

TWENTY-SEVENTH DAY

Friday, March 2, 1979

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, convened at 11:30 o'clock a.m., with the Vice-President in the Chair.

The Divine Blessing was invoked by the Reverend Ernest Gouveia, SSCC, Pastor of St. Augustine Church, after which the Roll was called showing all Senators present with the exception of Senators Hara, Wong and Yee, who were excused.

The Vice-President announced that the President had read and approved the Journal of the Twenty-Sixth Day.

At this time, the following introductions were made to the members of the Senate:

Senator Carroll introduced fourteen seniors from St. Louis High School with their teacher, Mr. Rod Santos.

Senator Carroll then introduced forty-five students from the fifth grade at Manoa School, with their teachers, Mrs. H.V. Minette, Mrs. Karen Watanabe, and the Security Aide, Mr. Cash.

Senator Mizuguchi introduced a group of students from Waipahu High School, with their teachers, Mrs. Tina Isbister and Mrs. Sonia Honda.

Senator Chong then introduced Mr. Lawrence Zerkel, Director of the Hawaiian Islands Public Radio Corporation.

Senator Yamasaki introduced nine students from the Inter-rélations/Multi-Cultural Club at Baldwin High School, Maui, and those who accompanied them, Ms. Shirley Evangelista and Ms. Mary Jarnesky.

Senator Young then introduced forty-three students from the Fukuoka Seinan Gakuen University Glee Club, from Fukuoka, Japan, together with their director, Professor Haruo Furukawa and the Reverend Richard Okamoto of the Pali View Baptist Church of Honolulu.

At 11:40 o'clock a.m., the Senate stood in recess subject to the call of the Chair at which time the Glee Club offered two musical renditions.

The Senate reconvened at 11:47 o'clock a.m.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 96), transmitting a report prepared by the State Law Enforcement Planning Agency as a supplement to the Juvenile Justice Plan of 1974, was read by the Clerk and was referred to the Committee on Judiciary.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 28 to 35) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 28), transmitting House Concurrent Resolution No. 52, which was adopted by the House of Representatives on March 1, 1979, was placed on file.

By unanimous consent, H.C.R. No. 52, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO PURSUE THE ESTABLISHMENT OF AN OLYMPIC TRAINING CENTER AND SPORTSMEDICINE CLINIC IN HAWAII WITH THE U.S. OLYMPIC COMMITTEE", was referred to the Committee on Ecology, Environment and Recreation.

A communication from the House (Hse. Com. No. 29), transmitting House Bill No. 4, which passed Third Reading in the House of Representatives on March 1, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 4, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 30), transmitting House Bill No. 19, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 19, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET", passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House

(Hse. Com. No. 31), transmitting House Bill No. 22, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 22, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY BONDS", passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 32), transmitting House Bill No. 39, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 39, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A RESEARCH DISSEMINATION PILOT PROJECT", passed First Reading by title and was referred to the Committee on Higher Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 33), transmitting House Bill No. 99, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 99, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 34), transmitting House Bill No. 147, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 147, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST RESERVATIONS", passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 35), transmitting House Bill No. 982, which passed Third Reading in the House of Representatives on March 1, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 982, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET", passed First Reading by title and was referred to the Committee on Ways and Means.

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 37 and 38) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 37), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE NEED FOR AND THE FEASIBILITY OF A CONVENTION CENTER IN THE STATE", was jointly offered by Senators Kuroda, Cayetano, Takitani, Chong, Yim, Cobb, Toyofuku, Yamasaki, Carpenter, Kawasaki, Wong, Hara, Abercrombie, Saiki, Ushijima, Campbell, Yee, Ajifu, Soares and Carroll.

By unanimous consent, S.C.R. No. 37 was referred to the Committee on Tourism.

A concurrent resolution (S.C.R. No. 38), entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO RECOMMEND THAT STATES WHICH HAVE PREVIOUSLY RATIFIED THE FEDERAL EQUAL RIGHTS AMENDMENT BE HELD TO THAT DECISION IN ACCORDANCE WITH CONSTITUTIONAL TRADITION", was offered by Senator Chong.

By unanimous consent, S.C.R. No. 38 was referred to the Committee on Judiciary.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 189 to 195) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 189), entitled: "SENATE RESOLUTION REQUESTING A STUDY TO DETERMINE THE NEED FOR AND THE FEASIBILITY OF A CONVENTION CENTER IN THE STATE", was jointly offered by Senators Kuroda, Cayetano, Takitani, Chong, Yim, Cobb, Toyofuku, Yamasaki, Carpenter, Campbell, Wong, Soares, Abercrombie, Saiki, Ushijima, Mizuguchi, O'Connor, Kawasaki, Yee, Ajifu and Carroll.

By unanimous consent, S.R. No. 189 was referred to the Committee on Tourism.

A resolution (S.R. No. 190), entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO INVESTIGATE THE FEASIBILITY OF ALLOWING SECONDARY STUDENTS WHO HAVE DROPPED OUT OF SCHOOL OR WHO ARE POTENTIAL DROPOUTS TO ENROLL IN VOCATIONAL EDUCATION COURSES WITHIN OUR COMMUNITY COLLEGE SYSTEM", was offered by Senator Ajifu.

By unanimous consent, S.R. No. 190 was referred jointly to the Committee on Education and the Committee on Higher Education.

A resolution (S.R. No. 191), entitled: "SENATE RESOLUTION RECOGNIZING AND COMMENDING THE HONOULIULI DOSHIKAI COMMUNITY ASSOCIATION FOR ITS COMMUNITY BEAUTIFICATION PROJECT AND FOR PLACING HONOULIULI ON THE MAP AS 'HAWAII'S GOLDEN BEND IN THE ROAD'", was jointly offered by Senators Kuroda, Young, Cayetano, Mizuguchi, Chong, Cobb, Takitani, Carpenter, Yamasaki, Ushijima, Campbell, Toyofuku, Wong, George, Hara, O'Connor, Kawasaki, Anderson, Yee, Ajifu, Soares, Abercrombie, Yim, Saiki and Carroll.

On motion by Senator Kuroda, seconded by Senator Young and carried, S.R. No. 191 was adopted.

A resolution (S.R. No. 192), entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF HAWAIIAN ELECTRIC COMPANY'S LONG-RANGE PLANS FOR THE PROVISION OF ELECTRICAL ENERGY", was offered by Senator Chong.

By unanimous consent, S.R. No. 192 was referred jointly to the Committee on Public Utilities and the Committee on Economic Development.

A resolution (S.R. No. 193), entitled: "SENATE RESOLUTION URGING CONGRESS TO RECOMMEND THAT STATES WHICH HAVE PREVIOUSLY RATIFIED THE FEDERAL EQUAL RIGHTS AMENDMENT BE HELD TO THAT DECISION IN ACCORDANCE WITH CONSTITUTIONAL TRADITION", was offered by Senator Chong.

By unanimous consent, S.R. No. 193 was referred to the Committee on Judiciary.

A resolution (S.R. No. 194), entitled: "SENATE RESOLUTION RECOGNIZING

AND COMMENDING THE 'NUCLEAR ARMS: CONSCIENCE, LAW AND SURVIVAL' FORUM FOR ITS OUTSTANDING EFFORTS TO ALERT HAWAII'S PUBLIC TO THE POTENTIAL DANGERS OF NUCLEAR WEAPON STORAGE NEAR POPULATION CENTERS AND FOR PRESENTING ISSUES RELATING TO THE NUCLEAR ARMS RACE AND THE DISARMAMENT QUESTION", was jointly offered by Senators Chong and Abercrombie.

By unanimous consent, S.R. No. 194 was referred to the Committee on Intergovernmental Relations.

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

A resolution (S.R. No. 195), entitled: "SENATE RESOLUTION RELATING TO COMPULSORY MILITARY SERVICE", was jointly offered by Senators Chong and Yim.

By unanimous consent, S.R. No. 195 was referred to the Committee on Intergovernmental Relations.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 114), informing the Senate that Senate Resolution Nos. 186 to 188 and Standing Committee Report Nos. 83 to 113 have been printed and are ready for distribution.

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

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 115), recommending that Senate Bill No. 1096, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 115 and S.B. No. 1096, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", were recommended to the Committee on Ways and Means.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 116), recommending that Senate Bill No. 1097, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 116 and S.B. No. 1097, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", were recommitted to the Committee on Ways and Means.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 117), recommending that Senate Bill No. 1098, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 117 and S.B. No. 1098, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", were recommitted to the Committee on Ways and Means.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 118), recommending that Senate Bill No. 1099, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 118 and S.B. No. 1099, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", were recommitted to the Committee on Ways and Means.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 119), recommending that Senate Bill No. 1100, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 119 and S.B. No. 1100, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", were recommitted to the Committee on Ways and Means.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 120), recommending that Senate Bill No. 1101, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Abercrombie

and carried, Stand. Com. Rep. No. 120 and S.B. No. 1101, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", were recommitted to the Committee on Ways and Means.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 121), recommending that Senate Bill No. 1102, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 121 and S.B. No. 1102, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", were recommitted to the Committee on Ways and Means.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 122), recommending that Senate Bill No. 1103, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 122 and S.B. No. 1103, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", were recommitted to the Committee on Ways and Means.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 123), recommending that Senate Bill No. 1104, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 123 and S.B. No. 1104, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", were recommitted to the Committee on Ways and Means.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 124), recommending that Senate Bill No. 1105, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 124 and S.B. No. 1105, S.D. 1, entitled:

"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", were recommitted to the Committee on Ways and Means.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 125), recommending that Senate Bill No. 1106, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 125 and S.B. No. 1106, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", were recommitted to the Committee on Ways and Means.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 126), recommending that Senate Bill No. 1108, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 126 and S.B. No. 1108, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", were recommitted to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 127), recommending that Senate Bill No. 677 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Mizuguchi, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 677, entitled: "A BILL FOR AN ACT RELATING TO STATE HIGHWAY CLEARING ACCOUNT", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 128), recommending that Senate Bill No. 678 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Mizuguchi, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 678, entitled: "A BILL FOR AN ACT RELATING TO STATE HIGHWAY FUND", passed Second

Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 129), recommending that Senate Bill No. 680 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Mizuguchi, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 680, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING", passed Second Reading and was referred to the Committee on Judiciary.

Senator Mizuguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 130), recommending that Senate Bill No. 681 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Mizuguchi, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 681, entitled: "A BILL FOR AN ACT RELATING TO THE HIGHWAY SUPPLIES AND EQUIPMENT ACCOUNT", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 131), recommending that Senate Bill No. 683 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Mizuguchi, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 683, entitled: "A BILL FOR AN ACT RELATING TO DUTIES OF THE DEPARTMENT OF TRANSPORTATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 5, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 683.

Senator Mizuguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 132), recommending that Senate Bill No. 758 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Mizuguchi, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 758, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRANSPORTATION COUNCIL", passed

Second Reading and was placed on the calendar for Third Reading on Monday, March 5, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 758.

Senator Mizuguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 133), recommending that Senate Bill No. 1333 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Mizuguchi, seconded by Senator Yim and carried, the report of the Committee was adopted and S.B. No. 1333, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY LAW", passed Second Reading and was referred to the Committee on Judiciary.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 134), recommending that Senate Bill No. 53, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 53, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE APPELLATE COURT (CONSTITUTIONAL AMENDMENTS OF ARTICLE VI)", passed Second Reading and was referred to the Committee on Ways and Means.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 135), recommending that Senate Bill No. 1292 pass First Reading by title and be recommitted to the Committee on Judiciary.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 1292, entitled: "A BILL FOR AN ACT RELATING TO SUFFRAGE AND ELECTIONS (CONSTITUTIONAL AMENDMENTS OF ARTICLE II, SECTIONS 5 AND 6)", passed First Reading by title and was recommitted to the Committee on Judiciary.

ORDER OF THE DAY

RE-REFERRAL OF A SENATE BILL

The President made the following re-referral of a bill that had been introduced on Friday, January 26, 1979:

Senate Bill Referred to:

No. 122 Committee on Health, then to the Committee on Ways and Means

MATTERS DEFERRED
FROM MARCH 1, 1979

Senate Bill No. 12:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 12, entitled: "A BILL FOR AN ACT RELATING TO THE TERM OF OFFICE OF GOVERNOR AND LIEUTENANT GOVERNOR (CONSTITUTIONAL AMENDMENTS OF ARTICLE V)", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Anderson).
Excused, 3 (Hara, Wong and Yee).

Senate Bill No. 15, S.D. 1:

By unanimous consent, consideration of S.B. No. 15, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 42, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 42, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CODE OF ETHICS (CONSTITUTIONAL AMENDMENT OF ARTICLE XIV)", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Anderson).
Excused, 3 (Hara, Wong and Yee).

Senate Bill No. 45:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 45, entitled: "A BILL FOR AN ACT RELATING TO OFFICIAL LANGUAGES (CONSTITUTIONAL AMENDMENTS OF ARTICLE XV)", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused,
3 (Hara, Wong and Yee).

THIRD READING

Senate Bill No. 50, S.D. 1:

By unanimous consent, consideration of S.B. No. 50, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 624, S.D. 2:

On motion by Senator Yim, seconded

by Senator Carpenter and carried, S.B. No. 624, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF COMMERCIAL FISH CATCH REPORTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hara, Wong and Yee).

Senate Bill No. 625, S.D. 1:

On motion by Senator Yim, seconded by Senator Carpenter and carried, S.B. No. 625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL FISHING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hara, Wong and Yee).

Senate Bill No. 626, S.D. 1:

On motion by Senator Yim, seconded by Senator Carpenter and carried, S.B. No. 626, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DESIGNATION OF AGENTS TO SELL FRESHWATER GAME FISH LICENSES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hara, Wong and Yee).

Senate Bill No. 627, S.D. 1:

Senator Yim moved that S.B. No. 627, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Carpenter.

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

"Mr. President, I rise to speak in favor of this bill with reservations. The impact of this bill is to remove the spiny lobster from state regulation; that is, from the regulatory impact of state statute and place it within rules and regulations of the fish and game division of the Department of Land and Natural Resources.

"I note with interest that the reason that this has been removed is to facilitate the ability of the Division of Fish and Game to determine the size of the animals which are protected under this section of our Hawaii Revised Statutes.

"The regulation which they seek

to follow and which they are following, measures essentially the body of the shell of the lobster--the area called the carapace which is roughly from the head and the thorax of that animal. At the same time that they seek to regulate this particular animal, they have the power and they are exempting, fishing of the lobster out of season in the Leeward Islands.

"In addition to allowing the fishing out of season in the Leeward Islands, they are also giving permits to de-tail the lobster and bring them in without the carapace and without the ability to, in effect, measure the poundage.

"Now, in the situation...and I'm fully cognizant of this, and this is the reason I'm raising this point, with this regulation, there is no way to prosecute for violation of taking the animals that are in violation of their regulation; because of the fact that the carapace is gone and they can always claim that the tail, while it may appear to be small, was indeed attached to the carapace of a three and a quarter inch lobster, that is a three and a quarter inch carapace. This also, potentially, could lead to the retention of shorts or the lobsters which do not meet the size requirements.

"Now, I do not pretend to stand on this floor and tell the Division of Fish and Game how to run the shop, but I suggest, Mr. President, that we must proceed with extreme caution in this area, particularly because of the fact that we have thousands of pounds of lobsters that are being taken at the present time in the Leeward Islands.

"Lobster studies are being done and there are studies that are following what is happening, but the studies are running abreast of, rather than in advance of, the harvesting of this particular resource.

"I would like to emphasize, Mr. President, that these resources should be held by this state in the public trust; and I do not say that they are not, but I think that we must be very cautious. When we move in this area, we should be extremely careful to note the impact of this change in the law. And I can assure this Honorable Body and Division of Fish and Game and the fishermen that I will be taking a personal and first hand look at the catches that are coming in as I am able to do so.

"With these reservations, Mr. President, I urge that we vote 'aye'. Thank you."

Senator Abercrombie then stated as follows:

"Mr. President, I rise to speak against this bill. For the reasons the previous speaker has stated, but he draws a different conclusion than I do.

"The conclusions I draw up from the remarks he made which is similar to the views that I hold, I do not see why... I do not see the rationale for continuing this harvesting when we are having studies made at the present time as to what the impact might be.

"A result of this kind of an approach would be that we may very well have a result that says, 'Well, we've destroyed everything, because we kept on doing what we shouldn't have done.' We shouldn't have done it and the report concludes that something else, some other process should have been utilized. We find that we are disenabled then from implementing whatever recommendations come forward in this area, especially where the Leeward Islands are concerned.

"I realize that for many people it's an abstraction--it is for me. My only contact with the Leeward Islands has been through presentation made by the Department of Interior at Fort DeRussy last year, but the presentation that they did make was so impressive to me that since that time, whenever items came forward in respect to the Leeward Islands, I have determined that I should try to urge people to respect the area until such time as we are able to have an environmental assessment. That's not too far off. We're not talking something ten or fifteen years down the line.

"Respect the environmental integrity of the area until we can make a proper assessment as to what mankind invasion should be there in respect of the economic benefit that may be derived. Therefore, I urge that there is no necessity for this bill at this time.

"If it was an imperative, an absolute imperative, I might feel otherwise; but it is not an imperative. It is a convenience and it is a convenience that can easily be subject to abuse. Given the fact that there is economic circumstances involved here, I think the impetus will be too abused of this law, if it is passed.

"Therefore, I would urge that on the grounds that it is not a necessity, that it is not imperative, that we're not compelled at this time to do this, that there is strong evidence that a waiting period on this will produce

a more rational vision of what is the right thing to do in respect of our commercial ventures in these areas, that we vote 'no'.

"Thank you, Mr. President."

Senator Carroll then responded as follows:

"Mr. President, I rise partially to rebut, and just partially to state that I agree with the previous speaker.

"The only reason that I am voting 'aye' on this measure is because of the fact, if I'm not mistaken, that the Division of Fish and Game are putting people on the boats to go up there during the coming fishing season. So, there actually will be a state agent on board the boats. In their absence, I would in fact vote 'no' on this measure. So I think that potentially at least for large scale abuse at this time is relatively small; but otherwise, I agree very much with the Senator from Manoa."

The President directed the Clerk to note the presence of Senator Hara.

The motion was then put by the Chair and carried, and S.B. No. 627, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM SIZES OF FISH", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Abercrombie and Chong). Excused, 2 (Wong and Yee).

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

The Senate reconvened at 12:22 o'clock p.m.

MATTERS DEFERRED FROM EARLIER IN THE CALENDAR

Senate Bill No. 15, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 15, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT (CONSTITUTIONAL AMENDMENTS OF ARTICLE IV)", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Anderson). Excused, 3 (Hara, Wong and Yee).

Senate Bill No. 50, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B.

No. 50, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT JUDGES (CONSTITUTIONAL AMENDMENTS OF ARTICLES VI AND XVIII)", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hara, Wong and Yee).

At this time, Senator Campbell, for the Committee on Education, requested a waiver of the 48-hour notice of a Public Hearing on the following measures:

S.B. No. 261, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS AT AINA HAINA ELEMENTARY SCHOOL, HONOLULU, HAWAII";

S.B. No. 262, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVEMENTS AT ALIOLANI ELEMENTARY SCHOOL, HONOLULU, HAWAII";

S.B. No. 263, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECT AT NIU VALLEY INTERMEDIATE SCHOOL, HONOLULU, HAWAII";

S.B. No. 425, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS AT WAIALAE ELEMENTARY SCHOOL, HONOLULU, HAWAII";

S.B. No. 426, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS AT KAISER HIGH SCHOOL, HONOLULU, HAWAII";

S.B. No. 427, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS FOR KAHALA ELEMENTARY SCHOOL, HONOLULU, HAWAII";

S.B. No. 428, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS AT KAIMUKI INTERMEDIATE SCHOOL, HONOLULU, HAWAII";

S.B. No. 770, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVEMENTS AT KALANI HIGH SCHOOL, HONOLULU, HAWAII";

S.B. No. 771, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION

FOR IMPROVEMENTS AT ANUENUE ELEMENTARY SCHOOL, HONOLULU, HAWAII";

S.B. No. 855, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NIU VALLEY INTERMEDIATE SCHOOL, OAHU";

S.B. No. 856, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KOKO HEAD ELEMENTARY SCHOOL, OAHU";

S.B. No. 857, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KALANI HIGH SCHOOL, OAHU";

S.B. No. 858, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KAIMUKI INTERMEDIATE SCHOOL, OAHU";

S.B. No. 859, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOKULANI SCHOOL, OAHU";

S.B. No. 860, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HAWAII SCHOOL FOR THE DEAF AND BLIND";

S.B. No. 861, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ANUENUE ELEMENTARY SCHOOL, OAHU";

S.B. No. 862, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ALIOLANI SCHOOL, OAHU";

S.B. No. 863, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AINA HAINA SCHOOL, OAHU";

S.B. No. 1308, entitled, "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS IN THE THIRD SENATORIAL DISTRICT"; and

S.B. No. 1310, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CASTLE HIGH SCHOOL SPECIAL MOTIVATION PROGRAM",

and the President granted the waiver.

ADJOURNMENT

At 12:27 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 5, 1979.