE ACCIDENTS AND ITS EFFECT ON THE HAWAII NO-FAULT LAW", was adopted.

Senator Nishimura, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1011-78) recommending that Senate Resolution No. 404, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, the report of the Committee was adopted and S.R. No. 404, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING VARIOUS DEPARTMENTS OF THE STATE OF HAWAII TO PREPARE A REPORT ON THE AWARDED OF PUBLIC CONTRACTS FOR DESIGN AND CONSTRUCTION", was referred to the Committee on Legislative Management.

Senator O'Connor for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1012-78) recommending that House Concurrent Resolution No. 33 be adopted.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PLANNING AND CONSTRUCTION OF A NEW ROAD CONNECTING HIGHWAYS 31 AND 37 NEAR MAKENA, MAUI", was adopted.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1013-78) recommending that Senate Resolution No. 154 be adopted.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and S.R. No. 154, entitled: "SENATE RESOLUTION REQUESTING BOATING INDUSTRY REVIEW OF WATER TRANSPORTATION PLANS", was adopted.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1014-78) recommending that Senate Resolution No. 267, as amended in S.D. 1, be adopted.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and S.R. No. 267, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING ACTION ON FLOODING PROBLEMS IN THE KAPULENA-KUKUIHAELE AREAS ON THE ISLAND OF HAWAII", was adopted.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1015-78) recommending that Senate Resolution No. 286, as amended in S.D. 1, be adopted.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and S.R. No. 286, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT TWIN ENGINE HELICOPTER AIRCRAFT BE ASSIGNED IN SUPPORT OF THE UNITED STATES ARMY MILITARY ASSISTANCE TO SAFETY AND TRAFFIC (MAST) PROGRAM IN HAWAII TO PROVIDE SERVICE TO THE NEIGHBOR ISLAND COMMUNITIES OF THE STATE", was adopted.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1016-78) recommending that Senate Resolution No. 356, as amended in S.D. 1, be adopted.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and S.R. No. 356, S.D. 1, entitled: "SENATE

RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO SUBMIT APPROPRIATE INFORMATION RELATING TO THE PROPOSED IMPROVEMENTS TO LUNALILO FREEWAY AND THE IMPLEMENTATION OF THE MAKAI BOULEVARD CONCEPT", was adopted.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1017-78) recommending that Senate Resolution No. 364 be adopted.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and S.R. No. 364, entitled: "SENATE RESOLUTION REQUESTING DISCUSSION OF POSSIBLE SOLUTIONS TO CONCERNS REGARDING INTERISLAND SURFACE TRANSPORTATION", was adopted.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1018-78) recommending that Senate Resolution No. 373 be adopted.

On motion by Senator O'Connor, seconded by Senator Ching and carried, the report of the Committee was adopted and S.R. No. 373, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO RE-EXAMINE THE CARPOOLING CONCEPT IN HAWAII", was adopted.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. No. 1019-78) recommending that Senate Resolution No. 208, as amended in S.D. 1, be adopted.

On motion by Senator Hulten, seconded by Senator King and carried, the report of the Committee was adopted and S.R. No. 208, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A MORATORIUM ON FEDERAL ENCROACHMENT UPON STATE WATERS IN THE NORTHWESTERN HAWAIIAN ISLANDS", was adopted.

Senators Hara and Takitani, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 1020-78) recommending that Governor's Message No. 142 be placed on file in the President's Office.

On motion by Senator Hara, seconded by Senator Takitani and carried, the joint report of the Committees was adopted and Gov. Msg. No. 142, entitled: "REPORT ON S.R. No. 386-77, RELATING TO DEVELOPMENTAL AND REMEDIAL EDUCATION", was placed on file in the President's Office.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1021-78) recommending that House Concurrent Resolution No. 20 be adopted.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and H.C.R. No. 20, entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING SUPPORT FOR A COMPREHENSIVE STATE FAMILY PLANNING PROGRAM", was adopted.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1022-78) recommending that Senate Resolution No. 406 be referred to the Committee on Legislative Management.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and S.R. No. 406, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF SIGNIFICANT HEALTH CONCERNS", was referred to the Committee on Legislative Management.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1023-78) recommending that Senate Resolution No. 15, as amended in S.D. 1, be adopted.

On motion by Senator Young, seconded by Senator Toyofuku and carried, the report of the Committee was adopted and S.R. No. 15, S.D. 1, entitled: "SENATE RESOLUTION URGING CONGRESS TO AMEND THE NATIONAL HOUSING ACT IN RELATION TO FEDERAL INSURANCE OF MORTGAGES ON LEASEHOLD PROPERTY", was adopted.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1024-78) recommending that the Senate advise and consent to the nominations of Eugene K. Jimenez, Barney B. Menor, Gary Bonifacio, Elizabeth C. Abrisce, Newton K. Miyagi, Wilhelm G. Solheim, II, Ph.D., David Paco, Jacob M. Manegdeg, Raquel J. R. Andres, Gervacio Buenconsejo, Milagros S. Medallon, James J. M. Misajon, Danilo E. Ponce, M.D., Ben V. Cruz, Jr., and William W. Paty, Jr., to the Filipino 75th Anniversary Commemoration Commission, in accordance with Governor's Message No. 3.

By unanimous consent, action on Stand. Com. Rep. No. 1024-78 and Gov. Msg. No. 3 was deferred until Friday, April 14, 1978.

Senator Toyofuku, for the Committee on Human Resources, presented a report



(Stand. Com. Rep. No. 1025-78) recommending that the Senate advise and consent to the nominations of Henry B. Clark, Jr., Alan M. Glomb, Bill L. Hindman, Ann C. Ito, Thomas A. Jones, Henry S. Kuniyuki, Ah Kee Leong, Toshio Nishioka, Robert C. Pittman, Mary S. Shern, Mikki (Madeleine F.) Smith and Patricia D. Young, to the Commission on the Handicapped, in accordance with Governor's Message No. 4.

By unanimous consent, action on Stand. Com. Rep. No. 1025-78 and Gov. Msg. No. 4 was deferred until Friday, April 14, 1978.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1026-78) recommending that the Senate advise and consent to the nominations of John J. Marabella and Bernadette H. Sakoda to the Hawaii Employment Relations Board, in accordance with Governor's Message No. 134.

By unanimous consent, action on Stand. Com. Rep. No. 1026-78 and Gov. Msg. No. 134 was deferred until Friday, April 14, 1978.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1027-78) recommending that the Senate advise and consent to the nominations of Herbert K. Apaka, Jr., Joseph Pontanilla and David Cheever to the Board of Social Services and Housing, in accordance with Governor's Message No. 135.

By unanimous consent, action on Stand. Com. Rep. No. 1027-78 and Gov. Msg. No. 135 was deferred until Friday, April 14, 1978.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1028-78) recommending that the Senate advise and consent to the nominations of Richard E. Ando, M.D., Shiro Amioka, Ph.D., and Masako H. Ledward to the Education Commission of the States, in accordance with Governor's Message No. 226.

By unanimous consent, action on Stand. Com. Rep. No. 1028-78 and Gov. Msg. No. 226 was deferred until Friday, April 14, 1978.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1029-78) recommending that the Senate advise and consent to the nominations of Stephen A. Werbel, Ph.D., Nancy N. Sakamoto, Louise B. Bonner, Ethel A. Ward, Carolyn M. Watada and Sister Brenda Lau to

the Hawaii Education Council, in accordance with Governor's Message No. 227.

By unanimous consent, action on Stand. Com. Rep. No. 1029-78 and Gov. Msg. No. 227 was deferred until Friday, April 14, 1978.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1030-78) recommending that the Senate advise and consent to the nominations of Molly Y. Chur, Robert K. Fujita, Robert H. Gahrn, M. Naomi Morita, Wayne W. K. Chang, Richard T. H. Soo, Beatrice Los Banos Ranis, Phyllis H. Spalding and Margaret H. Cameron to the State Foundation on Culture and the Arts, in accordance with Governor's Message No. 228.

By unanimous consent, action on Stand. Com. Rep. No. 1030-78 and Gov. Msg. No. 228 was deferred until Friday, April 14, 1978.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1031-78) recommending that the Senate advise and consent to the nominations of William R. Norwood and Don J. Daley to the Hawaii Community Development Authority, in accordance with Governor's Message No. 218.

By unanimous consent, action on Stand. Com. Rep. No. 1031-78 and Gov. Msg. No. 218 was deferred until Friday, April 14, 1978.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1032-78) recommending that the Senate advise and consent to the nominations of Christobel K. Kealoha, Stanley Yadao and Joseph K. Bright to the Hawaiian Homes Commission, in accordance with Governor's Message No. 238.

By unanimous consent, action on Stand. Com. Rep. No. 1032-78 and Gov. Msg. No. 238 was deferred until Friday, April 14, 1978.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1033-78) recommending that the Senate advise and consent to the nominations of William S. Chee, Stanley K. Ito and John D. Waihee, III, to the Advisory Council for Housing and Construction Industry, in accordance with Governor's Message No. 239.

By unanimous consent, action on Stand. Com. Rep. No. 1033-78 and Gov. Msg. No. 239 was deferred until Friday, April 14, 1978.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1034-78) recommending that the Senate advise and consent to the nominations of Wayne T. Takahashi and Lawrence N. C. Ing to the Hawaii Housing Authority, in accordance with Governor's Message No. 240.

By unanimous consent, action on Stand. Com. Rep. No. 1034-78 and Gov. Msg. No. 240 was deferred until Friday, April 14, 1978.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1035-78) recommending that the Senate advise and consent to the nominations of Edward M. Cantere, Ralph B. Cherry, Glen S. Arakaki, Walter Tagawa, Alvin N. Kekauoha and Howard M. Shima, to the Factory-Built Housing Advisory Board, in accordance with Governor's Message No. 241.

By unanimous consent, action on Stand. Com. Rep. No. 1035-78 and Gov. Msg. No. 241 was deferred until Friday, April 14, 1978.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1036-78) recommending that the Senate advise and consent to the nominations of Constance E. Dobson and Francisco Latorre to the Advisory Commission on Manpower and Full Employment, in accordance with Governor's Message No. 5.

By unanimous consent, action on Stand. Com. Rep. No. 1036-78 and Gov. Msg. No. 5 was deferred until Friday, April 14, 1978.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1037-78) recommending that the Senate advise and consent to the nominations of Frederick K. Lee and Dora L. Tong to the Board of Vocational Rehabilitation, in accordance with Governor's Message No. 89.

By unanimous consent, action on Stand. Com. Rep. No. 1037-78 and Gov. Msg. No. 89 was deferred until Friday, April 14, 1978.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1038-78) recommending that the Senate advise and consent to the nominations of Roy M. Asato, Cesar Portugal, William F. Remular, Walter M. Ouye, Richard O. Aadland, Ernesto Bautista,

Tom T. Hiranaga, Frank Skrivanek, Lillian A. Yamanaka and Toru Suzuki to the Advisory Commission on Manpower and Full Employment, in accordance with Governor's Message No. 152.

By unanimous consent, action on Stand. Com. Rep. No. 1038-78 and Gov. Msg. No. 152 was deferred until Friday, April 14, 1978.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1039-78) recommending that the Senate advise and consent to the nominations of Julie-Ellen K. Simmons and Takumi Akama to the Civil Service Commission, in accordance with Governor's Message No. 184.

By unanimous consent, action on Stand. Com. Rep. No. 1039-78 and Gov. Msg. No. 184 was deferred until Friday, April 14, 1978.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1040-78) recommending that the Senate advise and consent to the nomination of Tsunao Miyamoto to the Policy Advisory Board for Elderly Affairs, in accordance with Governor's Message No. 185.

By unanimous consent, action on Stand. Com. Rep. No. 1040-78 and Gov. Msg. No. 185 was deferred until Friday, April 14, 1978.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1041-78) recommending that the Senate advise and consent to the nominations of Maggie Beth Arruda (Kauai), Toshio Kubota (Maui) and Roy A. Williams (Hawaii) to the Commission on the Handicapped, in accordance with Governor's Message No. 186.

By unanimous consent, action on Stand. Com. Rep. No. 1041-78 and Gov. Msg. No. 186 was deferred until Friday, April 14, 1978.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1042-78) recommending that the Senate advise and consent to the nomination of William Y. Thompson as Chairman, Board of Land and Natural Resources, in accordance with Governor's Message No. 2.

By unanimous consent, action on Stand. Com. Rep. No. 1042-78 and Gov. Msg. No. 2 was deferred until Friday, April 14, 1978.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1043-

78) recommending that the Senate advise and consent to the nominations of Lawrence F. Chun, Seiji Naya, Ph.D., and James W. Y. Wong to the Board of Planning and Economic Development, in accordance with Governor's Message No. 84.

By unanimous consent, action on Stand. Com. Rep. No. 1043-78 and Gov. Msg. No. 84 was deferred until Friday, April 14, 1978.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1044-78) recommending that the Senate advise and consent to the nominations of Kenneth K. Komori, John M. Hirashima and Albert S. Nagahisa, Sr., to the Advisory Committee on Flowers and Foliage, in accordance with Governor's Message No. 149.

By unanimous consent, action on Stand. Com. Rep. No. 1044-78 and Gov. Msg. No. 149 was deferred until Friday, April 14, 1978.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1045-78) recommending that the Senate advise and consent to the nomination of Frederick S. Nonaka to the Advisory Committee on Agricultural Products, in accordance with Governor's Message No. 175.

By unanimous consent, action on Stand. Com. Rep. No. 1045-78 and Gov. Msg. No. 175 was deferred until Friday, April 14, 1978.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1046-78) recommending that the Senate advise and consent to the nominations of Steven S. Hirano, Richard H. Cox and Hinano M. Paleka to the Commission on the Year 2000, in accordance with Governor's Message No. 176.

By unanimous consent, action on Stand. Com. Rep. No. 1046-78 and Gov. Msg. No. 176 was deferred until Friday, April 14, 1978.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1047-78) recommending that the Senate advise and consent to the nominations of Suzanne D. Peterson, James E. Nishida, Federico Galdones and Ernest F. Morgado to the Board of Agriculture, in accordance with Governor's Message No. 229.

By unanimous consent, action on

Stand. Com. Rep. No. 1047-78 and Gov. Msg. No. 229 was deferred until Friday, April 14, 1978.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1048-78) recommending that the Senate advise and consent to the nominations of Hitoshi Mogi, Yolande Liane and Charles K. Martin to the Commission on Population and the Hawaiian Future, in accordance with Governor's Message No. 230.

By unanimous consent, action on Stand. Com. Rep. No. 1048-78 and Gov. Msg. No. 230 was deferred until Friday, April 14, 1978.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1049-78) recommending that the Senate advise and consent to the nominations of Stanley W. Hong, Roland H. Higashi and Thomas S. Yagi to the Board of Land and Natural Resources, in accordance with Governor's Message No. 231.

By unanimous consent, action on Stand. Com. Rep. No. 1049-78 and Gov. Msg. No. 231 was deferred until Friday, April 14, 1978.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1050-78) recommending that the Senate advise and consent to the nominations of George R. Pascua, Carol B. Whitesell and Edward K. Yanai to the Land Use Commission, in accordance with Governor's Message No. 232.

By unanimous consent, action on Stand. Com. Rep. No. 1050-78 and Gov. Msg. No. 232 was deferred until Friday, April 14, 1978.

Senator Ching, for the Committee on Military and Civil Defense, presented a report (Stand. Com. Rep. No. 1051-78) recommending that the Senate advise and consent to the nominations of Mac Villaverde and Tin Seong Goo to the Pacific War Memorial Commission, in accordance with Governor's Message No. 221.

By unanimous consent, action on Stand. Com. Rep. No. 1051-78 and Gov. Msg. No. 221 was deferred until Friday, April 14, 1978.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1052-78) recommending that the Senate advise and consent to the nominations of John E. Smith, Sr., and William Y. Nakamatsu to the Advisory Commission on Transportation,

in accordance with Governor's Message No. 202.

By unanimous consent, action on Stand. Com. Rep. No. 1052-78 and Gov. Msg. No. 202 was deferred until Friday, April 14, 1978.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1053-78) recommending that the Senate advise and consent to the nominations of Stanley E. Harter, Ronald N. De La Cruz, Betty Mae Chanel, Major Bernard Sukanuma, Lt. Gary H. Matsumura, Sgt. Joseph Dart, III, and Wayne K. Tsukiyama, to the State Highway Safety Council, in accordance with Governor's Message No. 247.

By unanimous consent, action on Stand. Com. Rep. No. 1053-78 and Gov. Msg. No. 247 was deferred until Friday, April 14, 1978.

Senator O'Connor, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1054-78) recommending that the Senate advise and consent to the nomination of F. Karl Teshima, Jr., to the State Highway Safety Council, in accordance with Governor's Message No. 248.

By unanimous consent, action on Stand. Com. Rep. No. 1054-78 and Gov. Msg. No. 248 was deferred until Friday, April 14, 1978.

Senator Takitani, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1055-78) recommending that the Senate advise and consent to the nomination of Claudio R. Suyat to the State Postsecondary Education Commission, in accordance with Governor's Message No. 133.

By unanimous consent, action on Stand. Com. Rep. No. 1055-78 and Gov. Msg. No. 133 was deferred until Friday, April 14, 1978.

Senator Takitani, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1056-78) recommending that the Senate advise and consent to the nominations of Gerald Pang-Ching, Sunao Miyabara, Melvyn T. Murakami, Franklin M. Tokioka and John C. J. Yuen to the Board of Directors, Research Corporation of the University of Hawaii, in accordance with Governor's Message No. 183.

By unanimous consent, action on Stand. Com. Rep. No. 1056-78 and Gov. Msg. No. 183 was deferred until Friday, April 14, 1978.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1057-78) recommending that the Senate advise and consent to the nominations of Satoru Takamiya and Atsushi Hirano to the Board of Taxation Review, 4th Taxation District, Kauai, in accordance with Governor's Message No. 203.

By unanimous consent, action on Stand. Com. Rep. No. 1057-78 and Gov. Msg. No. 203 was deferred until Friday, April 14, 1978.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1058-78) recommending that the Senate advise and consent to the nominations of Wendell H. Martin, Sr., and Fred C. Blanco to the Board of Taxation Review, 1st Taxation District, Oahu, in accordance with Governor's Message No. 204.

By unanimous consent, action on Stand. Com. Rep. No. 1058-78 and Gov. Msg. No. 204 was deferred until Friday, April 14, 1978.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1059-78) recommending that the Senate advise and consent to the nominations of Alfred P. Fernandez, Saburo Fujisaki and Hideo Okada to the Stadium Authority, in accordance with Governor's Message No. 249.

By unanimous consent, action on Stand. Com. Rep. No. 1059-78 and Gov. Msg. No. 249 was deferred until Friday, April 14, 1978.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1060-78) recommending that the Senate advise and consent to the nomination of Hugo Coutandin to the Hawaii Board of Taxation Review, in accordance with Governor's Message No. 250.

By unanimous consent, action on Stand. Com. Rep. No. 1060-78 and Gov. Msg. No. 250 was deferred until Friday, April 14, 1978.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1061-78) recommending that the Senate advise and consent to the nomination of Patsy S. Kinoshita to the Maui County Hospital Management Advisory Committee, in accordance with Governor's Message No. 255.

By unanimous consent, action on Stand. Com. Rep. No. 1061-78 and Gov. Msg. No. 255 was deferred until Friday, April

14, 1978.

Senator Hara, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1062-78) recommending that House Concurrent Resolution No. 44, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Hara, seconded by Senator Yim and carried, the report of the Committee was adopted and H.C.R. No. 44, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONTINUATION OF THE 'FOLLOW THROUGH' PROGRAM", was adopted.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1063-78) recommending that House Concurrent Resolution No. 134, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and H.C.R. No. 134, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF JOB SHARING AMONG NURSES IN THE DEPARTMENT OF HEALTH", was referred to the Committee on Legislative Management.

Senator Chong, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1064-78) recommending that House Concurrent Resolution No. 136 be referred to the Committee on Legislative Management.

On motion by Senator Chong, seconded by Senator Takitani and carried, the report of the Committee was adopted and H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REVIEW OF THE MANAGEMENT AND OPERATIONS OF THE COUNTY/STATE HOSPITAL SYSTEM", was referred to the Committee on Legislative Management.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1065-78) recommending that House Concurrent Resolution No. 27 be adopted.

On motion by Senator Hara, seconded by Senator Takitani and carried, the report of the Committee was adopted and H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY AND RECOMMENDATIONS FOR AN AGRICULTURAL WATER POLICY FOR THE STATE OF HAWAII", was adopted.

Senator F. Wong, for the Committee

on Economic Development, presented a report (Stand. Com. Rep. No. 1066-78) recommending that House Concurrent Resolution No. 93 be adopted.

On motion by Senator Hara, seconded by Senator Takitani and carried, the report of the Committee was adopted and H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE ENDORSEMENT FOR THE ESTABLISHMENT AND OPERATION OF A MASS FRUIT FLY REARING LABORATORY ON OAHU FOR RESEARCH RELATING TO THE ERADICATION OF FRUIT FLIES AND IMPLEMENTATION OF AN ERADICATION PROGRAM", was adopted.

Senator F. Wong, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1067-78) recommending that Senate Resolution No. 312, as amended in S.D. 1, be adopted.

On motion by Senator Hara, seconded by Senator Takitani and carried, the report of the Committee was adopted and S.R. No. 312, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO ENCOURAGING RESEARCH IN TROPICAL AGRICULTURE IN HAWAII TO HELP ALLEVIATE WORLD HUNGER", was adopted.

Senators Hara and Takitani, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 1068-78) recommending that House Concurrent Resolution No. 113, as amended in S.D. 1, be adopted.

On motion by Senator Hara, seconded by Senator Takitani and carried, the joint report of the Committees was adopted and H.C.R. No. 113, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO CONTINUE SUPPORT OF THE UNIVERSITY OF HAWAII TEACHER CORPS IN-SERVICE TRAINING PROGRAM IN THE 13TH CYCLE TEACHER CORPS PROJECT-1978.", was adopted.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1069-78) recommending that House Concurrent Resolution No. 69 be adopted.

On motion by Senator King, seconded by Senator Hulten and carried, the report of the Committee was adopted and H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR S.1820, THE 'NATURAL DIVERSITY ACT'", was adopted.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1070-78) recommending that House

Concurrent Resolution No. 72, H.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator King, seconded by Senator Hulten and carried, the report of the Committee was adopted and H.C.R. No. 72, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO PREPARE A REPORT ON THE ECONOMIC IMPACT ON THE STATE OF HAWAII OF DEPOSIT-AND-RETURN LEGISLATION", was referred to the Committee on Legislative Management.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1071-78) recommending that the Senate advise and consent to the nominations of Brother Oliver M. Aiu, S.M., Michael Paul Matsumoto and Jack Kellner to the Environmental Council, in accordance with Governor's Message No. 233.

By unanimous consent, action on Stand. Com. Rep. No. 1071-78 and Gov. Msg. No. 233 was deferred until Friday, April 14, 1978.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1072-78) recommending that the Senate advise and consent to the nominations of Richard S. C. Mau, John E. K. Akana, Henry F. Alves, J. Ming Chew and Miles A. Kinley to the Environmental Quality Commission, in accordance with Governor's Message No. 234.

By unanimous consent, action on Stand. Com. Rep. No. 1072-78 and Gov. Msg. No. 234 was deferred until Friday, April 14, 1978.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1073-78) recommending that the Senate advise and consent to the nominations of Calvin K. Harada and Alvin M. Inoue to the Fish and Wildlife Advisory Committee, County of Hawaii, in accordance with Governor's Message No. 235.

By unanimous consent, action on Stand. Com. Rep. No. 1073-78 and Gov. Msg. No. 235 was deferred until Friday, April 14, 1978.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1074-78) recommending that the Senate advise and consent to the nominations of John Duarte and Philip M. Yamagata to the Fish and Wildlife Advisory Committee,

County of Kauai, in accordance with Governor's Message No. 236.

By unanimous consent, action on Stand. Com. Rep. No. 1074-78 and Gov. Msg. No. 236 was deferred until Friday, April 14, 1978.

Senator King, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1075-78) recommending that the Senate advise and consent to the nominations of R-M. Keahi Allen, Rose L. Jackman, John R. Topolinski, Mary Lani Rawlins, Rowena K. Keaka, Howard H. Crowell, George W. Kaniho and Vernon K. White, to the King Kamehameha Celebration Commission, in accordance with Governor's Message No. 237.

By unanimous consent, action on Stand. Com. Rep. No. 1075-78 and Gov. Msg. No. 237 was deferred until Friday, April 14, 1978.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1076-78) recommending that House Bill No. 704, H.D. 1, pass Third Reading.

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. 704, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND".

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1077-78) recommending that House Bill No. 2123-78, H.D. 2, pass Third Reading.

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. 2123-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY PHYSICIAN PROGRAM".

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1078-78) recommending that House Bill No. 3059-78, H.D. 1, pass Third Reading.

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. 3059-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND FIRE PROTECTION".

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1079-78) recommending that House Bill No. 225 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.B. No. 225, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 14, 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. 225.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1080-78) recommending that House Bill No. 1907-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.B. No. 1907-78, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 14, 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. 1907-78.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1081-78) recommending that House Bill No. 2191-78, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.B. No. 2191-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATION OF TAXES", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 14, 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. 2191-78, H.D. 1.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1082-78) recommending that House Bill No. 2478-78, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator R. Wong,

seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.B. No. 2478-78, H.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE REPAIR AND MAINTENANCE OF PUBLIC FACILITIES AND MAKING APPROPRIATIONS THEREFOR", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 14, 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. 2478-78, H.D. 1.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1083-78) recommending that Senate Resolution No. 18 be adopted.

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.R. No. 18, entitled: "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO CLARIFY THE PROVISIONS OF THE INTERNAL REVENUE CODE CONCERNING THE SALE OF RESIDENTIAL LEASEHOLD LAND", was adopted.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1085-78) recommending that Senate Resolution No. 332 be adopted.

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.R. No. 332, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO REVIEW AND AMEND ITS TAX APPEALS PROCEDURE", was adopted.

Senator R. Wong, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1087-78) recommending that Senate Resolution No. 362, S.D. 1, be adopted.

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.R. No. 362, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO TUITION WAIVERS FOR UNIVERSITY OF HAWAII MUSIC MAJORS", was adopted.

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

The Senate reconvened at 11:42 o'clock a.m.

Senator R. Wong, for the Committee on Ways and Means, presented a report

(Stand. Com. Rep. No. 1088-78) recommending that House Concurrent Resolution No. 35 be adopted.

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ADDITIONAL SUPPORT FOR THE STATE ARCHIVES", was adopted.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1089-78) recommending that House Bill No. 939, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Young, seconded by Senator Toyofuku and carried, the report of the Committee was adopted and H.B. No. 939, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 14, 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. 939, H.D. 1.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1090-78) recommending that House Bill No. 2114-78, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Young, seconded by Senator Toyofuku and carried, the report of the Committee was adopted and H.B. No. 2114-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 14, 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. 2114-78, H.D. 1.

Senator Young, for the Committee on Housing and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1091-78) recommending that House Bill No. 2171-78 pass Second Reading and be placed on the calendar for Third Reading.

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

the report of the Committee was adopted and H.B. No. 2171-78, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 14, 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. 2171-78.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1092-78) recommending that House Bill No. 1066 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Toyofuku, seconded by Senator Young and carried, the report of the Committee was adopted and H.B. No. 1066, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 14, 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. 1066.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1093-78) recommending that the Senate advise and consent to the nominations of Walter Nunokawa, Ph.D., George T. Okuhara, Masao Seto and Josephine E. Day to the State Advisory Council for Children and Youth, in accordance with Governor's Message No. 245.

By unanimous consent, action on Stand. Com. Rep. No. 1093-78 and Gov. Msg. No. 245 was deferred until Friday, April 14, 1978.

#### ORDER OF THE DAY

#### MATTER DEFERRED FROM APRIL 12, 1978

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

Senator R. Wong moved that S.B. No. 350, S.D. 2, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator King.

Senator George then rose to speak against the bill and stated as follows:

"Mr. President, I better explain myself because I wouldn't want to be thought pro-waste or save-the-sewage, but I have a real hang up of conscience with it.



This problem exists. There is a problem, there is no question about it. But I'm not really sure that this bill is the way to handle it. What we have are a few dozen malfunctioning private wastewater treatment plants. Now this bill exempts from the requirements for certification the employees of large operations. In other words, industrial operations and agricultural operations. It also exempts the very large private treatment plant such as Hawaii Kai. What's left then under the applicability of this bill are the employees or the resident managers, actually, or small condominiums and housing projects in areas that are not served by sewers.

Certifying the employees I don't think is going to solve the problem. The problem is one that was created by government.

I sat on the City Council and cheerfully approved the siting of housing projects, lowcost housing projects, condominiums, in areas not served by sewers. The requirement for this approval was that the State Department of Health certify the projects, the wastewater treatment system as okay, which they did. Government caused the problem because the systems are failing, because they are lousy systems. They are second grade, poor, schlock systems and even the Department of Health will admit that. We are now trying to cure this problem by certifying the employees that are supposed to take care of these junk systems. It's government's fault, it's government's problem, I think government ought to make the people whole.

Now, the Department of Health has told us that it isn't going to cost the State anything. Who it's going to cost are the people who live in these housing projects and in these condominiums, under circumstances that we permitted to them. My conscience just won't let me stick them with it.

Thank you, Mr. President."

Senator Yee also rose to speak against the bill and stated:

"Mr. President, I speak not only on the merits of the bill but on its legal technicality.

I have been informed by our minority legal staff that the bill is defective in the sense that the title is rather narrow. It really relates to mandatory certification of operating personnel in wastewater treatment facilities.

While we read through the bill, it embraces a dozen other major items

of substance that is not within the title as required by the Constitution.

On this basis, I find that this is a very defective bill and I must vote against it."

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

"Mr. President, I find myself also in a quandary because I think my distinguished colleague from the Third Senatorial District is in agreement that something ought to be done. I am in disagreement with her with reference to the certification aspect.

We have been informed by the Department of Health that it's these small operations that are of great concern to the Department of Health. That, if nothing is done, there is a good possibility that some of these small operators may contaminate our own water supply.

Now, with reference to the distinguished minority leader about the legality of the title of this measure, Mr. President, I have with me a copy of an Attorney General's Opinion which says that the content of the bill can fit within the title as described in the bill. The copy is before me, I'd be more than willing to share this with my distinguished colleague, the minority leader. If not, Mr. President, I would like to ask that this Honorable Body vote in favor of this measure."

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 350, S.D. 2, and 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", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 10 (Anderson, George, Henderson, Kawasaki, Leopold, Saiki, Soares, Taira, Toyofuku and Yee). Excused, 1 (F. Wong).

#### CONFERENCE COMMITTEE REPORT

Senator R. Wong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2618-78, H.D. 1, presented a report (Conf. Com. Rep. No. 59-78) recommending that H.B. No. 2618-78, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given

on the Final Reading of H.B. No. 2618-78, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY".

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

The Senate reconvened at 12:43 o'clock p.m.

#### FINAL READING

Conference Committee Report No. 46-78 (H.B. No. 3039-78, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator R. Wong, seconded by Senator Yamasaki and carried, Conf. Com. Rep. No. 46-78 was adopted and H.B. No. 3039-78, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1977 TO JUNE 30, 1979", having been read throughout, passed Final 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, none. Excused, 2 (King and F. Wong).

Conference Committee Report No. 4-78 (S.B. No. 2005-78, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator R. Wong, seconded by Senator Hara and carried, Conf. Com. Rep. No. 4-78 was adopted and S.B. No. 2005-78, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (King and F. Wong).

Conference Committee Report No. 5-78 (H.B. No. 2689-78, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hulten, seconded by Senator Hara and carried, Conf. Com. Rep. No. 5-78 was adopted and H.B. No. 2689-78, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (King and F. Wong).

Conference Committee Report No.

6-78 (H.B. No. 2756-78, S.D. 2, C.D. 1):

On motion by Senator Hara, seconded by Senator Hulten and carried, Conf. Com. Rep. No. 6-78 was adopted and H.B. No. 2756-78, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATED TO LAND USE", having been read throughout passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (King and F. Wong).

Conference Committee Report No. 7-78 (H.B. No. 2170-78, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator R. Wong, seconded by Senator Young and carried, Conf. Com. Rep. No. 7-78 was adopted and H.B. No. 2170-78, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (King and F. Wong).

Conference Committee Report No. 8-78 (H.B. No. 3046-78, S.D. 2, C.D. 1):

On motion by Senator R. Wong, seconded by Senator Nishimura and carried, Conf. Com. Rep. No. 8-78 was adopted and H.B. No. 3046-78, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION FEES FOR PSYCHOLOGIST LICENSES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Anderson). Excused, 2 (King and F. Wong).

Conference Committee Report No. 9-78 (S.B. No. 2386-78, S.D. 2, H.D. 2, C.D. 1):

Senator R. Wong moved that Conf. Com. Rep. No. 9-78 be adopted and S.B. No. 2386-78, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chong.

At this time, Senator Ching rose to state as follows:

"Mr. President, I don't mean to stretch out any discussions on this bill but I think I would be remiss, having been present at the inception of the Committee hearings, the genesis of this bill, that this bill would not be on our desks today were it not for the efforts of a lot of people - the staff, the parties involved,

and one Senator in particular and I think she knows who I am talking about."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 9-78 was adopted and S.B. No. 2386-78, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEM", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (F. Wong).

Conference Committee Report No. 10-78 (S.B. No. 2436-78, H.D. 1, C.D. 1):

On motion by Senator King, seconded by Senator Chong and carried, Conf. Com. Rep. No. 10-78 was adopted and S.B. No. 2436-78, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (F. Wong).

Conference Committee Report No. 11-78 (H.B. No. 2293-78, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator King, seconded by Senator Hulten and carried, Conf. Com. Rep. No. 11-78 was adopted and H.B. No. 2293-78, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (F. Wong).

Conference Committee Report No. 12-78 (H.B. No. 992, S.D. 2, C.D. 1):

On motion by Senator R. Wong, seconded by Senator Yim and carried, Conf. Com. Rep. No. 12-78 was adopted and H.B. No. 992, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (F. Wong).

At 12:48 o'clock p.m., the Senate

stood in recess subject to the call of the Chair.

The Senate reconvened at 12:50 o'clock p.m.

Conference Committee Report No. 13-78 (S.B. No. 1622-78, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator R. Wong, seconded by Senator Nishimura and carried, Conf. Com. Rep. No. 13-78 was adopted and S.B. No. 1622-78, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Anderson, George, Henderson, Kawasaki, Saiki, Soares and Yee). Excused, 1 (F. Wong).

Conference Committee Report No. 14-78 (H.B. No. 2185-78, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator R. Wong, seconded by Senator Toyofuku and carried, Conf. Com. Rep. No. 14-78 was adopted and H.B. No. 2185-78, H.D. 2, S.D. 1, C.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 Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (F. Wong).

Conference Committee Report No. 15-78 (S.B. No. 893, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator R. Wong, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 15-78 was adopted and S.B. No. 893, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (F. Wong).

Conference Committee Report No. 16-78 (H.B. No. 514, S.D. 1, C.D. 1):

On motion by Senator R. Wong, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 16-78 was adopted and H.B. No. 514, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", having been read throughout, passed Final Reading on

the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (F. Wong).

Conference Committee Report No. 17-78 (S.B. No. 2464-78, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Ching and carried, Conf. Com. Rep. No. 17-78 was adopted and S.B. No. 2464-78, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE POLLUTION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (F. Wong).

Conference Committee Report No. 21-78 (S.B. No. 1643-78, H.D. 2, C.D. 1):

On motion by Senator Nishimura, seconded by Senator Chong and carried, Conf. Com. Rep. No. 21-78 was adopted and S.B. No. 1643-78, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFIED COPIES OF VITAL RECORDS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (F. Wong).

Conference Committee Report No. 22-78 (S.B. No. 2523-78, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Nishimura, seconded by Senator Kuroda and carried, Conf. Com. Rep. No. 22-78 was adopted and S.B. No. 2523-78, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOTELS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (F. Wong).

Conference Committee Report No. 23-78 (H.B. No. 227, S.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 23-78 was adopted and H.B. No. 227, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FRANCHISE INVESTMENT LAW", having been read throughout, passed Final Reading

on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Kawasaki). Excused, 1 (F. Wong).

Conference Committee Report No. 24-78 (H.B. No. 425, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator Taira and carried, Conf. Com. Rep. No. 24-78 was adopted and H.B. No. 425, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Anderson and Ching). Excused, 1 (F. Wong).

Conference Committee Report No. 25-78 (H.B. No. 429, S.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator Taira and carried, Conf. Com. Rep. No. 25-78 was adopted and H.B. No. 429, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (F. Wong).

Conference Committee Report No. 26-78 (H.B. No. 491, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 26-78 was adopted and H.B. No. 491, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VANDALISM IN THE SCHOOLS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (F. Wong).

At this time, the President directed the Clerk to note the presence of Senator F. Wong.

Conference Committee Report No. 27-78 (H.B. No. 1838-78, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 27-78 was adopted and H.B. No. 1838-78, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO PUBLIC HEALTH AND MORALS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 28-78 (H.B. No. 1879-78, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 28-78 was adopted and H.B. No. 1879-78, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE CONCERNING PENALTIES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 29-78 (H.B. No. 1920-78, S.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator Taira and carried, Conf. Com. Rep. No. 29-78 was adopted and H.B. No. 1920-78, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 30-78 (H.B. No. 2085-78, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator Taira and carried, Conf. Com. Rep. No. 30-78 was adopted and H.B. No. 2085-78, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING PERMITS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 31-78 (H.B. No. 2118-78, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 31-78 was adopted and H.B. No. 2118-78, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITING, PEDDLING, AND DISORDERLY CONDUCT", having been read throughout,

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

Ayes, 25. Noes, none.

Conference Committee Report No. 32-78 (H.B. No. 2248-78, S.D. 2, C.D. 1):

On motion by Senator Nishimura, seconded by Senator Hulten and carried, Conf. Com. Rep. No. 32-78 was adopted and H.B. No. 2248-78, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL POWERS OF COUNTIES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 33-78 (H.B. No. 2312-78, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 33-78 was adopted and H.B. No. 2312-78, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM PROBATE CODE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 34-78 (H.B. No. 2319-78, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Nishimura, seconded by Senator Hulten and carried, Conf. Com. Rep. No. 34-78 was adopted and H.B. No. 2319-78, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF WOMEN", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 35-78 (H.B. No. 2403-78, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator Young and carried, Conf. Com. Rep. No. 35-78 was adopted and H.B. No. 2403-78, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 36-78 (H.B. No. 2611-78, H.D. 1, S.D.

1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 36-78 was adopted and H.B. No. 2611-78, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 37-78 (H.B. No. 2764-78, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator R. Wong, seconded by Senator Nishimura and carried, Conf. Com. Rep. No. 37-78 was adopted and H.B. No. 2764-78, H.D. 2, S.D. 1, C.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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 38-78 (H.B. No. 3049-78, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Nishimura, seconded by Senator Hulten and carried, Conf. Com. Rep. No. 38-78 was adopted and H.B. No. 3049-78, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE MARSHAL", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 39-78 (H.B. No. 3060-78, S.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator Chong and carried, Conf. Com. Rep. No. 39-78 was adopted and H.B. No. 3060-78, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL CLAIM CONCILIATION PANELS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 40-78 (H.B. No. 2102-78, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator R. Wong, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 40-78 was adopted and H.B. No. 2102-78, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TAXES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (George, Henderson, Leopold and Soares).

Conference Committee Report No. 41-78 (H.B. No. 2895-78, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator Kuroda and carried, Conf. Com. Rep. No. 41-78 was adopted and H.B. No. 2895-78, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTACHMENT AND EXECUTION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 42-78 (S.B. No. 2332-78, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator R. Wong, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 42-78 was adopted and S.B. No. 2332-78, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 43-78 (H.B. No. 1987-78, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Young, seconded by Senator Toyofuku and carried, Conf. Com. Rep. No. 43-78 was adopted and H.B. No. 1987-78, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLD", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 44-78 (S.B. No. 782, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Taira and carried, Conf. Com. Rep. No. 44-78 was adopted and S.B. No. 782, S.D. 1, H.D. 1, C.D. 1):

1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR-BIKES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 45-78 (H.B. No. 490, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Hara, seconded by Senator Yim and carried, Conf. Com. Rep. No. 45-78 was adopted and H.B. No. 490, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REPLACEMENT OF SCHOOL BOOKS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 47-78 (S.B. No. 2202-78, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 47-78 and S.B. No. 2202-78, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 48-78 (S.B. No. 2114-78, H.D. 1, C.D. 1):

On motion by Senator Hara, seconded by Senator Yim and carried, Conf. Com. Rep. No. 48-78 was adopted and S.B. No. 2114-78, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A JOB-SHARING PILOT PROJECT IN THE DEPARTMENT OF EDUCATION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 49-78 (H.B. No. 2850-78, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hara, seconded by Senator Yim and carried, Conf. Com. Rep. No. 49-78 was adopted and H.B. No. 2850-78, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMBLEMS AND SYMBOLS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 50-78 (H.B. No. 1779-78, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator R. Wong, seconded by Senator Nishimura and carried, Conf. Com. Rep. No. 50-78 was adopted and H.B. No. 1779-78, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE JUDICIARY FOR THE FISCAL BIENNIIUM JULY 1, 1977, TO JUNE 30, 1979, AND AUTHORIZING THE ISSUANCE OF BONDS", having been read throughout, passed Final Reading by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 51-78 (H.B. No. 1998-78, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator King, seconded by Senator Hulten and carried, Conf. Com. Rep. No. 51-78 was adopted and H.B. No. 1998-78, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 52-78 (H.B. No. 2827-78, H.D. 2, S.D. 2, C.D. 1):

Senator R. Wong moved that Conf. Com. Rep. No. 52-78 be adopted and H.B. No. 2827-78, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hara.

At this time, Senator R. Wong rose to state as follows:

"Mr. President, before voting on this measure I would like the record to note that on the Conference Committee Report of this particular measure, the references to 'registered practical nurse' on page 2 of the report should be corrected to read, 'registered professional nurse.'

Otherwise, Mr. President, the language in the bill is okay."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 52-78 was adopted and H.B. No. 2827-78, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 53-78 (H.B. No. 2239-78, H.D. 2, S.D. 2, C.D. 1):

Senator R. Wong moved that Conf. Com. Rep. No. 53-78 be adopted and H.B. No. 2239-78, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nishimura.

Senator Kawasaki then stated:

"Mr. President, I just wanted to point out one oversight on the part of the Conference Committee that acted on this bill.

As the Senate draft emerged from the Judiciary Committee, we did provide for compensation for the chairman of the Crime Commission who is to be appointed by two-thirds vote of the Legislature. However, there is no provision for salary in this Conference draft. I assume that when the Legislature meets next session and appoints a chairman for the Crime Commission, at that time, a salary will be assigned to this position."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 53-78 was adopted and H.B. No. 2239-78, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CRIME COMMISSION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 54-78 (H.B. No. 1885-78, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 54-78 and H.B. No. 1885-78, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 55-78 (H.B. No. 1803-78, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator R. Wong, seconded by Senator Toyofuku and carried, Conf. Com. Rep. No. 55-78 was adopted and H.B. No. 1803-78, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 56-78 (S.B. No. 1820-78, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 56-78 and S.B. No. 1820-78, S.D. 2, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 57-78 (S.B. No. 2595-78, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 57-78 was adopted and S.B. No. 2595-78, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OBSTRUCTION OF JUSTICE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 58-78 (S.B. No. 2581-78, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator Young and carried, Conf. Com. Rep. No. 58-78 was adopted and S.B. No. 2581-78, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### MATTERS DEFERRED FROM APRIL 12, 1978

Standing Committee Report No. 922-78 (Gov. Msg. No. 6):

Senator Nishimura moved that Stand. Com. Rep. No. 922-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Hawaii Commission on Crime, as follows:

Rafael P. Acoba, term to expire December 31, 1978;

Gene A. Albano, term to expire December 31, 1978;

Reverend John D. Beck, term to expire December 31, 1978;

Maggie Bunson, term to expire December 31, 1978;

A. Van Horn Diamond, term to expire December 31, 1978;

Alwyn Kakuda, term to expire December 31, 1978;

Thomas T. Oshiro, term to expire



December 31, 1978;

Boric Peroff, term to expire December 31, 1978;

Anson O. Rego, term to expire December 31, 1978;

Frank P. White, Jr., term to expire December 31, 1978; and

Napua Stevens Poire, term to expire December 31, 1978,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 923-78 (Gov. Msg. Nos. 9, 127 and 192):

Senator Nishimura moved that Stand. Com. Rep. No. 923-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Board of Radiologic Technologists, as follows:

James R. Williams, M.D., term to expire December 31, 1980;

Roland W. Clements, term to expire December 31, 1981;

Franklin V. Gamundoy, term to expire December 31, 1981; and

Paul A. DeMare, M.D. term to expire December 31, 1978,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 924-78 (Gov. Msg. No. 65):

Senator Nishimura moved that Stand. Com. Rep. No. 924-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Board of Public Accountancy, as follows:

Robert Cisco, term to expire December

31, 1981; and

Howard K. Hiroki, term to expire December 31, 1981,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 925-78 (Gov. Msg. No. 66):

Senator Nishimura moved that Stand. Com. Rep. No. 925-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nomination of Benjamin A. Querubin to the Board of Barbers, term to expire December 31, 1981, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 926-78 (Gov. Msg. No. 67):

Senator Nishimura moved that Stand. Com. Rep. No. 926-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Contractors License Board, as follows:

George V. Clark, term to expire December 31, 1981;

Larry S. Isemoto, term to expire December 31, 1981; and

Masayuki Yamamoto, term to expire December 31, 1981,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 927-78 (Gov. Msg. No. 68):

Senator Nishimura moved that Stand.

Com. Rep. No. 927-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nomination of Yoshie O. Ung, to the Board of Cosmetology, term to expire December 31, 1981, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 928-78 (Gov. Msg. No. 69):

Senator Nishimura moved that Stand. Com. Rep. No. 928-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nomination of Alexander D. Jamile to the Criminal Injuries Compensation Commission, term to expire December 31, 1981, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 929-78 (Gov. Msg. Nos. 70 and 189):

Senator Nishimura moved that Stand. Com. Rep. No. 929-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Motor Vehicle Repair Industry Board, as follows:

Jesse W. Baker, Jr., term to expire December 31, 1981;

Peggy M. S. Priest, term to expire December 31, 1981; and

Nelson N. Nishida, term to expire December 31, 1979,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 930-78 (Gov. Msg. No. 71):

Senator Nishimura moved that Stand. Com. Rep. No. 930-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nomination of Duke Silva to the Board of Registration, Island of Hawaii, term to expire December 31, 1981, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 931-78 (Gov. Msg. No. 72):

Senator Nishimura moved that Stand. Com. Rep. No. 931-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nomination of Camille Y. Yamamoto to the Board of Registration, Island of Oahu, term to expire December 31, 1981, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 932-78 (Gov. Msg. No. 73):

Senator Nishimura moved that Stand. Com. Rep. No. 932-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nomination of Sozen Yogi to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, term to expire December 31, 1981, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 933-78 (Gov. Msg. No. 74):

Senator Nishimura moved that Stand.

Com. Rep. No. 933-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nomination of William C. Bergin, D.V.M., to the Board of Veterinary Examiners, term to expire December 31, 1981, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 934-78 (Gov. Msg. No. 122):

Senator Nishimura moved that Stand. Com. Rep. No. 934-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nomination of Edward Y. Hirashima, D.D.S., to the Boxing Commission, term to expire December 31, 1981, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 935-78 (Gov. Msg. No. 123):

Senator Nishimura moved that Stand. Com. Rep. No. 935-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the CATV Advisory Committee, as follows:

Carmen K. L. Nakasone, term to expire December 31, 1981; and

Antone C. Cacatian, Sr., term to expire December 31, 1981,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 936-78 (Gov. Msg. No. 124):

Senator Nishimura moved that Stand. Com. Rep. No. 936-78 be received and placed on file, seconded by Senator O'Connor and carried.

Senator Nishimura then moved that the Senate advise and consent to the nomination of Wilson P. Cannon, Jr., to the Commission for Judicial Qualification, term to expire December 31, 1981, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 937-78 (Gov. Msg. No. 125):

Senator Nishimura moved that Stand. Com. Rep. No. 937-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nomination of David S. De Luz, Sr., to the Motor Vehicle Industry Licensing Board, term to expire December 31, 1978, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 938-78 (Gov. Msg. No. 126):

Senator Nishimura moved that Stand. Com. Rep. No. 938-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Hawaii Public Broadcasting Authority, as follows:

Alvin T. Harrington, term to expire December 31, 1983;

Teruo Ihara, Ph.D., term to expire December 31, 1983; and

Willa F. Shackley, term to expire December 31, 1983,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 939-78 (Gov. Msg. No. 128):

Senator Nishimura moved that Stand. Com. Rep. No. 939-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Real Estate Commission, as follows:

Tadayoshi Ishizu, term to expire December 31, 1981; and

Toru Kawakami, term to expire December 31, 1981,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 940-78 (Gov. Msg. No. 129):

Senator Nishimura moved that Stand. Com. Rep. No. 940-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Commission to Promote Uniform Legislation, as follows:

John A. Chanin, Esq., term to expire December 31, 1981; and

Robert S. Toyofuku, Esq., term to expire December 31, 1979,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 941-78 (Gov. Msg. No. 153):

Senator Nishimura moved that Stand. Com. Rep. No. 941-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Board of Certification for Practicing Psychologists, as follows:

Jayne G. Garside, Ph.D., term to expire December 31, 1981; and

Janis Ishihara Obara, term to expire December 31, 1981,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 942-78 (Gov. Msg. No. 154):

Senator Nishimura, for the majority of the Committee on Judiciary, moved that Stand. Com. Rep. No. 942-78 be received and placed on file.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Board of Electricians and Plumbers, as follows:

Raymond C. Thomas, term to expire December 31, 1981; and

Mario A. Selvaggio, term to expire December 31, 1981,

seconded by Senator O'Connor and carried.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 943-78 (Gov. Msg. No. 155):

Senator Nishimura moved that Stand. Com. Rep. No. 943-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nomination of Mike M. Hashimoto to the Board of Massage, term to expire December 31, 1981.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 944-78 (Gov. Msg. No. 156):

Senator Nishimura moved that Stand. Com. Rep. No. 944-78 be received and placed on file, seconded by Senator

O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nomination of John S. San Diego, Sr., to the Board of Private Detectives and Guards, term to expire December 31, 1981, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 945-78 (Gov. Msg. No. 157):

Senator Nishimura moved that Stand. Com. Rep. No. 945-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Cemetery and Mortuary Board as follows:

R. Gregg Hall, term to expire December 31, 1981; and

Linda B. Cravalho, term to expire December 31, 1981,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 946-78 (Gov. Msg. No. 158):

Senator Nishimura moved that Stand. Com. Rep. No. 946-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Collection Agency Board, as follows:

Ricardo E. Olegario, term to expire December 31, 1980;

Doris E. Ikeda, term to expire December 31, 1981; and

Joseph G. Lewis, term to expire December 31, 1981,

seconded by Senator O'Connor.

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

Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 947-78 (Gov. Msg. No. 187):

Senator Nishimura moved that Stand. Com. Rep. No. 947-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nomination of Kwanlin L. K. Wong, D.C., to the Board of Chiropractic Examiners, term to expire December 31, 1981, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 948-78 (Gov. Msg. No. 188):

Senator Nishimura moved that Stand. Com. Rep. No. 948-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Elevator Mechanics Licensing Board, as follows:

Albert K. Wagner, term to expire December 31, 1980;

Joseph S. Durante, term to expire December 31, 1981; and

Francis Y. Yamashiro, term to expire December 31, 1981,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 949-78 (Gov. Msg. No. 190):

Senator Nishimura moved that Stand. Com. Rep. No. 949-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nomination of James J. Korstad to the Board of Dispensing Opticians, term to expire December 31, 1979, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 950-78 (Gov. Msg. No. 191):

Senator Nishimura moved that Stand. Com. Rep. No. 950-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nomination of James H. Sakamoto, O.D., to the Board of Examiners in Optometry, term to expire December 31, 1981, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 951-78 (Gov. Msg. Nos. 193, 194, 195, 196, 197, 198, 199, 200 and 201):

Senator Nishimura moved that Stand. Com. Rep. No. 951-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Commission on the Status of Women, as follows:

Norma Jean China, term to expire December 31, 1978;

Rosita Villanueva, term to expire December 31, 1981;

Mary Charles, term to expire December 31, 1981;

Cobey Black, term to expire December 31, 1981;

Diane DeBruno Cox, term to expire December 31, 1981;

Oretta Mapu Togafau, term to expire December 31, 1981;

Sharon Y. Moriwaki, Ph.D., term to expire December 31, 1981;

Clara J. Teixeira, term to expire December 31, 1981; and

Lyn A. Hemings, term to expire December 31, 1981,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 952-78 (Gov. Msg. No. 219):

Senator Nishimura moved that Stand. Com. Rep. No. 952-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, as follows:

William B. C. Hee, term to expire Decmeber 31, 1981;

Kenneth C. W. Kwock, term to expire December 31, 1981;

Melvin S. Kuraoka, term to expire December 31, 1981; and

Dennis T. Toyomura, term to expire December 31, 1981,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 953-78 (Gov. Msg. No. 220):

Senator Nishimura moved that Stand. Com. Rep. No. 953-78 be received and placed on file, seconded by Senator O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nomination of Joan H. Yamamoto to the Board of Registration- Kauai and Niihau, term to expire December 31, 1981, seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 954-78 (Gov. Msg. No. 246):

Senator Nishimura moved that Stand. Com. Rep. No. 954-78 be received and placed on file, seconded by Senator

O'Connor.

Senator Nishimura then moved that the Senate advise and consent to the nominations to the Board of Acupuncture, as follows:

Randy K.D. Chun, term to expire December 31, 1981; and

Duane M. Murray, term to expire December 31, 1981,

seconded by Senator O'Connor.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 955-78 (Gov. Msg. No. 206):

Senator Hara moved that Stand. Com. Rep. No. 955-78 be received and placed on file, seconded by Senator Yim.

Senator Hara then moved that the Senate advise and consent to the nominations to the City and County of Honolulu Library Advisory Commission, as follows:

Patricia W. Buckman, term to expire December 31, 1981;

Amy S. Hinazumi, term to expire December 31, 1981; and

Thomas L. Pickard, Jr., term to expire December 31, 1981,

seconded by Senator Yim.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 956-78 (Gov. Msg. No. 207):

Senator Hara moved that Stand. Com. Rep. No. 956-78 be received and placed on file, seconded by Senator Yim.

Senator Hara then moved that the Senate advise and consent to the nominations to the Hawaii County Library Advisory Commission, as follows:

Emmaline P. Navarro, term to expire December 31, 1981;

Diane Mae Miyaji, term to expire December 31, 1981; and

Mary Jane Hashimoto, term to expire December 31, 1980,

seconded by Senator Yim.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 957-78 (Gov. Msg. No. 208):

Senator Hara moved that Stand. Com. Rep. No. 957-78 be received and placed on file, seconded by Senator Yim.

Senator Hara then moved that the Senate advise and consent to the nominations to the Kauai County Library Advisory Commission, as follows:

Eleanor L. D. Tamura, term to expire December 31, 1981;

Kathleen A. Koerte, term to expire December 31, 1981;

Danita M. Aiu, term to expire December 31, 1981;

Richard C. P. Chun, term to expire December 31, 1981;

Rose Marie Swaney, term to expire December 31, 1981; and

Margaret R. O'Leary, term to expire December 31, 1981,

seconded by Senator Yim.

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

Ayes, 25. Noes, none.

At 1:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:05 o'clock p.m.

### THIRD READING

Standing Committee Report No. 959-78 (H.B. No. 1948-78):

On motion by Senator Nishimura, seconded by Senator Taira and carried, Stand. Com. Rep. No. 959-78 was adopted and H.B. No. 1948-78, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4

(Hulten, King, Kuroda and O'Connor).

Standing Committee Report 960-78  
(H.B. No. 2192-78, H.D. 1):

On motion by Senator Nishimura, seconded by Senator Taira and carried, Stand. Com. Rep. No. 960-78 was adopted and H.B. No. 2192-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMOBILE NO-FAULT INSURANCE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4  
(Hulten, King, Kuroda and O'Connor).

Standing Committee Report No. 961-78 (H.B. No. 2252-78, H.D. 1):

On motion by Senator Nishimura, seconded by Senator Taira and carried, Stand. Com. Rep. No. 961-78 was adopted and H.B. No. 2252-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2  
(Hulten and O'Connor).

Standing Committee Report No. 962-78 (H.B. No. 2385-78, H.D. 2):

On motion by Senator Nishimura, seconded by Senator Taira and carried, Stand. Com. Rep. No. 962-78 was adopted and H.B. No. 2385-78, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EXAMINERS IN NATUROPATHY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2  
(Hulten and O'Connor).

Standing Committee Report No. 963-78 (H.B. No. 2388-78, H.D. 1):

On motion by Senator Nishimura, seconded by Senator Taira and carried, Stand. Com. Rep. No. 963-78 was adopted and H.B. No. 2388-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PODIATRY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2  
(Hulten and O'Connor).

Standing Committee Report No. 964-78 (H.B. No. 3047-78, H.D. 1):

On motion by Senator Nishimura, seconded by Senator Taira and carried, Stand. Com. Rep. No. 964-78 was adopted and H.B. No. 3047-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2  
(Hulten and O'Connor).

House Bill No. 64, H.D. 1:

On motion by Senator Nishimura, seconded by Senator Taira and carried, H.B. No. 64, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILE CORRECTIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 1430:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1430, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL APPEALS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 1539, H.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1539, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL SURETIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 1877-78, H.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1877-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES AND PROCEDURE ON ARREST, INTERPRETATION AND SEVERABILITY IN THE STATEWIDE TRAFFIC CODE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 1878-78:



On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1878-78, entitled: "A BILL FOR AN ACT RELATING TO NOTICE IN GUARDIANSHIP OF THE PERSON PROCEEDINGS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 1881-78, H.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1881-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUITS BY AND AGAINST THE STATE AND CONFERRING JURISDICTION UPON DISTRICT COURTS IN SAID SUITS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1882-78, H.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1882-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS ELIGIBLE FOR APPOINTMENT AS GUARDIAN OF THE PERSON OF MINORS AND INCAPACITATED PERSONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1949-78, H.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1949-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1963-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1963-78, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1970-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 1970-78, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY SERVICE AS A SENTENCING ALTERNATIVE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

House Bill No. 2105-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2105-78, entitled: "A BILL FOR AN ACT RELATING TO PROOF OF FINANCIAL RESPONSIBILITY REQUIRED UPON CONVICTION OF CERTAIN OFFENSES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2242-78, H.D. 1:

By unanimous consent, action on H.B. No. 2242-78, H.D. 1, was deferred to the end of the calendar.

House Bill No. 2303-78, H.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2303-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2305-78:

Senator Nishimura moved that H.B. No. 2305-78, having been read throughout, pass Third Reading, seconded by Senator O'Connor.

Senator Yee then rose to explain why he is voting against the bill and stated:

"Mr. President, this bill provides for penalties against credit card offenders of a fine of not more than \$1,000 with not more than one year imprisonment, or both. At the same time, the bill makes this a Class C penalty in the statute.

The Class C section in the Penal Code states that felons convicted under the Class C section could be asked to pay a maximum of \$5,000.

There will be some confusion on the part of the judge, for penalties of credit card offenses when this specific law states, a fine of not more than \$1,000 and then making it a Class C felony also. In the Class C felony section today

it is stated that a convicted felon could be asked to pay up to \$5,000 in fines. The ambiguity may cause this bill to be declared by the court as invalid.

Please register my 'no' vote."

By unanimous consent, action on H.B.No. 2305-78 was deferred to the end of the calendar.

House Bill No. 2306-78, H.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2306-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COSTS OF COURT ORDERS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2394-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2394-78, 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, 25. Noes, none.

House Bill No. 2400-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2400-78, entitled: "A BILL FOR AN ACT RELATING TO THE CHARGES COLLECTIBLE BY INDUSTRIAL LOAN COMPANIES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2432-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2432-78, entitled: "A BILL FOR AN ACT RELATING TO THE GARNISHMENT OF PROPERTY AND CHOSSES IN ACTION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2434-78, H.D. 1:

By unanimous consent, action on H.B. No. 2434-78, H.D. 1, was deferred to the end of the calendar.

House Bill No. 2612-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2612-78, entitled: "A BILL FOR AN ACT RELATING TO BANKING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2693-78, H.D. 1:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2693-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTE REVISION AND PUBLICATION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2784-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2784-78, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT, CHAPTER 425, HAWAII REVISED STATUTES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2814-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2814-78, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2845-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2845-78, entitled: "A BILL FOR AN ACT RELATING TO STATE LAW ENFORCEMENT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3054-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 3054-78, entitled: "A BILL FOR AN ACT RELATING TO VESSELS OR PROPERTY TAKEN INTO LEGAL CUSTODY AND PROHIBITING UNAUTHORIZED CONTROL THEREOF", having been read throughout, passed Third Reading on the following

showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 599, H.D. 1:

On motion by Senator Toyofuku, seconded by Senator Young and carried, H.B. No. 599, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 645, H.D. 1:

On motion by Senator Toyofuku, seconded by Senator Young and carried, H.B. No. 645, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2402-78, H.D. 1:

Senator Toyofuku moved that H.B. No. 2402-78, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Young.

Senator Yee then rose to speak against the measure, as follows:

"Mr. President, I'd like to ask the Committee Chairman of this particular bill to look at it again because it seems quite restrictive and it limits the fishermen who would like to get rid of one of our parasites in our waters. This bill restricts noncommercial fishermen from taking more than 50 mosquito fishes or 50 tilapia at any one time that they fish in the Ala Wai Canal.

I think all of us know that the tilapia has been a very disrupting factor in our ecological life - in our streams and our waterways. As far as I'm concerned, if the tilapias were all eliminated from the Ala Wai Canal the mullets in the Ala Wai Canal would be able to reproduce much more rapidly than they are now.

The historical fisherman that we used to see at the Ala Wai Canal had a little ramp or platform that he sat on all day with a line to catch mullet. You don't see them today because of the tilapias.

This bill, if it passes, seems like a rather heavy law on the people who would like to fish for tilapia or who

probably consume tilapia. I think tilapia is a parasite in our islands and I wish all of you to support me in voting against the measure.

Thank you, Mr. President."

Senator King then added:

"Mr. President, I just want to respond to the previous speaker. I am not rising to speak on behalf of the tilapia or anything, but as I understand this bill, and it didn't come out of my Committee, but, as I understand this bill, right now you cannot use a small mesh net in the Ala Wai Canal to catch tilapia.

There has been pressure from the House saying that there are a number of fishermen who would like to use a small mesh net in the Ala Wai Canal to catch mosquito fish, tabai or tilapia, which they are not allowed to do right now. This bill would allow them to catch up to 50 fishes with a mesh net. Presently, you can only do pole fishing at the Ala Wai.

Thank you, Mr. President."

Senator O'Connor rose to state that as a correction to the two comments made previously, "the first section of this bill prevents any fishing at all on the Ala Wai."

Senator F. Wong rose to request that the bill be deferred to the end of the calendar.

Then Senator Yim rose to object to the request on behalf of the hundreds of young people that want to fish on the Ala Wai and added that the Senate should act on the bill favorably at this time.

The motion was put by the Chair and carried, and H.B. No. 2402-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conference Committee Report No. 47-78 (S.B. No. 2202-78, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 47-78 and H.B. No. 2202-78, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

At 2:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:45 o'clock p.m.

Conference Committee Report No. 54-78 (H.B. No. 1885-78, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 54-78 and H.B. No. 1885-78, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 56-78 (S.B. No. 1820-78, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 56-78 and S.B. No. 1820-78, S.D. 2, H.D. 1, C.D. 1, was deferred to the end of the calendar.

House Bill No. 2242-78, H.D. 1:

Senator Nishimura moved that H.B. No. 2242-78, H.D. 1, having been read throughout pass Third Reading, seconded by Senator Young.

Senator Nishimura then rose to state:

"Mr. President, for the record, I would like to correct the Committee report's purpose clause or purpose statement, or read into the record what the purpose statement should be rather than what is written in Standing Committee Report No. 976-78.

What had happened was that when we prepared the Committee Report on House Bill No. 2242-78, H.D. 1, we had taken what we had previously drafted for a companion Senate bill. The purpose statement in the Standing Committee Report does not exactly reflect what is in the House draft.

For the record, the purpose of this bill is to amend the present laws relating to theft in the third degree by shoplifting, by providing that the court may require minors to perform public services in lieu of a fine.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 2242-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY FOR THEFT BY SHOPLIFTING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2305-78:

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, H.B. No. 2305-78, entitled:

"A BILL FOR AN ACT RELATING TO PENALTIES FOR CREDIT CARD OFFENSES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2434-78, H.D. 1:

Senator Nishimura rose to state: "Although I am the Chairman of the Judiciary Committee, I intend to vote 'no' and speak against this bill, therefore, I yield to the Vice Chairman of the Judiciary Committee."

Senator O'Connor then moved that H.B. No. 2434-78, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ching.

Senator Leopold then rose to state:

"Mr. President, in the purpose section of this bill, the first sentence, it states that, '...in order to protect effectively the privacy of wire and oral communications while fighting serious or organized crime...' - it's these two considerations that I have found in conflict in my mind as I've wrestled with this bill.

The original House Bill 2434, I support. The House later decided to remove certain civil rights safeguards in this measure and sent the House draft over to the Senate. In the deliberations of the Senate Judiciary Committee I attempted to put back the safeguards into the bill but when the vote was taken on putting back those safeguards, unfortunately, only one other Senator voted in support of it and that was my colleague from the Sixth Senatorial District, Senator Anson Chong.

I would very briefly like to point out some of the safeguards that I have been concerned about in the bill. The definition of 'organized crime' on page 4 of the bill, I believe, is too vague. I wanted the definition to be more, to be tighter. I wanted the definition for 'organized crime' to say, 'any combination or conspiracy to engage in criminal activity as a significant source of income'. The original bill had 'as a source of income' and I would have preferred to have the word 'significant' added to that. The present definition that is in the House draft which we are voting on this afternoon says, 'Organized crime is any combination or conspiracy to engage in criminal activity.'

Another concern that I have in this bill is found on page 16. One of the safeguards that has been put in this bill which has been pointed out by supporters of the bill as a very important safeguard, and I would concur, is that there has

to be an adversary hearing where a judge will appoint an attorney to oppose the application for the wiretap. The appointed attorney, however, is given only 24 hours notice of the hearing under the House draft we are voting on I would prefer to see more time for adequate notice.

Another safeguard which I am concerned about was what has been called the 'minimization of the invasion of privacy factor' in the bill. The original bill required that conversations, in which none of the persons involved as named in the application and order, shall not be interrupted. That provision was removed in the House draft. The present language says, '... conversations that appear unlikely to result in incriminating conversations relating to the offense for which the order is issued shall be subject to intermittent monitoring.' I would have preferred the language in the original bill which said 'those conversations that appear unlikely to result in incriminating conversations relating to the offense not be interrupted at all.' But that is not contained in the draft.

In addition, in the original bill it was required that reports of the interruption of incriminating statements would be made as soon as practicable, after such interception, in order for the issuing judge to decide whether the interception should automatically terminate. This safeguard also does not appear in the House draft.

These are some of the concerns as to why I am not entirely satisfied with this bill. I've been wrestling with it and I've come to the conclusion that organized crime, like an octopus, has enveloped this State. There are many, many things that we'll have to give our police department and State enforcement officials in order that they can effectively fight organized crime in this State. A policeman and a policewoman puts his and her life on the line every day and I think its incumbent upon government to give them every tool possible with which to fight crime in this State.

Although I've wrestled with the bill, and the purpose clause has conflicting statements because I don't think it effectively protects the privacy of these wiretaps and the people involved, I feel that I have to support the Legislation with these serious reservations in the hope that in subsequent legislative sessions, perhaps next session, we can put back the safeguards which I think are very important to this legislation."

Senator Nishimura, then rose to speak against the bill, as follows:

Mr. President, as we know, it is a matter of common sense that wiretapping entails a significant interference with the privacy of citizens. Witnesses before the Judiciary Committee underscored this legislative concern. In a 1963 speech, former U.S. Senator Hiram L. Fong had this to say about electronic eavesdropping:

'What a terrible encroachment on one of the most valued rights of a citizen -- the right of privacy, the right to be personally secure. It was against precisely these kinds of police state tactics, this kind of tyranny, that our founding fathers rebelled from England and established our republic . . . . A wiretap cannot be limited to a particular person, place, or purpose. It is by its very nature unlimited and unlimitable. Whenever a tap is placed on a phone, it monitors all conversations on that phone, and every phone in the world which may be connected with it . . .

Of course, all Americans are concerned that those who violate the law are apprehended and convicted. But if wiretapping is made legal, is not the price we must pay, the loss of personal liberty, far too high a price?'

Mr. President, that precisely is the question: Is wiretap, and the diminution of privacy it entails, too high a price? And that can't be answered unless we consider the expected benefits which are claimed by the proponents of this snooping technique.

What are the benefits? Mr. President, this bill is touted as an organized crime measure, and I will say that if I believed wiretap would be effective against organized crime in Hawaii, I would not speak against the bill, because if we could reduce organized crime it would probably be worth the price. But the evidence is not there.

Even as employed by the FBI, the wiretap technique has not been effective against organized crime, as evidenced by the fact that 80% of the federal wiretaps have been used against gamblers and drug offenders. And of that 80%, all but a tiny handful were effective only against small-time criminals. The FBI admitted that most of the gambling taps, for example, were employed against 'mom and pop' bookie operations, and that most of the convictions they obtained in the courts resulted in suspended sentences.

There have been virtually no efforts

to combat organized crime by local prosecutors and local police in Hawaii. If, as many believe, we have an organized crime problem here, it will not be solved by wiretap. What it takes is trained personnel, commitment and allocation of resources. The problem to date, I suggest, has been lack of commitment, not lack of electronic gadgetry and snooping.

Will the police use wiretap only against organized crime figures? The bill defines organized crime as 'any combination or conspiracy to engage in criminal activity.' Since any two persons who commit a crime can be said to have combined or conspired, this 'limitation' in the bill is in reality no limitation at all. Thus, the bill, although hailed as an organized crime measure, is really a general crime-fighting measure, and as such the price, as former Senator Fong said, 'is too high.'

Finally, the bill is defective in that it omits two of the most important safeguards against unwarranted eavesdropping recommended by the crime commission. The first would have limited wiretaps to telephone conversations in which at least one of the speakers was named in the probable cause court order. That important safeguard has been deleted, and so as the bill now reads the police can listen to conversations even though neither speaker is a named target of the investigation. The point is that wiretap legislation should contain explicit prohibitions against listening to the conversations of persons unknown to the police just out of curiosity -- and experience has shown that wiretappers have almost unlimited curiosity. For this reason alone the bill should be defeated.

Moreover, the second important safeguard recommended by the crime commission and missing in the bill is the provision that would have required the police to report to the court whenever they hear incriminating conversations, so that the court -- and not the police -- can decide when the tap should terminate. Without this judicial supervision of the eavesdropper, experience again teaches that he will listen to everything said on a private or business telephone used even occasionally by a suspected criminal for the maximum duration of 30 days.

In summary, the wiretap bill should be rejected because: (1) it will invade the privacy of innocent citizens; (2) there is no reason to believe it will be effective against organized crime; and (3) it will permit unsupervised snooping into the conversations of

persons not even known to the police.

In this connection, Mr. President, I should like to quote from a statement that was made by Professor Schwartz in his article on current proposals to legalize wiretapping. He said: 'Sometimes it is said that innocent people have nothing to fear from their conversations being overheard. But this ignores the nature of conversation as well as the fact that most people have some aspects of their lives that they do not wish to expose. Free conversation is often characterized by exaggeration, obscenity, agreeable falsehoods, and the expression of anti-social desires or views not intended to be taken seriously. The unedited quality of conversation is essential if it is to preserve its intimate, personal and informal character. How anxious people are to preserve this unedited aspect of telephone conversations can be seen from the public reaction against the recording of telephone conversations even by one of the parties to the call. The objection, of course, is even more serious when it becomes a matter of having one's telephone conversations recorded by police agents. Government officials and business and political leaders are beginning to hesitate to employ the telephone so that we may be reaching a stage when the telephone's usefulness as an instrument of commerce and government is being impaired without demonstrable gains in law enforcement.'

On a more basic level, Mr. President, the question is: What kind of a society do we want to build in Hawaii? 'The trouble with wiretapping and similar techniques,' former U.S. Senator Fong warned, 'whatever their utility in safeguarding national security, is that a nation which countenances them ceases to be free.'

In a similar vein, former Attorney General Ramsey Clark put it this way: 'Invasion of privacy demeans the individual. Can a society be better than the people comprising it when a government degrades its citizens or permits them to degrade each other, however beneficial the specific purposes it limits opportunities for individual fulfillment and national accomplishment. If America permits fear in its failure to make basic social reforms, to excuse police use of secret electronic surveillance, the price will be dear indeed. The practice is incompatible for the free society.'

Mr. President, the evidence is in and I'm sorry to say that I fail to find by preponderance of the evidence that this bill is needed."

Senator Yee then rose to state, as follows:

"Mr. President, I rise to point out a very defective portion of this bill which I can't help but feel that the Attorney General would recommend to the Governor that this bill be vetoed.

Page 31 of the bill, as amended by House Draft 1, and the last page referring to Section 803-50, sets forth the duration that this bill is supposed to take effect. The section reads: 'This act shall be effective for a period of six years beginning "blank" and terminating "blank".'

There is a defect in the bill in that there is no definite period of duration, even though Section 3 of the bill states that this act shall take effect upon its approval.

I say that this will not negate the defect in the above section which relates to duration. All that Section 3 says is that 'this act shall take effect upon approval' means that all the material in here is law, but this law is going to hang in abeyance until our next session because there is no beginning period and we in the Legislature have failed to put the beginning period and the terminating period.

In our State Constitution in the enactment and passage of bills, and I refer to Article 3, Section 16, beginning on the second sentence, it says: 'No bill shall pass third or final reading in either house unless printed copies of the bill, in the form to be passed, shall have been made available to the members of the house at least 24 hours.'

Yes, we have the bill, but 'in the form to be passed' means that the bill must be complete. There can be no loose parts. There can be no misinterpretation.

I am a law and order man, and many of you know that, contrary to Senator Duke Kawasaki's popularity on the death penalty bill, I am the first Senator in this chamber to have introduced the death penalty bill years ago.

Unfortunately, this omission of the definite period of duration will kill this bill."

Senator Kawasaki then added:

"Mr. President, I pointed out the deficiency alluded to by the minority leader in Section 803-50 and believe that that defect, as he would refer to it, could be handled in subsequent sessions.

The Committee report clearly states

that the duration of this wiretap legislation would be in effect for six years, upon its approval.

By the time we meet next session, only one out of the six-year duration period would have passed. We could, by amendment, take care of the exclusion that bothers the minority leader.

In answer to a one man's opinion articulated by the Chairman of the Judiciary Committee that this wiretap legislation, as it is proposed, will in no way contain or affect the proliferation of organized criminal activities, may I just quote one section contained in this particular report. It says: 'In 1976 a National Commission for the Review of Federal and State Laws relating to electronic surveillance reaffirm the previous finding of the Congress that electronic surveillance is an indispensable, I repeat, is an indispensable aid to law enforcement in combating organized crime and recommended that states which have a significant rate of organized crime enact wiretap legislation.

In a similar vein, the Hawaii Commission on Crime in January, 1978, issued a report on wiretapping and proposed a model statute, 'designed to allow court ordered wiretapping to fight organized crime in Hawaii while protecting the privacy to the fullest extent possible without crippling law enforcement efforts.' This is contained in Wiretapping Report No. 122, issued by the Crime Commission.

I would like to think that I can place greater credence upon the judgment of a duly constituted congressional committee finding, as compared to one man's opinion as articulated by the Chairman of the Judiciary Committee.

I urge the passage of this legislation as concrete evidence to the public at large who are rightfully concerned about the proliferation of serious crimes, particularly as perpetrated by the organized criminal elements. But more particularly, as concrete evidence to the law enforcement agencies' personnel, some 2500 people dedicating their lives who, as Senator Leopold, said, daily put their lives on the line in performing their duties, to demonstrate to them very clearly and vividly that we do not only talk in the State Senate. We want to help them enforce the laws, help them to contain the alarming increase of serious crimes in this State.

I urge every member of this Senate to vote for this measure because we can show that in this session we did try to do something about the rising crime rate."

Senator Chong then rose to state:

"Mr. President, page 10 of this bill would have the public believe that it is designed to combat, and I quote the scare words: 'murder, kidnapping, property damage involving the danger of serious bodily injury, extortion, criminal coercion, bribery of a juror, or a witness or police officer, receiving stolen property, gambling and sales of dangerous, harmful or detrimental drugs.' These are the buzz words picked up by the media and transmitted to the public.

Mr. President, I am certain that all of us here are against these things. I am certain that all of us agree that those who violate the law should be caught and convicted. And I am certain that we want to give our hard working, dedicated law enforcement people all the help they need to combat crime.

This bill will not guarantee or even make a dent in eliminating that long list of scare words I mentioned earlier. But it can have serious negative effects on our open society. Is wiretapping an effective means of apprehending and convicting those directing organized crime? Can the court, as a practical matter, provide adequate supervision for wiretapping operations? Will the public's sense of confidence in law enforcement outweigh the growing sense that 'Big Brother' is out there gaining more and more control over their everyday activities?

Mr. President, I considered these questions and weighed the testimony of the Police Department and the Hawaii Commission on Crime against the very thorough testimony of Mr. Addison Bowman, Professor of Law at the University of Hawaii Law School and, to me personally, the most convincing statements of former U.S. Senator Hiram Fong submitted by the ILWU.

In summary, Mr. Bowman testified and, I quote, 'The proponents of electronic surveillance claim that the benefits of law enforcement outweigh the corrosive effects of individual privacy and dignity, but the results of federal and state surveillance conducted between 1968 and 1976 do not bear out the assertion . . . the federal and state experience with electronic eavesdropping since 1968 is inconclusive at best.' Mr. Bowman further testified that the average federal gambling tap in 1976 cost more than \$11,000 with dubious results; that 80% of all state and federal electronic surveillance between 1968 and 1976 were for gambling and drug cases and that 'all but a tiny handful of gambling taps were on small time operations.'

I am not satisfied that wire tapping is justified by that kind of return.

Second, can the court actually provide adequate supervision? Again, Mr. Bowman provided analysis of cases where such was simply not the case. We are only a few short years away from the tragedy of violation of the privacy of the late Dr. Martin Luther King and the over-zealous guardians of the national security we have so sadly come to know through the unraveling of the incident at Watergate.

Thirdly, this House Bill, as reported out of Committee, includes some changes of significance from the proposal presented by the Hawaii Commission on Crime. Among these differences is the definition of 'organized crime' alluded to earlier. I am deeply concerned with the definition provided in the House draft, and if for no other reason, would be compelled to vote 'no.'

Organized crime as pointed out by the Chairperson of the Senate Judiciary Committee is defined as 'any combination or conspiracy to engage in criminal activity', 'any combination'.

I know that my colleagues in the House have referred to crime in Hawaii as 'disorganized', but to legislate that any conspiracy to engage in criminal activity shall henceforth be defined as organized crime will do little other than to make Steve McGarrett look good and make you and I wonder if our private joke with a friend, casually spoken in a telephone conversation, may someday come back to haunt us.

Finally, as former U.S. Senator Hiram Fong stated: 'A free society guards its liberties jealously. The most important lesson of history America has to learn is that when freedom is denied to one person, it's denied to all.'

I urge everyone to vote against this bill."

Senator O'Connor rose then to speak in favor of the bill and stated:

"Mr. President, first, I direct myself to the comments made by the minority leader concerning the provision on page 31 of the bill in which certain omissions seem to occur.

The section specifically states that the act shall be effective for a period of six years, leaves out the beginning and end of that specific comment. However, the act, in the very next section, indicates that it shall take effect upon its approval. It doesn't take too much common sense to understand that the six-year period



shall begin upon approval of the act and shall run for six years thereafter.

Secondly, in listening to the arguments this afternoon, concerning this matter, it seems as though many of us have been here before. I refer this Honorable Body to the Constitutional Convention of 1968 in which this matter was thoroughly debated, the pros ... cons.

Hiram Fong's comments were cited in 1968 also because, as indicated by earlier speakers, they were made in 1963.

In the 1968 Constitutional Convention communications intercepted by electronics were not only thoroughly debated but were incorporated in provisions to be voted upon by the public in our Constitution. And, I shall read Section 5 of that proposal, which in the election of 1968, the people of the State of Hawaii adopted.

Section 5 says: 'The rights of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures and invasions of privacy shall not be violated and no warrant shall issue but upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized, or the communications sought to be intercepted.'

The words added in 1968 were 'or the communications sought to be intercepted.' This provision plainly and simply states that in this State at that time, the people of the State, in adopting that provision of the constitution, indicated that upon probable cause a warrant could be issued to intercept communications.

After that section was placed in the State Constitution by the people of the State of Hawaii, these bodies, the House and the Senate, then considered that constitutional provisions in light of the then existing federal statutes. This matter was thoroughly considered and again debated here in the years 1972 and 1973 when the Hawaii Penal Code was adopted. At the time that the Hawaii Penal Code was adopted, wiretapping was contrary to federal law. There was a federal law specifically prohibiting the kind of bill which we are deliberating upon today.

In adopting Section 711-111, Violation of Privacy, of the Hawaii Penal Code, the legislature acknowledged that wiretapping by federal law was illegal and for the State of Hawaii, adopted a law consummate with the constitutional mandate in which wiretapping was

then allowed and has been allowed in the State since 1972, where one of the parties to the transmission acquiesced in the wiretap and that section is still law in this State and will remain the law in this State no matter what we do today.

Now, what is changed since 1972 which would bring the bill before us which we are presently deliberating? The major thing that's changed is that the federal law has changed entirely in this area. The federal law since 1972 has been changed to allow a procedure exactly similar, although we will have more safeguards, to that proposed in this legislation.

In the federal law today, a federal law enforcement officer may go to federal court and obtain from the federal judge a warrant to tap and this must be done upon probable cause and there are specific safeguards in the federal law which ensure the privacy of the citizens of the United States. These safeguards are also incorporated in the law before us today.

What has happened in Hawaii since the change in federal law? There has been much talk about whether or not a measure of this nature is effective as against organized crime, whether or not we have situations in Hawaii for which this kind of thing can be used, and the answer is obviously 'yes' because the only convictions that we have obtained in Hawaii over the past 4 years in the area of organized crime and gambling have been with the use of the federal wiretap law.

There were earlier statements that we need simply to have better and more efficient police work and that is what will solve our situation here in Hawaii with this proliferation of gambling and crime. That's not the answer, Mr. President, because our local police work was used to compile the affidavits in the one case that's come to trial in the federal court. Our local police work was used simply to get the warrant to be used in the wiretap. The information then acquired in the wiretap was used thereafter to secure the convictions of many people involved in the gambling end of organized crime in Hawaii. That is an accomplished piece of police work, coupling our local people and the federal people in an effort which culminated in the use of wiretap to get the convictions, right here in this State.

Today, we have before us a measure which will allow our local police departments to utilize wiretapping under severely controlled circumstances in order to accomplish exactly the same thing. These safeguards include things that

the federal bill never envisioned, including the ability to have an attorney present to argue the side of the person who shall be wiretapped. Together with a reporting system and a system of wiretaps which can only lead really to a complete insurance that privacy per se will be safeguarded.

This bill will give our police departments a tool that they vitally need. It's a tool that they can only have today by going through the federal system and bringing the FBI or another federal agency into their police activities.

I would heartily urge all members of this body to vote for House Bill No. 2434-78, H.D. 1, as an effective tool to combat crime in this jurisdiction."

Senator Taira then stated, as follows:

"Mr. President, as a member of the Judiciary Committee from which this bill emerged, I signed the Committee Report 'with reservation' because I did not at that time feel there were enough controls, enough safeguards, to protect what we all love so dearly, the right to privacy.

I've been quoted on radio as being somewhat opposed to the concept of what this bill hopes to accomplish, but in the last day or two I've talked to a lot of people, talked to some of my colleagues, and have come to the conclusion that this is a good bill.

It's a good tool to give to our law enforcement officials in their fight against organized crime; therefore, I want to tell all of you that I support this bill.

Thank you, Mr. President."

The motion was put by the Chair and carried and H.B. No. 2434-78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC EAVES-DROPPING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Chong, King, Nishimura, Takitani, Toyofuku, R. Wong, Yamasaki, Young and Ushijima).

#### CONFERENCE COMMITTEE REPORT

Senator F. Wong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2173-78, H.D. 3, presented a report (Conf. Com. Rep. No. 60-78) recommending that H.B. No. 2173-78, H.D. 3, S.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 16, of the Constitution of the State of Hawaii, the 24-hour notice was given on the Final Reading on H.B. No. 2173-78, H.D. 3, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING".

Senator Ching then rose on a point of information:

"Mr. President, would the Clerk clarify the exact time that Conference Committee Report No. 60-78 and H.B. No. 2173-78, H.D. 3, S.D. 3, C.D. 1, was placed before the members of the Senate?"

The Clerk then stated that it was on or about 2:30 o'clock p.m.

The President stated that the Journal will reflect that Conference Committee Report No. 60-78 and H.B. No. 2173-78, H.D. 3, S.D. 3, C.D. 1, was placed on the desks of the members at 2:30 o'clock p.m., this day.

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conference Committee Report No. 54-78 (H.B. No. 1885-78, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator R. Wong, seconded by Senator Nishimura and carried, Conf. Com. Rep. No. 54-78 was adopted and H.B. No. 1885-78, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIRCUIT AND DISTRICT JUDGES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Kawasaki and Soares).

Conference Committee Report No. 56-78 (S.B. No. 1820-78, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Nishimura, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 56-78 was adopted and S.B. No. 1820-78, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT, INCLUDING DISCLOSURE OF FINANCIAL INTERESTS BY LEGISLATORS AND STATE EMPLOYEES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 3:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:00 o'clock p.m.

Conference Committee Report No. 47-78 (S.B. No. 2202-78, S.D. 1, H.D. 1, C.D. 1):

Senator R. Wong moved that Conf. Com. Rep. No. 47-78 be adopted and S.B. No. 2202-78, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator O'Connor.

Senator Soares then rose to speak in favor of the measure and stated:

"Mr. President, I rise to speak in favor of S.B. No. 2202-78, S.D. 1, H.D. 1, C.D. 1, and in so doing I'd like to make a point for the record that my colleague and I from the 7th Senatorial District have the complete support of our Republican minority in the Senate. We are looking for some help from our majority members in trying to put together enough votes to attempt to kill this bill in order that the House might reconsider their stance and their attitude toward the Hawaii Kai sewerage and National Guards' tuition bills.

It is my determination to try whatever possible means there are to have us get together and resurrect those two bills.

Mr. President, I do know that most of us have a lot of projects in this CIP bill and we've worked long and hard these last 59 days. It is also my determination that we should do all we possibly can to satisfy our constituency and, in my case, over 20,000 of them, to try to bring out the Hawaii

Kai bill in order to help them.

I hope the understanding that we have with our counterparts across the hall will not continue in this manner in the years ahead.

I now ask my colleagues to vote for the bill before us."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 47-78 was adopted and S.B. No. 2202-78, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AND AUTHORIZING THE ISSUANCE OF BONDS", having been read throughout, passed Final 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, none. Excused, 2 (Hara and F. Wong).

At 4:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:08 o'clock p.m.

At 4:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair, prior to 12:00 o'clock midnight.

#### ADJOURNMENT

At 12:00 o'clock midnight, the President declared the Senate adjourned until 2:30 o'clock p.m., Friday, April 14, 1978.