

## THIRTY-SECOND DAY

Friday, March 7, 1980

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Terrence A. Watanabe, Associate Pastor of Our Lady of Good Counsel, after which the Roll was called showing all Senators present, with the exception of Senators Carpenter, Chong and Ushijima who were excused.

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

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

Senator Anderson introduced 40 students, grades 1 through 12, from the Koolau Baptist Academy in Kaneohe, accompanied by their teachers Mr. Anger, Mr. Goodall and Miss Usita.

Senator Abercrombie then introduced a group of student body representatives from the University of Hawaii, Hilo Campus.

Senator Carrol then introduced 56 students from St. Andrews Priory, guests of Senator Yee, who were accompanied by their teachers Mrs. Cushing and Mrs. Kim.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

At this time, Senator Kuroda introduced the Honorable Pomele Galeai, President of the Senate of American Samoa, and stated as follows:

"Mr. President, ladies and gentlemen of the Senate, I'm very happy to introduce the President of the Senate of American Samoa, the Honorable Pomele Galeai, who's visiting here today and observing our operations.

"I had the pleasure of visiting Samoa in 1973 when the Samoan Legislature celebrated its 25th anniversary. The legislature is known as the 'Fono' in Samoa. I've not had the pleasure of meeting the Honorable Galeai at that time; however, it is interesting to note that he has a similar history of legislative involvement with me, inasmuch as he and I were both elected to the House of Representatives of our respective jurisdictions in 1970, and without completing the term to the House, he was elected

to the Senate and I was also elected to the Senate here.

"At this time, I would like to introduce the Honorable Pomele Galeai and ask that we welcome him with a round of applause."

The Senators then stood, in honor of the Honorable Galeai, with a round of applause.

The Honorable Pomele Galeai, President of the Senate of American Samoa, then addressed the members of the Senate as follows:

"Mr. President, ladies and gentlemen, thank you very much.

"Before I say anything, I would like to make a presentation to President Wong, in response to your request for a resolution supporting your resolution for the safe release of our people in Iran. I hand carried this copy of our resolution on that issue, as you requested.

"First, I would like to make a very brief statement. I bring greetings to you from our people and our Legislature in American Samoa.

"Our Legislature in American Samoa is a little over 20 years old. I was surprised when I looked into my files, when I was first elected as the president of the Senate last year, that there was almost no contact between the Legislature of the great State of Hawaii and our local Legislature.

"At this point, I would like to suggest, and I did request of President Wong, a meeting so we can discuss how we are going to go about to bring a closer relationship between our local Legislatures.

"We know your people in Washington very well, Senator Inouye and Senator Matsunaga. It seems to me that everytime we're here to go to Washington, we bypass your body here and then we go to Washington and return back and go back to Pago Pago.

"I feel that we need your help in our government and our Legislature, especially in economic development.

"We feel a close relationship between the State of Hawaii Legislature and the Samoa Legislature because of the over 20,000 Samoans living here; that this body is very important to us because even if we have 2,500 miles between us we're neighbors in a sense.

"We also look forward to input and assistance from this body, especially the direction that our Legislature in American Samoa should go, by helping with some of the new programs that are now proposed by the White House, by our President, specifically, the economic development of the Pacific.

"I'm very, very grateful to be here and hopeful that we will, at a future date, get together with our local legislatures or maybe have a meeting or conference here or in American Samoa.

"I would like to extend that invitation, in behalf of our government and our Legislature, to the Honorable President Wong and the members of the Senate.

"Thank you very much and may God bless you."

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 102 and 103) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 102), transmitting a copy of a report prepared by the Department of Health in response to House Resolution No. 722 (1979) which requested a study of the Statewide School Health Services Program, was referred jointly to the Committee on Health and the Committee on Education.

A message from the Governor (Gov. Msg. No. 103), transmitting a copy of the State Transportation Plan prepared by the Department of Transportation in compliance with the requirements of The Hawaii State Plan Act, Chapter 226, Hawaii Revised Statutes, was referred to the Committee on Transportation.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 108 to 120) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 108), transmitting House Bill No. 1976-80, which was adopted in the House of Representatives on March 6, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 1976-80, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ADMINISTRATIVE PROCEDURE ACT", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse.

Com. No. 109), transmitting House Bill No. 1981-80, which was adopted in the House of Representatives on March 6, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 1981-80, entitled: "A BILL FOR AN ACT RELATING TO RECORDING FEES IN THE STATE BUREAU OF CONVEYANCES", passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. 110), transmitting House Bill No. 2026-80, H.D. 1, which was adopted in the House of Representatives on March 6, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 2026-80, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT AGENCIES FEES", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. 111), transmitting House Bill No. 2096-80, H.D. 1, which was adopted in the House of Representatives on March 6, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 2096-80, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TERMINATION OF PARENTAL RIGHTS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 112), transmitting House bill No. 2334-80, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 2334-80, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 113), transmitting House Bill No. 2351-80, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 2351-80, H.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO EMPLOYMENT PRACTICES", passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 114), transmitting House Bill No. 2623-80, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 2623-80, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE WEIGHTS", passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 115), transmitting House Bill No. 2698-80, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 2698-80, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", passed First Reading by title and was referred to the Committee on Higher Education.

A communication from the House (Hse. Com. No. 116), transmitting House Bill No. 2702-80, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 2702-80, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", passed First Reading by title and was referred to the Committee on Higher Education.

A communication from the House (Hse. Com. No. 117), transmitting House Bill No. 2745-80, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 2745-80, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL", passed First Reading by title and was referred to the Committee on Agriculture.

A communication from the House (Hse. Com. No. 118), transmitting House Bill No. 377, H.D. 2, which passed Third Reading in the House of Representatives on March 6, 1989, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 377, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING OF USED OIL", passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 119), transmitting House Concurrent Resolution No. 92, which was adopted by the House of Representatives on March 6, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING GENEVIEVE 'GENNY' T. OKINAGA UPON HER APPOINTMENT TO THE FEDERAL ADVISORY BOARD ON CHILD ABUSE AND NEGLECT AND WISHING HER EVERY SUCCESS DURING HER TERM OF APPOINTMENT", was adopted.

A communication from the House (Hse. Com. No. 120), transmitting House Concurrent Resolution No. 93, which was adopted by the House of Representatives on March 6, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING HEARTIEST BEST WISHES TO THE FUTURE FARMERS OF AMERICA, KOHALA CHAPTER, FOR A SUCCESSFUL 50TH ANNIVERSARY CELEBRATION; CONGRATULATING THE KOHALA CHAPTER ON THE OCCASION OF ITS 50TH ANNIVERSARY; AND ENCOURAGING THE FURTHERANCE OF AGRICULTURAL DEVELOPMENT IN KOHALA, HAWAII", was adopted.

#### SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 33), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF AN AD HOC COMMITTEE TO STUDY THE MODEL STATE TRADEMARK BILL", was jointly offered by Senators Cobb, Hara, Campbell, Chong, Carpenter, Machida, George, Mizuguchi and Kawasaki, and was read by the Clerk.

By unanimous consent, S.C.R. No. 33 was referred to the Committee on Consumer Protection and Commerce.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 162 to 165) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 162), entitled: "SENATE RESOLUTION REQUESTING THE FORMATION OF AN AD HOC COMMITTEE TO STUDY THE MODEL STATE TRADEMARK BILL", was jointly offered by Senators Cobb, Saiki, Yim, Ushijima, Yamasaki, Carpenter, Machida, Mizuguchi, Hara, Campbell, Chong, George and Kawasaki.

By unanimous consent, S.R. No. 162 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 163), entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION MAKE THE MOANALUA-SALT LAKE AREA PUBLIC LIBRARY FIRST PRIORITY ON ITS LIBRARY CONSTRUCTION LIST", was offered by Senator Campbell.

By unanimous consent, S.R. No. 163 was referred to the Committee on Education.

A resolution (S.R. No. 164), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW POLICY AND REGULATIONS ON REPORTING STUDENT PROGRESS", was jointly offered by Senators Campbell, Yee and Wong.

By unanimous consent, S.R. No. 164 was referred to the Committee on Education.

A resolution (S.R. No. 165), entitled: "SENATE RESOLUTION DECLARING THE WEEK OF MAY 11 THROUGH 17, 1980 HAWAII GIFTED AND TALENTED CHILDREN'S WEEK", was offered by Senator Campbell.

On motion by Senator Campbell, seconded by Senator Mizuguchi and carried, S.R. No. 165 was adopted.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 481-80) informing the Senate that Senate Resolution Nos. 160 and 161 and Standing Committee Report Nos. 463-80 to 480-80 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.

At 12:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 482-80) recommending that Senate Bill No. 1944-80, as

amended in S.D. 1, pass Third Reading.

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. 1944-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY".

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 483-80) recommending that Senate Bill No. 1985-80, S.D. 1, as amended in S.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and S.B. No. 1985-80, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RECORDING FEES IN THE STATE BUREAU OF CONVEYANCES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

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. 1985-80, S.D. 2.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 484-80) recommending that Senate Bill No. 1988-80 pass Third Reading.

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. 1988-80, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SICK LEAVE CREDITS WITH WORKERS' COMPENSATION BENEFITS".

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 485-80) recommending that Senate Bill No. 1999-80 pass Third Reading.

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. 1999-80, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE".

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 486-80) recommending that Senate Bill No. 2211-80 pass Third Reading.

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. 2211-80, entitled: "A BILL FOR AN ACT RELATING TO RECORDING

FEEES IN THE OFFICE OF THE ASSISTANT REGISTRAR OF THE LAND COURT IN THE STATE BUREAU OF CONVEYANCES".

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 487-80) recommending that Senate Bill No. 2278-80, S.D. 1, as amended in S.D. 2, pass Third Reading.

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. 2278-80, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY".

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 488-80) recommending that Senate Bill No. 2323-80, as amended in S.D. 1, pass Third Reading.

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. 2323-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE".

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 489-80) recommending that Senate Bill No. 2155-80, 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 Kawasaki and carried, the report of the Committee was adopted and S.B. No. 2155-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

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. 2155-80, S.D. 1.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 490-80) recommending that Senate Bill No. 2581-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 2581-80, entitled: "A BILL FOR AN ACT RELATING TO LEASED OR RENTED PERSONAL PROPERTY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

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. 2581-80.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 491-80) recommending that Senate Bill No. 2888-80, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 2888-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

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. 2888-80, S.D. 1.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 492-80) recommending that Senate Bill No. 184 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. 184, entitled: "A BILL FOR AN ACT RELATING TO CIVIL COMMITMENT", passed First Reading by title and was recommitted to the Committee on Judiciary.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 493-80) recommending that Senate Bill No. 2673-80, as amended in S.D. 1, pass Second Reading 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. 2673-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE", passed Second Reading and was recommitted to the Committee on Judiciary.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 494-80) recommending that Senate Bill No. 2107-80, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yim, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 2107-80, S.D. 1, entitled: "A BILL FOR AN ACT -80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

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. 2107-80, S.D. 1.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 495-80) recommending that Senate Bill No. 2253-80, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 2253-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 6, 1980.

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. 2253-80, S.D. 1.

At this time, Senator Kuroda introduced to the members of the Senate Senator Norman Glaser of Nevada and Mrs. Glaser, accompanied by Dr. and Mrs. Gray. Senator Kuroda noted that Senator Glaser will be meeting with interested legislators and staff to discuss the "Sagebrush Rebellion," a popular movement among Western states which deals with the ownership and use of federal lands.

#### ORDER OF THE DAY

#### MATTER DEFERRED FROM MARCH 6, 1980

House Communication No. 107 (S.B. No. 1115, S.D. 2):

By unanimous consent, action on Hse. Com. No. 107 and S.B. No. 1115, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE RATES", was deferred until Monday, March 10, 1980.

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

The Senate reconvened at 12:45 o'clock p.m.

#### THIRD READING

Senate Bill No. 2329-80, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 2329-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA", was recommitted to the Committee on Judiciary.

Senate Bill No. 1084, S.D. 1:

By unanimous consent, action on S.B. No. 1084, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEPROSY", was deferred until Monday, March 10, 1980.

Senate Bill No. 1930-80:

On motion by Senator Campbell, seconded by Senator Mizuguchi and carried, S.B. No. 1930-80, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL BUS SYSTEM", was recommitted jointly to the Committee on Transportation and the Committee on Education.

At 12:46 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:47 o'clock p.m.

Senate Bill No. 1832-80, S.D. 1:

Senator O'Connor moved that S.B. No. 1832-80, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cobb.

At this time, Senator Carroll rose to speak in favor of the measure and stated as follows:

"Mr. President, I rise to speak briefly in favor of this bill with reservations.

"This bill on its face seems to water down the career criminal statute which we recently enacted. The testimony which was put before the Judiciary Committee on this subject matter indicated that while this is the law and while it is mandatory under the current law, it's not being complied with because of the lack of personnel to actually enforce the provisions set forth herein.

"The Judiciary chairman and the members of the committee made what amounts to a judgment to make it mandatory, if a person falls within any three of the set forth 13 categories, that that person will fall in a mandatory category

and of course persons fitting in any one of the 13 categories may be prosecuted under this provision based upon the discretion of the prosecutor. It, in a sense, appears to be a step backwards. I think it really is more of a step sideways and I hope that we will get to the day when we can move to reenact this measure with the basic intent with which we first enacted it.

"In spite of my reservations, I think that we should vote aye on the measure."

Senator Soares then rose to ask the chairman of the Judiciary Committee to yield to a question and the chairman replied in the affirmative.

Senator Soares asked, "Will this bill make it more difficult for the career criminals or does it lessen it, make it easier for them?"

Senator O'Connor then replied as follows:

"Mr. President, the career criminal will be treated exactly the same as they have been.

"I might point out that this a brand new program which we initiated last year by action of the Senate Judiciary Committee. The career criminal program is really our concept and our idea. We drafted the legislation last year making it mandatory for anyone who fell within the 13 categories to be treated as a career criminal and then we sent it out to the field for utilization. In the field it turned out that it was impossible to follow our mandate because you just couldn't take one of these particular areas and treat one as a career criminal because he was in that situation. It just made it unworkable, so they came back seeking to turn the 'shall' into 'may' and we rejected that. Recognizing the difficulty involved with handling of career criminals in this program, we turned the 'shall' into 'may' for the 13 categories and then indicated that if any three categories were met by the criminal who was being handled by the prosecuting attorney's office that in that instance they must treat the individual as a career criminal.

"In effect, we tightened up on the procedure which has been in effect for the past year by requiring that certain people be treated as career criminals and they understand that but have given them a latitude to treat others who might fall within the area as career criminals.

"As far as the criminals themselves are concerned it changes nothing and

probably will make the system work a lot better and will have people prosecuted under this program who otherwise might not be."

The motion was put by the Chair and carried, and S.B. No. 1832-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREER CRIMINALS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Carpenter, Chong, Ushijima, Yee and Yim).

Senate Bill No. 2200-80, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 2200-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXPUNGEMENT OF ARREST RECORDS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Carpenter, Chong, Ushijima, Yee and Yim).

At 12:53 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:55 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN

Senator O'Connor moved that the Senate reconsider its action taken on March 4, 1980 on Conference Committee Report No. 2-80 and Senate Bill No. 1703-80, S.D. 1, H.D. 1, C.D. 2, seconded by Senator Cobb and carried.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 2-80 and S.B. No. 1703, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 2, OF THE HAWAII CONSTITUTION, TO SPECIFY VOTING PROCEDURE FOR CONSTITUTIONAL AMENDMENTS", was placed on the Clerk's desk until Tuesday, March 18, 1980.

#### ADJOURNMENT

At 12:58 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate adjourned until 10:00 o'clock a.m., Monday, March 10, 1980.