

FORTY-FIRST DAY

Thursday, March 18, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Mr. Richard Barnes, Area Administrator, Campus Crusade for Christ, after which the Roll was called showing all members present with the exception of Representative Amaral, who was excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fortieth Day.

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

Upon reconvening at 11:41 o'clock a.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, reading of the Journal was dispensed with and the Journal of the Fortieth Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 115 to 145) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 115) returning House Bill No. 449, HD 1, which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 116) transmitting Senate Bill No. 1328, SD 3, entitled: "A BILL FOR AN ACT RELATING TO ODOMETERS", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 117) transmitting Senate Bill No. 1553, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII FOOD, DRUG, AND COSMETIC ACT", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 118) transmitting Senate Bill No. 1760-76, SD 1,

entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 119) transmitting Senate Bill No. 1833-76, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL LOAN PROGRAM", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 120) transmitting Senate Bill No. 1834-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FISHING VESSEL LOAN PROGRAMS", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 121) transmitting Senate Bill No. 1853-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLES", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 122) transmitting Senate Bill No. 1864-76, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 123) transmitting Senate Bill No. 1998-76, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF CONVICTED PERSONS", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 124) transmitting Senate Bill No. 2027-76, entitled: "A BILL FOR AN ACT RELATING TO REALLOCATION", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 125) transmitting Senate Bill No. 2082-76, SD 1, entitled: "A BILL FOR AN ACT TO AMEND SECTION 712-1200, HAWAII REVISED STATUTES, RELATING TO PROSTITUTION", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 126) transmitting Senate Bill No. 2330-76, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 127) transmitting Senate Bill No. 2348-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPORTATION OF LIQUOR AS HOUSEHOLD GOODS", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 128) transmitting Senate Bill No. 2394-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 129) transmitting Senate Bill No. 2409-76, entitled: "A BILL FOR AN ACT RELATING TO SERVICE-CONNECTED TOTAL DISABILITY RETIREMENT FOR POLICE OFFICERS", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 130) transmitting Senate Bill No. 2467-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCENTIVES FOR ENERGY CONSERVATION", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 131) transmitting Senate Bill No. 2562-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDBY PAY", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 132) transmitting Senate Bill No. 2572-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONEYS", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 133) transmitting Senate Bill No. 2602-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF THE

SALE OF RESIDENTIAL LEASEHOLDS", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 134) transmitting Senate Bill No. 2603-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE COUNCIL OF HOUSING AND CONSTRUCTION INDUSTRY", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 135) transmitting Senate Bill No. 2654-76, entitled: "A BILL FOR AN ACT TO REPEAL ACT 176, SESSION LAWS OF HAWAII 1937, WHICH APPROPRIATED FUNDS FOR BEDS FOR INDIGENT MATERNITY PATIENTS", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 136) transmitting Senate Bill No. 2706-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENCOURAGEMENT OF FEDERALLY LICENSED SMALL BUSINESS INVESTMENT COMPANIES", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 137) transmitting Senate Bill No. 2709-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 138) transmitting Senate Bill No. 2715-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STADIUM AUTHORITY", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 139) transmitting Senate Bill No. 2819-76, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC BROADCASTING AUTHORITY", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 140) transmitting Senate Bill No. 2932-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISTRICT COURTS", which passed Third Reading in the Senate

on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 141) transmitting Senate Bill No. 2958-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPARATIVE NEGLIGENCE", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 142) transmitting Senate Bill No. 2992-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF AND REHABILITATION", which passed Third Reading in the Senate on March 17, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.B. Nos. 1328, SD 3; 1553, SD 2; 1760-76, SD 1; 1833-76; 1834-76, SD 2; 1853-76, SD 1; 1864-76; 1998-76; 2027-76; 2082-76, SD 1; 2330-76; 2348-76, SD 1; 2394-76, SD 1; 2409-76; 2467-76, SD 1; 2562-76, SD 1; 2572-76, SD 1; 2602-76, SD 1; 2603-76, SD 1; 2654-76; 2706-76, SD 1; 2709-76, SD 2; 2715-76, SD 1; 2819-76; 2932-76, SD 1; 2958-76, SD 1 and 2992-76, SD 2, passed First Reading by title and further action was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 143) returning House Concurrent Resolution No. 73, which was adopted by the Senate on March 17, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 144) transmitting Senate Concurrent Resolution No. 13, urging formation of a Homeowners' Advisory Group on homeownership courses, which was adopted by the Senate on March 17, 1976, was placed on file.

By unanimous consent, action on S.C.R. No. 13 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 145) transmitting Senate Concurrent Resolution No. 81, honoring Francis Hyde Ii Brown of Hawaii, which was adopted by the Senate on March 18, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 81 was adopted.

At this time, Representative Sutton, on a point of order, stated:

"How can we get our own signatures on this? Will it be on the Clerk's desk?"

Representative Roehrig then rose and stated:

"Point of order, Mr. Speaker. I would suggest that the way to get his signature on this Senate Concurrent Resolution is to become a member of the Senate."

Representative Kimura then stated:

"Another alternative, Mr. Speaker, is to get elected to the Senate."

The following introductions were made to the members of the House:

Representative Oda introduced eight students from Wheeler Intermediate School. They are part of the Leadership Training class and were accompanied by their teacher, Mrs. Jan Moriyama, and Mrs. Johnson.

Representative Shito introduced twenty-four students, grades 9-12, from the bi-lingual group of Waipahu High School. They were accompanied by Mrs. Battard; Mrs. Menor and Mr. Petaia.

Representative Machida introduced fifty Maui senior citizens who "are making a tour of the Capitol for one day."

Representative Carroll introduced Ms. Masu Dyer who had helped him in his first bid for a Congressional seat.

Representative Kiyabu introduced 24 fifth grade students from Waialae Elementary School who were accompanied by their teacher, Mrs. Dorothy Fujii; student teacher, Mr. Allan Nakamura; and parent, Mrs. Sally Yamashita. Among the group were two "budding artists, Chee Kwock Kwock and Arlene Yamashita, daughter of Mrs. Sally Yamashita," who had their art work posted in his office.

Representative Kamalii then rose and made the following introduction:

"It gives me great pleasure this morning to introduce a long-time friend; a lady who has served the legislature for many years, not only in this State capitol building, but in our famous Iolani Palace; one of the most qualified staff people

that I've had the pleasure in my years to know; she has served as administrative assistant to Representative Kunimura; and I'm happy to see her back here in Hawaii; she is the wife of the well-known writer and novelist, the late Richard Tregaskis, and I'd like to introduce to this body, Moana Tregaskis."

Representative Kunimura then rose and stated:

"May I request a short recess? With so many bouquets thrown at our very able Chairman of the Agriculture Committee, and Kauai being known as the Garden Island, the Kauai delegation would like to, at this time, make a presentation to the hard-working and capable Chairman of the Agriculture Committee."

At 11:49 o'clock a.m., the Chair declared "a recess for that particular purpose, subject to the call of the Chair."

The House of Representatives reconvened at 11:50 o'clock a.m., at which time, Representative Uechi, upon being recognized, stated:

"I would like to thank the delegation from Kauai; however, by the looks of the plants over there, I think that was sitting on Mr. Kunimura's desk - with all the hot air, I guess it wilted."

Representative Kunimura then stated:

"That's just a reminder from the Kauai delegation that legislation alone cannot agriculture make. It takes lots of water, sunshine, fertilizer and love. So, just a reminder that we can legislate like hell, but we gotta follow up."

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
1328	Committee on Consumer Protection and Commerce, then to the Committee on Finance
1553	Committee on Consumer Protection and Commerce
1760-76	Committee on Housing,

then to the Committee on Finance

1833-76	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
1834-76	Committee on Water, Land Use, Development, and Hawaiian Homes
1853-76	Committee on Judiciary
1864-76	Committee on Higher Education, then to the Committee on Labor and Public Employment
1998-76	Jointly to the Committees on Consumer Protection and Commerce and Judiciary
2027-76	Committee on Labor and Public Employment, then to the Committee on Finance
2082-76	Committee on Judiciary
2348-76	Committee on Consumer Protection and Commerce
2394-76	Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Housing, then to the Committee on Finance
2330-76	Committee on Labor and Public Employment
2409-76	Committee on Labor and Public Employment, then to the Committee on Finance
2467-76	Committee on Energy and Transportation, then to the Committee on Finance
2562-76	Committee on Labor and Public Employment, then to the Committee on Finance
2572-76	Committee on Finance
2602-76	Committee on Housing, then to the Committee on Finance
2603-76	Committee on Housing, then to the Committee on Finance
2654-76	Committee on Health, then to the Committee on Finance
2706-76	Committee on Consumer Protection and Commerce,

then to the Committee on Finance

offer resolutions.

- 2709-76 Jointly to the Committees on Health and Judiciary
- 2715-76 Committee on Labor and Public Employment, then to the Committee on Finance
- 2819-76 Jointly to the Committees on Labor and Public Employment and Culture and the Arts, then to the Committee on Finance
- 2932-76 Committee on Judiciary, then to the Committee on Finance
- 2958-76 Committee on Judiciary
- 2992-76 Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 425) commending the Waianae Boxing Club on its success at the Hawaii State Golden Gloves Championship was jointly offered by Representatives Peters, Ho, Ajifu, Akizaki, Carroll, Cayetano, Cobb, Evans, Garcia, Inaba, Kihano, Kimura, Kiyabu, Kunimura, Larsen, Lee, Lunasco, Machida, Morioka, Naito, Oda, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Suwa, Takamura, Uechi, Ushijima, Yap and Yuen and was read by the Clerk.

On motion by Representative Peters, seconded by Representative Ho and carried, H.R. No. 425 was adopted.

At this time, Representative Peters introduced Coach Fred Pereira, Trainer Julio Rodrigues, Fred Labrador, Phillip Leonin and Tom Westbrook to the members of the House.

Representative Ho then presented them with certified copies of the resolution.

At 11:56 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:59 o'clock a.m.

Representative Carroll then rose and asked:

"I've been burning up with a question and perhaps one of the members of the Kauai delegation will yield to a question."

Representative Kawakami replied: "I refuse to yield."

Representative Yamada replied: "I refuse to yield."

The Chair then stated:

"Representative Carroll, you've had your day in court."

Representative Carroll then asked:

"Well, I'll just ask the question of the Chair then - whether that plant was raised by the Kauai Task Force or the Kohala Task Force?"

Representative Kunimura then rose and asked:

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 421 to 424) and concurrent resolutions (H.C.R. No. 74 and S.C.R. No. 13) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
421	Committee on Public Assistance and Human Services
422	Jointly to the Committees on Agriculture and Education
423	Jointly to the Committees on Agriculture and Higher Education
424	Committee on Energy and Transportation
<u>H.C.R. No.</u>	
74	Committee on Public Assistance and Human Services
<u>S.C.R. No.</u>	
13	Committee on Housing

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Ajifu and carried, the rules were suspended for the purpose of permitting members to

"May I request the gentleman to speak into the mike?"

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 426 and 427) and concurrent resolution (H.C.R. No. 75) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 426) congratulating the St. Anthony Trojans Junior Varsity basketball team, champions of the Maui Interscholastic League was jointly offered by Representatives Machida, Akizaki, Blair, Cayetano, Cobb, Fong, Kihano, Kondo, Kunimura, Mizuguchi, Morioka, Naito, Oda, Peters, Roehrig, Santos and Shito.

On motion by Representative Machida, seconded by Representative Kondo and carried, H.R. No. 426 was adopted.

A resolution (H.R. No. 427) expressing appreciation and support for Hawaii Youth Art Month was jointly offered by Representatives Ho, Abercrombie, Ajifu, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ho, seconded by Representative Abercrombie and carried, H.R. No. 427 was adopted.

A concurrent resolution (H.C.R. No. 75) expressing appreciation and support for Hawaii Youth Art Month was jointly offered by Representatives Ho, Abercrombie, Ajifu, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Ho, seconded by Representative Abercrom-

bie and carried, H.C.R. No. 75 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 428 to 441) and concurrent resolutions (H.C.R. Nos. 76 to 82) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 19, 1976:

A resolution (H.R. No. 428) requesting the Commission on Aging and the Department of Taxation to conduct a feasibility study on a general excise tax exemption for elderly citizens on food purchases was jointly offered by Representatives Takamura and Yuen.

A resolution (H.R. No. 429) requesting the Legislative Reference Bureau to conduct a feasibility study on the licensing and regulation of retirement homes was jointly offered by Representatives Ushijima, Takamura and Yuen.

A resolution (H.R. No. 430) requesting the State Land Use Commission to deny the petition of HRT, Ltd., for the reclassification of certain lands for Lihue, Kauai was offered by Representative Kunimura.

A resolution (H.R. No. 431) relating to staggered work hours was jointly offered by Representatives Cayetano, Abercrombie, Carroll, Clarke, Cobb, Evans, Ho, Ikeda, Kawakami, Kihano, Kimura, Larsen, Lee, Lunasco, Morioka, Naito, Oda, Peters, Sakima, Santos, Segawa, Shito, Stanley, Takamine, Takamura, Uechi, Ushijima, Yap and Yuen.

A resolution (H.R. No. 432) requesting the Department of Health to implement a comprehensive radiation safety program was offered by Representative Abercrombie.

A resolution (H.R. No. 433) requesting the Board of Education to provide the proper materials upon the establishment of any new programs was offered by Representative Lunasco.

A resolution (H.R. No. 434) requesting joint cooperation on the development of solutions to educational problems was offered by Representative Lunasco.

A resolution (H.R. No. 435) requesting the Government Reorganization Commission to study the establishment of a Department of Public Libraries was offered by Representative Abercrombie.

A resolution (H.R. No. 436) requesting the development of an agricultural park in Kona, Hawaii was jointly offered by Representatives Inaba, Roehrig, Segawa, Suwa, Takamine and Uechi.

A resolution (H.R. No. 437) requesting the development of an agricultural park at Ke-ahole, Kona, Hawaii was jointly offered by Representatives Inaba, Roehrig, Segawa, Suwa, Takamine and Uechi.

A resolution (H.R. No. 438) requesting development of a demonstration program on the feasibility of instituting a multi-purpose interisland marine ferry system was jointly offered by Representatives Carroll, Clarke and Medeiros.

A resolution (H.R. No. 439) relating to checking account abuses was jointly offered by Representatives Yap and Yamada.

A resolution (H.R. No. 440) requesting formulation of a plan for the control of venereal disease was jointly offered by Representatives Yap and Segawa.

A resolution (H.R. No. 441) requesting review of the requirement of a serological test prior to marriage was jointly offered by Representatives Yap and Segawa.

A concurrent resolution (H.C.R. No. 76) requesting the development of an agricultural park at Ke-ahole, Kona, Hawaii was jointly offered by Representatives Inaba, Roehrig, Segawa, Suwa, Takamine and Uechi.

A concurrent resolution (H.C.R. No. 77) requesting the development of an agricultural park in Kona, Hawaii was jointly offered by Representatives Inaba, Roehrig, Segawa, Suwa, Takamine and Uechi.

A concurrent resolution H.C.R. No. 78) requesting the Department of Health to implement a comprehensive radiation safety program was offered by Representative Abercrombie.

A concurrent resolution (H.C.R. No. 79) relating to staggered work hours was jointly offered by Representatives Cayetano, Abercrombie, Carroll, Clarke, Cobb, Evans, Ho, Ikeda, Kawakami, Kihano, Kimura, Larsen, Lee, Lunasco, Medeiros, Morioka, Naito, Oda, Peters, Sakima, Santos, Segawa, Shito, Stanley, Takamine, Takamura, Uechi, Ushijima, Yap and Yuen.

A concurrent resolution (H.C.R. No. 80) requesting development of a demonstration program on the feasibility of instituting a multi-purpose interisland marine ferry service was jointly offered by Representatives Carroll, Clarke and Medeiros.

A concurrent resolution (H.C.R. No. 81) relating to checking account abuses was jointly offered by Representatives Yap and Yamada.

A concurrent resolution (H.C.R. No. 82) requesting formulation of a plan for the control of venereal disease was jointly offered by Representatives Yap and Segawa.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Ajifu and carried, the rules were suspended for the purpose of taking up bills on Third Reading on the basis of a modified consent calendar.

THIRD READING

H.B. No. 2100-76, HD 1

Representative Suwa moved that H.B. No. 2100-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Suwa then rose to speak in favor of the bill, stating:

"This bill is the supplemental appropriation bill which is authorized by the State Constitution to amend the appropriation for the current biennium.

First of all, I would like to thank everyone who contributed to this bill - the various subject matter committees, members of the Finance Committee, and the minority members of the House and their respective staffs for the wonderful cooperation and input made to this budget. It has not been an easy job. It seems that the needs of the State are always unlimited, while the resources of the State are always limited. This means hard choices have to be made. In developing this bill, Mr. Speaker, we have kept two major issues in mind.

First, you know that we are having critical problems in unemployment. The federal government has the resources and the policies to attack this problem, but they have been very slow and in action, very limited.

Meanwhile, State government must do what it can. That is why, through this budget as well as through separate measures, we confront the problem of unemployment in this State. Through unemployment programs and investment by the State in repair, maintenance and additional public facilities, we hope to provide the jobs for those who are now unemployed.

The second issue we have kept in mind is the over-burdened taxpayer of Hawaii. We have tried to avoid locking in taxpayers to additional and expensive programs. We also know that the taxpayer must be given a direct relief that we have in other measures.

In balance then, this is a bill which has balanced the more critical needs of the program against the large issue of unemployment and the equalizing issue of fairness to taxpayers.

It is a good bill and I urge members of this House to support it; and, at this time, Mr. Speaker, I invite the subject matter committees, likewise, any members of the House, to support this bill."

Representative Sutton, speaking against the bill, first asked:

"Would the Chairman of the Finance Committee yield to a question?"

To which Representative Suwa replied in the affirmative.

Representative Sutton then asked:

"Mr. Speaker, I am concerned, exactly what the debt margin of the State of Hawaii will be after this particular budget has gone through?"

Representative Suwa replied:

"Mr. Speaker, as of November 1, 1975, due to our revenues in a special highway fund, our debt margin was reduced to about \$207 million; and upon adoption of this budget and other measures; and also, we have certain lapses that we have carried on. At the end of this budget, the State will have \$21.7 million to our debt margin."

Representative Sutton then asked:

"Mr. Speaker, can I address the attention of the honorable Chairman of Finance to the operating budget?"

The Chair then asked:

"Representative Sutton, you first arose on a point of speaking against the bill, and you are rising on a point of information?"

Representative Sutton answered:

"I wanted one more question answered."

The Chair directed Representative Sutton to "proceed".

Representative Sutton then asked:

"The information is uniquely in a position of this Chairman and, therefore, I need to get the answer directly from him, Mr. Speaker.

Mr. Speaker, I would like to know two questions: (1) How much additional supplemental we have actually had? and (2) How he intends to negotiate this with the Senate?"

Representative Suwa replied:

"Mr. Speaker, as to the first question, the Executive request as to the supplementary budget in the total scope, putting it in total perspective, Mr. Speaker, it's much easier to understand. Therefore, the Executive supplementary, likewise, added to Act 95, is the requirement for \$708 million plus request; and the House appropriation is \$710.7 million; therefore, from that of the Executive requested supplementary budget, we are increasing that by \$2.4 million, Mr. Speaker.

And as to the second part of the question, you don't let the cat out so that the mouse can play, Mr. Speaker."

Representative Sutton then stated:

"Mr. Speaker, the Chairman has just said that as far as my question on negotiating with the Senate on this increase, that we have of \$2,435,171; that we of the House have still got to play a game of poker with the Senate; and he does not wish to either show his hands or which cards are wild; therefore, I withdraw the question until such time as this bill comes back from the Senate.

Now, Mr. Speaker, I wish to address this body with a very serious situation. The State of Hawaii is only fourteen to fifteen years old - we've only had Statehood a short while - and yet, we are only \$21 million away

from a bonded indebtedness limitation of over a billion dollars. We've almost hit the ceiling there!

Mr. Speaker, our citizenry is taxed higher than any other State, other than the State of Alaska; and yet, we in the House are adding a supplemental budget of \$2,435,171. It seems to me that sometime, Mr. Speaker, we should head in the direction of cutting cost, of reducing costs, of allowing our citizenry who pay the taxes, to understand that their tax dollar will not be spent and spent and spent - to let them understand that inflation is something that we want to stop, not encourage - that their tremendous expenses of living, and cost of living, which makes the cost of living in Hawaii so high that the federal government has had to have a COLA for all its federal workers - and this particular COLA increase has now been suspended in a budget of President of the United States, Gerald Ford. Therefore, it seems to me appropriate that we address our attention to this concept of reducing government expenditures.

And I feel that as we look through this budget, that we would find a document of some 340 pages and certainly with a fine scrutiny and a fine comb, we could go through it and not try to hurry - we've only been in session for a month and a half, sir, and we've hurried this. This is the first time in the history of this legislature that the supplemental budget has been decked this early. Query have we been able to do the job which the taxpayers expect us to do of a fairness, of a digest, of an analysis and a substance synthesis so that we in turn can say, you the taxpayers, we have eliminated the fat and we are just going down to essentials.

On top of that, if you turn to page 236, you will find almost a blank check - a blank check which says in so many words that the general revenues of the State of Hawaii may be spent by the governor to cope with unemployment and unforeseen emergencies arising from elements such as fires and natural disasters; provided that the unemployment and such emergencies create an urgent need to pursue such a course. That is a blank check. And, this is also seen on page 235 of this document. The governor may authorize expenditure funds for capital improvement projects not primarily authorized in this Act to cope with the various unforeseen

circumstances. We are, by the Constitution, the body that controls the purse strings. We are the appropriating body. Is it really necessary, on pages 235 and 236, to give a blank check to the executive? Are we not abrogating our own function? Could we not stay in session longer, if necessary? Could we not call ourselves back? We are dealing with something of enormous necessity. We are dealing with something that we are elected to do, namely, to see that the appropriations comply with the purse strings of our various constituents.

I come from an area, sir, that is right up here and we are practically standing in it. My constituents tell me they cannot stand any more increased assessments on their homes and pay higher taxes. My constituents tell me why don't you, a person who has taken the CPA exam, do something in this nature; and I feel that I haven't probably done my duty; and I feel that I have not accomplished my own mission and, therefore, I should vote against this and I would urge my colleagues to recommit this to the Finance and tell them to take another two weeks and go through it with a fine haired tooth comb.

Thank you."

Representative Suwa then rose and stated:

"In rebuttal to some of the statements made by the previous speaker as to our debt margin - yes, facing our centennial-bicentennial year. As to some of the other States, Mr. Speaker, they have facilities which have been built a long time ago, but being a young State, Mr. Speaker, too long in the areas of education, specifically like the University, the community colleges likewise, was withheld. Therefore, in the past ten years every effort was made to improve this type of facility; therefore, it's understandable that our capital improvement cost will go up. But somewhere along the line, Mr. Speaker, the capital improvements will be in the level area.

But as you know, also, the unemployment situation in the construction industry so, therefore, we are trying to resolve two problems here, Mr. Speaker. One is in the area of unemployment, and one is in the area of improving our facilities for youth and also in the area of senior citizens, Mr. Speaker.

But in the area as to giving the governor a blank check, Mr. Speaker, it's not a new appropriation added to this - it's primarily within the scope of the budget where there is an item which is not needed. Somehow, because there is a duplication of programs for any such measure that in case of disaster or should certain emergency arise, I think the governor should have that flexibility to resolve that problem.

Thank you, Mr. Speaker."

Representative Larsen then rose to speak against the budget, stating:

"I appreciate all the work that the Finance Committee has done to put this document together. It is not simple and it is a very tedious task. I appreciate that. However, having risen last night to speak against a \$1.2 million project, I must say something about page 236, where the governor again has been given a \$5 million project. And, I don't believe this sum of money has proper controls by our body here; therefore, I would have to vote against this document. Thank you."

Representative Medeiros, speaking in favor of the bill, stated:

"As you know, the success of the school security project has been noted not only by parents, students and faculty of our schools involved, but also by Governor George Ariyoshi and the Department of Education.

A recent DOE evaluative report revealed marked reduction in on-campus vandalism and disruptive behavior as a result of the school security patrol. The patrol has possibly affected conditions in the forty-four schools they have been involved with.

There are 221 public schools in our State with over 175,000 students. We cannot afford to neglect the value of any of the schools we have built or the well-being of even one of the students we send there.

This program has demonstrated effectiveness and protection in bulk.

H.B. No. 2100, HD 1, mentions our concerns by appropriating additional monies to this program. I urge and thank you for your continued support.

Thank you."

Representative Cobb, on a point of information, asked:

"On page 90 of the bill now before us, continuing over to page 91, relative to the funding for Kalaniana'ole Highway corridor, I note some language that we had agreed upon in the Energy and Transportation Committee, but I would like to raise a question relative to the amount of additional funding which appears to be a total of \$3.9 million. Is this, when combined with the previous appropriations already on the books and cited on page 90, sufficient funds for construction of a full six-lane corridor, or would the configuration still be limited to six lanes for half of the highway and four lanes for the other half of the highway? I regret having to raise this question on the floor; but I think the answer is crucial relative to the configuration of the entire highway corridor, and if the Chairman could assist by responding as to whether this money is sufficient for the entire six-lane construction."

Representative Suwa then rose and stated:

"Yield this question to the Transportation Chairman."

The Chair then asked:

"Representative Cayetano, will you yield?"

Representative Cayetano replied:

"Mr. Speaker, I don't think the decision has been made as to which configuration is going to be used on Kalaniana'ole Highway at this time. I understand Representative Cobb's concerns and I think he should have talked to me about this before today."

Representative Cobb then stated:

"Mr. Speaker, we addressed this at some length in committee, but what I would like to request, before we get into the vote for the conference draft of the budget, is a formal meeting with the Director of the Department of Transportation and the representatives affected so that we can straighten and get answered once and for all the questions as to funding and configuration."

Representative Suwa then remarked:

"Mr. Speaker, that question is, yes; or if any member of this House has any questions or problems that come about after we have passed the budget or what we have missed in this budget, we will have a list made and at an appropriate time, we will communicate with the Senate. Likewise, if any question dealing with some clarification is needed, we will do so with the department."

Representative Takamura, upon being recognized, stated:

"Mr. Speaker, I believe that one of the major responsibilities that we in the Legislature have is to allocate our resources - the resources of the State - in order to help many people in our State that need them."

I think the senior citizens of our State - a prime group within this category - I believe the document before you adequately represents this.

Included in this document are not only funds that go beyond what the governor requested through the administrative budget, but also funds that would continue much needed new programs in the areas of elderly day care, nutrition programs, and other needed programs.

And, also, there is the amount of \$80,000 which would help the State to provide some much needed new programs in the area of preventing child abuse which is a growing problem, not only here in Hawaii, but across the nation.

I believe, for these reasons and for many other reasons that have been cited before, that this is an important document for us, and that we all need to consider this in the way we vote on this bill, so I would urge everybody to vote aye."

Representative Yuen then rose and asked:

"Mr. Speaker, with your permission, I would like to submit a statement in support of this particular measure."

The Chair answered, stating:

"If there's no objections, so ordered."

Representative Yuen's statement is as follows:

"We live in a fast moving society. But one thing constant from the birth of our State has been our faith in education and our determination to make it available to all our citizens. It has long been recognized that our requirements for leadership, our penchant for progress, our hopes for economic growth, and the demands of citizenship itself require the maximum development of every youth's capacity."

Cognizant of the fact that the human mind is this State's fundamental resource, the Education Committee developed a supplemental program to help solve the problems of immediate educational concern. Included in the legislative program are funds for art, music, and physical education specialists; basic skills; learning disabled students; special education; alternative programs; school security; the gifted; band instruments; and others.

A few areas may require some clarification, however: (1) It is the intent of the Committee that the \$100,000 recommended for the purchase of high school library books be used to supply high school libraries, including those at Kaiser High School and Maui High School; (2) It is the intent of the Committee that the \$150,000 recommended for the purchase of books in the public libraries include funds for the provision of books at Makiki Library; (3) The Committee further intends that the \$100,000 recommended for the hiring of additional library positions and the filling of vacant positions include provisions for the hiring of staff at Makiki Library; (4) The Committee recommended \$65,000 to conduct a thorough evaluation of the 3-on-2 system in the schools with the understanding that the evaluation would include comparisons of effectiveness for 3-on-2 and HEP, 3-on-2 and non-HEP, and 3-on-2 and self-contained classrooms; (5) In the State Plan for Comprehensive Guidance Program, March 1975, and during Committee hearings, it was pointed out that guidance is approached in a fragmented and uncoordinated fashion. This deficiency contributes to the common misunderstanding of the role of guidance, prevents its integration with the total curriculum, and widens the gap among related program areas. There appears to be little common understanding of guidance goals, objectives, content, and services. Therefore, the Committee has recommended \$167,000

for guidance and counseling resource teachers to be placed in each school district. These resource teachers shall assist principals, counselors, and guidance teachers in implementing the guidance program; provide in-service training; assess and communicate needs to the State; evolve interdisciplinary coordination; and spend an estimated 80 per cent of their time in the schools working with school staff.

This supplementary legislative program is a modest program with ambitious goals. Yet it is an investment which will pay rich dividends in the years ahead - in providing our children with the brainpower, the strength, the imagination, and the creative intelligence to face the future."

Representative Roehrig then rose and stated:

"Mr. Speaker, I just briefly rise to speak in favor of it - that the Judiciary Committee's concerns in the budget areas and other concerns that were added by some separate bills has been addressed very well in this budget document, and when we vote on it for final passage later in the session, I will go into some detail on that at that time. But I felt that I would be remiss if I didn't state, at least at this point, that it is very satisfactory from our standpoint because it encompasses 99.9 percent of our input. Thank you."

Representative Segawa, speaking in favor of the bill, stated:

"Much has been told about spending in the State. It is our belief here that much of our spending in the past has been spending on reactionary types. Now in our health area, we have taken steps not to be reactive but to be productive and progressive, and the monies have been provided for major problems like Waimano Training School and Hospital - to expand on a new community placement program. We have even gone into the communities to place, the possibility of placing, at least 300 of these patients from the hospital into the community.

By this appropriation, we can also accomplish the task of funding the remaining 53 elementary schools to provide health aides to all these schools to take care of our children in the schools and also the other programs that have been of concern -

the planned parenthood program, and our appropriation grants-in-aid to different counties for their health care needs. And we are taking steps not to react but to take care of problems before they become crises.

And, therefore, I urge all the members of this body to vote in favor of this bill."

Representative Lum then rose to speak in favor of the bill, stating:

"I must say that in all the years that I've been connected with the Legislature, that I'm very impressed with the amount of input Republicans have been able to have with this particular bill. I know there are a lot of bills that move from different subject matter committees into the Finance Committee, but Republican members in that Committee also had input. Unfortunately, some of the things in this particular group, in this particular bill, may not agree with everybody here, but that's true in everybody's case. But the Republican members on the Finance Committee discussed many of these things; we had our input; they listened to us; and some of the measures that are in here were not our desire, but that's the way the ball bounces. The administration had their input. We as members of the Legislature on this side of the House will have our input. When we go into conference, the Senate will have their input and, hopefully, what will come out in the Conference Committee will be what most of us want in a bill like this.

But let me point out some of the reasons why the budget may seem to have an inflationary aspect. One of the things that is happening on the federal level is that they're pulling back or levelling off on their appropriations and, therefore, the big old State of Hawaii has to pick it up - especially the City and County of Honolulu is going to pull back some of the funding of certain programs and the State of Hawaii will have to pick it up. So, not that we are expanding, but we're trying to keep on-going services going, and in order to do this, we have to pick up the appropriations at the State level; otherwise, the service will die.

I can see that there are certain aspects of this bill whereby Republican input is directly put in here without any interference from anybody else -

in the area of capital improvements is an example. There are many of us here who have put capital improvements here in this particular budget; it was accepted by the Finance Committee; it is input directly by a Republican and so, therefore, I congratulate the Chairman and the members of this body in allowing us, as Republicans, to put input in this particular bill, and I urge everybody to vote for it."

Representative Carroll, upon being recognized, stated:

"I rise to speak in favor of the bill, and I would simply like to have it noted in the Journal that while I am in favor of the bulk of the bill, that I object strenuously to the amendment on page 236, being section 118a. Thank you."

Representative Kimura then rose and upon being recognized, stated:

"Mr. Speaker, I'd like to speak in favor of this bill in respect particularly to the minority members who have spoken against this bill and their references to page 236, section 118a? This provision, I think, it is well to have it brought out very clearly that there are safeguards written into the law. There's been references to it that it is a blank check to the governor for \$5 million. This is not the case, Mr. Speaker. The proviso clearly provides that the governor shall make a report on all expenditures for the period ending December 31, 1976, and shall be made to the Legislature by February 1, 1977, and a similar report for the period beginning January 1, 1977, and ending January 30, 1977, and be made to the Legislature by August 1, 1977.

And that, Mr. Speaker, the section further provides that in this appropriation, the authorization for the governor to spend this amount, \$5 million, is from savings that may be available from the appropriated funds of any program in this Act.

And so I think the point made by some of the previous speakers who objected to this provision, I think, did not bring out these points very clearly and I think in considering this we should take this into account."

Representative Yap then rose and asked:

"Mr. Speaker, I would like to make a comment in favor of the bill."

Upon being directed to "proceed", Representative Yap said:

"I would like to suggest that all those who oppose the bill, if they would surrender or waive their CIP. And like they say, 'charity begins at home'. If they want to sign their next pay check and give it back to Budget and Finance, our 16th District will welcome that extra for us."

At this time, Representative Ajifu requested a roll call vote on this measure.

The motion to pass H.B. No. 2100-76, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNium JULY 1, 1975, TO JUNE 30, 1977, AND AUTHORIZING THE ISSUANCE OF BONDS", on Third Reading was put by the Chair and carried by a roll call vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Amaral being excused.

H.B. No. 3020-76, HD 1

On motion by Representative Yuen, seconded by Representative Oda, H.B. No. 3020-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERSONNEL", passed Third Reading by a vote of 50 ayes, with Representative Amaral being excused.

H.B. No. 3387-76, HD 1

Representative Lee moved that H.B. No. 3387-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Takamine.

At this time, Representative Abercrombie, on a point of information, asked:

"Mr. Speaker, has it been thoroughly determined that this bill passed Second Reading?"

At 12:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:36 o'clock p.m.

The Chair then asked:

"Any discussion on H.B. No. 3387, HD 1?"

Representative Lee, upon being recognized, stated:

"I rise to speak in favor of H.B. No. 3387-76, HD 1, which proposes to establish an affirmative action coordinator in the Office of the Governor. Affirmative action ensures that equal opportunity be granted to every individual, regardless of sex, race, ethnic background, religion, age, class, handicap and the like - at all levels and in all phases of public employment, including government contractors. The bill further provides that the coordinator and the designated representatives in each State department would have such responsibilities as to formulate an affirmative action plan and to direct a continuing program of affirmative action.

This piece of legislation is much needed now to give the viable thrust to current programs which purport to utilize affirmative action.

The disconcerting fact, Mr. Speaker, as pointed in studies by Michael Haas and others remains like this: despite recent federal legislation and executive orders promoting equal employment opportunity, there is still an underconcentration of individuals and groups on certain occupational levels in the employment practices in our State departments as well as counties. We can logically infer that some individuals and groups in our State are not yet employed up to their level of availability in the total labor force and may be possible victims of discrimination.

Mr. Speaker, this bill does not ask for preferential treatment of these individuals or groups. It only calls for giving them the chance to be treated with justice and equality for available job opportunities in our State - principles that are basic tenets in our American democracy.

I wish that this Legislature can number as one of its milestones this session the achievement that we had not only recognized this important issue, deep-seated as it really is, but that we have also instigated leadership action to cope with it.

Therefore, Mr. Speaker, I strongly urge all my colleagues to support this bill and, mind you, Mr. Speaker, to support this bill regardless of

your sex, your age, your ethnic background, religion and, of course, handicaps."

The Chair then asked:

"Any further discussion?"

Representative Sutton rose and asked:

"Mr. Speaker, would the Chairman who just made this report yield to a question?"

The Chair asked:

"Representative Lee, will you yield to a question from Representative Sutton?"

Representative Lee replied:

"To my friend who has always been kind to me, I do."

Representative Sutton then asked:

"Mr. Lee says that there will be no discrimination for sex, race, color, religion, age, national origin, physical handicaps or the like. Does 'or the like' include those that vote 'no' against the budget?"

Representative Lee answered, stating:

"Of course, and I may add the Chair wants to admit an error in preparation of this bill - I forgot 'sex orientation'."

The motion to pass H.B. No. 3387-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", on Third Reading was put by the Chair and carried by a vote of 50 ayes, with Representative Amaral being excused.

The Chair directed the Clerk to note that H.B. No. 2100-76, HD 1, had passed Third Reading at 12:34 o'clock p.m.; H.B. No. 3020-76, HD 1, at 12:35 o'clock p.m.; and H.B. No. 3387-76, HD 1, at 12:40 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 564-76 on H.B. No. 3458-76, HD 2 (Deferred from March 17, 1976):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 3458-76, HD 2, having been read throughout,

pass Third Reading, seconded by Representative Akizaki.

Representative Kamalii then rose to speak in favor of the bill, stating:

"I would also like to, at this time, thank the Chairman of Judiciary and his Committee for hearing this bill and for reporting it out as well as other crime-related bills.

Mr. Speaker, this bill constitutes a significant step forward in our efforts to combat organized crime, and crime in general, here in our 50th State.

It goes without saying, Mr. Speaker, that the war on crime and criminals will be a long and tedious one, involving all of us. The formation of a Hawaiian Commission on Crime, headed by our Lieutenant-Governor, is recognition of the fact that general citizen's input is desirable and necessary if we are to achieve containment of our greatest domestic enemy - crime.

H.B. No. 3458-76, HD 2, also recognizes the administrative requirements of an effective anti-crime program. Mr. Speaker, by recommending a staff for the Hawaiian Commission on Crime, including an attorney, and by conferring subpoena powers upon the Commission, the great contribution of the Hawaiian Commission on Crime will be in the publicity that will be focused on criminal activities in Hawaii. Mr. Speaker, that publicity is the greatest weapon we have, because exposure of individuals and organizations engaged in crime effectively eliminates their ability to operate.

Mr. Speaker, I am in whole-hearted concurrence with the intent and mechanics of this bill, and I cast my vote for its passage and I request that the rest of my colleagues vote aye also."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3458-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A CRIME COMMISSION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Amaral being excused.

At 12:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives

reconvened at 12:44 o'clock p.m.

Stand. Com. Rep. No. 565-76 on H.B. No. 2598-76, HD 3 (Deferred from March 17, 1976):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 2598-76, HD 3, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Cayetano, upon being recognized, stated:

"I rise to speak in support of H.B. 2598-76.

"Mr. Speaker, in 1965, the State of Hawaii adopted its policy commitments to improving the lives of our senior citizens. Since then, the legislature has embarked on programs designed to improve and expand the delivery of much needed services to our senior citizens.

I see this bill as another step toward the realization of our commitment. This bill, Mr. Speaker, would exempt persons from age 60 and over from paying the 4 percent general excise tax on the purchase of prescription drugs. It is extremely simplified in procedure and would be relatively easy to administer if it becomes law. For example, because it is limited to prescription drugs only, the possibility of abuse for the benefit of non-senior citizens - something which has plagued legislation of this nature in the past - has been greatly diminished. And, further, because it is limited only to prescription drugs, there is no compelling need to subject our senior citizens to undergo the stringent and possibly humiliating identification procedures which would have been necessary to include in this bill if its provisions were expanded to include non-prescription drugs and food. Under this bill, a senior citizen need only present simple identification such as a driver's license, medicare card or State identification card to the pharmacist to qualify for the exemption.

Mr. Speaker, the need of our senior citizens for financial relief on prescription drugs is tremendous. A recent U.S. Department of Labor survey on consumer buying patterns for urban areas, including the city of Honolulu, revealed that approximately 11 percent to 16 percent of the budget of a retired couple went to the purchase

of medical care and other related costs. Another survey conducted specifically on the needs of Hawaii's senior citizens revealed that although the first priority of government was to assist the senior citizens in making their incomes go further, the second and related priority was to alleviate the high costs associated with health care of our elderly.

Additionally, one of the major findings and recommendations of the comprehensive master plan for the elderly is the elimination of the 4 percent general excise tax on items which are basic to the needs of our senior citizens such as food, health care and drugs. This bill deals in part with that recommendation.

There have been complaints, Mr. Speaker, from some quarters, that this bill does not go far enough, that the exemption should be extended to include food, as well as all types of drugs, prescription and non-prescription.

Such complaints, I am sure, are well-intentioned but they fail to survive the test of realistic, objective and critical analysis. Mr. Speaker, the idea of giving the elderly an exemption from the 4 percent general excise tax on food and drugs is not a revelation to this body. Bills embodying that idea have been introduced by members from both sides of the aisle ever since the 4 percent general excise tax became the law of this State. However, it is high time that we admit that there are some tremendous problems inherent to such legislation. For one, any exemption on food and drugs in general for the elderly would be subject to the risks of tremendous abuse for the benefit of the non-elderly. Second, an exemption on food and drugs would require us to subject our senior citizens to stringent and complex identification procedures to avoid such abuse. Third, our merchants tell us they would have terrible and expensive inventory problems if the exemption was to include food and drugs in general. And fourth, there has been concern about the loss of revenue to our State.

Mr. Speaker, it is apparent that throughout the years, a substantial number of the members of our legislature, both past and present, believed that there is merit to the idea of giving our senior citizens some kind of exemption from the 4 percent

general excise tax. One need only count the number of bills introduced for this purpose each session to know this. However, Mr. Speaker, it is equally apparent, or it should be by now, that a substantial number of the members of our legislature, both past and present, also believe that the problems which would be created by such an exemption on food and drugs outweigh its merits and should be worked out before it becomes law. One need not possess any unusual powers of perception to come to this conclusion - one need only point to the countless efforts in the past which have met with failure until today.

Mr. Speaker, I believe it is with this background and facts in mind that the members of your Committee on Youth and Elderly Affairs and your Committee on Finance reported out this bill, and it is in this context that I ask the members of this honorable body to take this small but significant step to assist our senior citizens by voting for H.B. No. 2598-76.

Thank you."

Representative Kamalii then rose and stated:

"At last I can rise and speak in favor of H.B. No. 2598-87, HD 3, which exempts persons 60 years and over from payment of the 4 percent gross income tax on purchases of prescription drugs.

Mr. Speaker, H.B. No. 2598-76, as amended in the House Finance Committee, reflects the feelings of all of us in the House that our elderly citizens should be given tax exemptions for such necessities as prescription drugs.

In line with many statements made on the floor of this House by majority party members on March 5, 1976, Mr. Speaker, you may rest assured that we Republicans will continue our efforts to obtain still further tax exemptions in the area of food and drugs for all our citizens.

On the realistic premise that half a loaf is better than none, I cast my vote aye."

Representative Poepoe, upon being recognized, stated:

"I don't have an amendment to offer right now. Would the Chairman of Finance yield to a question?"

The Chair then asked:

"Representative Suwa, will you yield?"

Representative Suwa answered:

"Yes, Mr. Speaker, I will."

Representative Poepoe then asked:

"Mr. Speaker, I need the estimate of cost to the government for this program."

Representative Suwa stated:

"Mr. Speaker, the rough estimate - this will not cost any more than between \$250,000 to that of a little plus."

Representative Poepoe then asked:

"Excuse me, was that \$250,000?"

The Chair replied:

"\$250,000, plus or minus."

Representative Poepoe then continued:

"Mr. Speaker, I rise to speak in favor of this bill."

The Chair directed Representative Poepoe to "proceed".

After a long pause, the Chair stated:

"We are waiting, Representative Poepoe."

Representative Poepoe then stated:

"Part of the silence is, the silence is part of my speech, Mr. Speaker, cause I'm flabbergasted and quite pleased that we will be giving our senior citizens a savings of approximately \$2.98 per year, which works out to perhaps 28¢ per month. I think we are taking a step in the right direction, but I don't think we have gone quite far enough - to send this out into the community to say that we are doing a good job for the senior citizens."

The master plan for the elderly specifically states that this is one of their concerns - the exemption of the 4 percent excise tax on food. To answer the questions of the Chairman on Energy and Transportation Committee - yes, we have the means to do it; yes, we have the voucher systems that can accomplish it without further embarrassment to senior

citizens; yes, we have the equipment ready and we have the equipment manufactured today to send into the market so that this program can be accomplished reasonably at that level.

I think the real problem facing this State, facing the administration, or if you wish, your side of the aisle, is the amount of the exemption. The effect of the amount of exemption on the revenues of this State and the input of the loss of that revenue on programs. If that is the case, you should state it squarely. On our side, we are in favor of exempting them from the 4 percent food tax.

Thank you kindly, Mr. Speaker."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I hadn't intended to speak on this. I think the, or rather, I thought the remarks of the Chairman of the Energy and Transportation Committee were pertinent and eloquent and stated in substance what this measure addresses itself to. But I feel I must rise and speak in favor of this bill because of some of the remarks made by the past speaker, which I think involved almost a basic cruelty in their thrust."

The situation isn't one, Mr. Speaker, of averaging out among the entire population of people over the age of 60 in the State how much it might come out to per month. Not everyone is ill all the time, not everyone is in need of prescription drugs every day of every week of their lives. The point that this bill addresses itself to is the humane circumstance which when someone over the age of 60 is required to get into a situation of purchasing prescription drugs which may amount to a great deal of money that they will be relieved of the tax burden. It is an unfair stipulation to attempt to make - to simply put in the average - and I urge everyone to keep in mind that what we're talking about here is when people find themselves in trouble - that is what we are addressing this tax situation to.

Thank you."

Representative Takamura then rose and stated:

"Mr. Speaker, I would like to speak in favor of this bill although I had not intended to do so, and

I do so mainly to correct the impression that seems to be given that only certain groups of people are in favor of helping senior citizens in doing away with the 4 percent totally on food and drugs. I think that is entirely incorrect and that needs to be corrected.

I think as the Chairperson on the Committee on Youth and Elderly Affairs, as well as the members of my Committee, are well aware of how we labored on this issue - not only this session, but last session - and part of the reason why we have the present bill before us is because of some of the problems we ran into when we tried to handle this particular issue last session.

Again, I would reiterate the fact that the minority members who claim to have thought and worked so hard on this issue have had, not only last session, but again this session, to discuss this issue and try to bring about some changes while we were discussing it in Committee. And, again, it seems as if this issue only gets brought up when we're on the floor. . . ."

Representative Poepoe, on a point of order, stated:

"We've gone through the process of procedures and everything else - merits of the bill on our desks. . . ."

The Chair then stated:

"Representative Poepoe, the former speaker is on your side - she opened the door! Proceed, Representative Takamura."

Representative Takamura continued, stating:

"I'd just like to conclude by saying that rather than talking about what if, what can, what we want to do, what we should be doing, let's talk about what we can do right now with what's before us. And, I think the important thing is that finally we have a measure that everybody agrees, you know, is not the whole thing. I think it's a significant step forward. I think the members of the Committee on Youth and Elderly Affairs - both the majority and the minority members - feel very strongly about this bill, as well as the members of the Finance Committee. I think we feel this is a good bill, a bill that is workable and would provide us with a much

needed step in the right direction; and this is the important thing we should focus on - the positive aspect rather than dredging up some negative things. So, on that basis, we should go ahead with the voting."

Representative Ajifu then rose and stated:

"When the Republican members of this House attempted to amend this bill prior to its passage on Second Reading, we were called all kinds of names and accusable kinds of politicking. . . ."

Representative Abercrombie then rose and stated:

"Point of order, Mr. Speaker. I don't believe that I heard whether the present speaker is for or against the bill."

Representative Ajifu then continued:

"Mr. Speaker, I'm speaking in favor of the bill. I just want to state I'm speaking in favor of it because now that we have corrected the bill - I think this was one of our amendments. We have corrected this measure to conform to what we have proposed. We are happy to support this measure. I think it's in the right direction, as our Minority Leader stated. I think this is not enough, but I think it is in the right direction. Thank you."

Representative Poepoe, in rebuttal, stated:

"Mr. Speaker, we are voting in favor of this bill, don't misunderstand that at all. We say we are taking a small step forward, and that is acceptable to us. Some senior citizens get ill once a year, twice a year, whatever the case may be, and they will benefit from this legislation. This is correct. But, we insist that senior citizens eat every day and, therefore, they can benefit every day on our proposal."

Representative Abercrombie then rose and stated:

"I feel a rebuttal is necessary. I'm perfectly aware of the fact that people eat every day - that's not what is being addressed here. We ought to get off these meretricious remarks. We want to deal straightforwardly with this thing. Let's keep the politics out of it on that level."

The motion was put by the Chair and carried, and the report of the

Committee was adopted and H.B. No. 2598-76, HD 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION AND THE ELDERLY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Amaral being excused.

Stand. Com. Rep. No. 567-76 on H.B. No. 2241-76 (Deferred from March 17, 1976):

On motion by Representative Yuen, seconded by Representative Oda and carried, the report of the Committee was adopted and H.B. No. 2241-76, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Amaral being excused.

Stand. Com. Rep. No. 569-76 on H.B. No. 2386-76, HD 2 (Deferred from March 17, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2386-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROGRAM FOR THE UNEMPLOYED", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Amaral being excused.

H.B. No. 3165-76, HD 1:

At 1:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:02 o'clock p.m.

Representative Lee moved that action on H.B. No. 3165-76, HD 1, be deferred to the end of the day's calendar, and the Chair, noting that there were no objections, so ordered.

The Chair directed the Clerk to note that H.B. No. 3458-76, HD 2, had passed Third Reading at 12:44 o'clock p.m.; H.B. Nos. 2598-76, HD 3, 2241-76 and 2386-76, HD 2, at 1:00 o'clock p.m.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 13, HD 2, was taken from the Clerk's Desk.

At 1:04 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:06 o'clock p.m.

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 13, HD 2, having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Amaral being excused, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

The Chair directed the Clerk to note that H.B. No. 13, HD 2, had passed Final Reading at 1:06 o'clock p.m.

At this time, Representative Kihano rose and stated:

"Mr. Speaker, it's not an announcement, but I would like to thank Representative Sutton personally for the entertainment provided yesterday. I think the rest of the members of the House would like to thank him also. Thank you, Representative Ike Sutton."

The Chair then stated:

"The Chair extends his personal appreciation to Representative Sutton in that regard."

Representative Sutton then rose and stated:

"Mr. Speaker, I think I would be remiss if I did not acknowledge a magnificent reading by the House Clerk of a two-page resolution that had twenty-six Irish towns in it and he pronounced them all right."

The Chair then made the following announcement:

"The Chair would like to remind all members of this House that we will recess until 7 o'clock p.m. today. The Chair requests, and it is expected, that all members be here promptly because the session will begin promptly. We have approxi-

mately thirty plus bills to pass, and this is the last day for Third Reading House bills."

At 1:10 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives stood in recess until 7 o'clock this evening.

NIGHT SESSION

The House of Representatives reconvened at 7:10 o'clock p.m.

STANDING COMMITTEE REPORT

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 597-76) informing the House that House Resolution Nos. 425 to 441, House Concurrent Resolution Nos. 73 and 82, Standing Committee Report Nos. 563-76 to 596-76 and Special Committee Report No. 17, and Floor Amendments to H.B. No. 2932-76, HD 2 and H.B. No. 2299-76, HD 2, have been printed and distributed.

On motion by Representative Akizaki, seconded by Representative Kiyabu and carried, the report of the Committee was adopted.

RECONSIDERATION OF ACTION TAKEN

The Clerk, at this time, stated:

"Mr. Speaker, this morning, in regards to Senate Communication No. 144 listed on the addendum of this morning's calendar, may the Journal reflect that the Senate transmitted a communication which erroneously stated that H.B. No. 13 had passed Third Reading in the Senate. The fact of the matter is that the Senate adopted Senate Concurrent Resolution No. 13, and the communication should have stated that Senate Concurrent Resolution No. 13 was being transmitted to the House rather than House Bill No. 13.

Accordingly, a Senate Communication No. 144 showing the transmittal of Senate Concurrent Resolution No. 13 has been received by the Clerk's office."

The Chair replied: "So ordered."

Representative Suwa then moved that the House reconsider its action

taken earlier today on House Bill No. 13, HD 2, seconded by Representative Akizaki and carried.

Representative Suwa moved to withdraw his motion in passing H.B. No. 13, HD 2, on Final Reading and Representative Akizaki withdrew his second.

The Chair, noting that there were no objections, so ordered.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 571-76 on H.B. No. 2700-76, HD 2 (Deferred from March 17, 1976):

Representative Yamada moved that the report of the majority of the Committee be adopted and H.B. No. 2700-76, HD 2, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Yamada then rose to speak in favor of the bill, stating:

"Mr. Speaker, in the past few years, the cost of purchasing medical malpractice liability insurance for hospitals, doctors, and other health care providers has risen dramatically throughout the nation and in Hawaii.

In addition to the rising cost of medical liability coverage, we are faced with the possibility that insurance coverage for medical liability will be withdrawn from the market completely. Currently, there is only one insurance carrier that accepts applications for medical malpractice insurance in Hawaii, and no other companies are contemplating entering the Hawaii malpractice insurance market.

In recognition of the pressing problems of physicians in obtaining medical malpractice insurance, the Legislature in 1975 passed the Hawaii Medical Malpractice Underwriting Plan to provide medical malpractice insurance to health care providers in the event that such insurance was not available to the majority of physicians and hospitals.

At that time, it was recognized by this Legislature that the joint underwriting plan was a stop-gap measure and that the next necessary step was a major overhaul of the medical malpractice insurance system. This was necessary to insure continued availability of coverage at an acceptable cost. This bill takes that step.

One of the objectives of this bill is to reduce the number of medical malpractice suits and to encourage prompt settlement of claims. To this end, the bill establishes medical claim conciliation panels to screen and make recommendations for disposition of medical tort claims prior to the filing of court action.

Each panel will be composed of three members. The Chief Justice of the Hawaii Supreme Court will select the chairperson and such chairperson will select one member from a list of names supplied by the Hawaii Medical Association and one member from a list of names submitted by the Hawaii Bar Association.

All medical malpractice claims must be submitted to a medical claim conciliation panel before court action can be initiated. The panel will hold informal fact-finding hearings and make a finding as to the merits of the claim and if the claim is found to be valid, a recommendation as to the amount of damages which should be paid.

Although the findings and recommendations of a panel are not binding on the parties, it is anticipated that this screening procedure will discourage the filing of claims which are without merit and encourage early settlement of valid claims.

Another major feature of this bill is the creation of a Patients' Compensation Fund.

All health care providers can choose to participate in the fund which would pay all awards and settlements against health care providers who are participants in the fund to the extent such awards or settlements exceed \$100,000. Those who choose to participate in the fund would be assured of unlimited insurance coverage for medical torts.

The creation of the fund and the limitation of private insurance coverage to \$100,000 for each health care provider should encourage more insurance companies to enter the Hawaii malpractice insurance market. This will enhance competition and should encourage lower premiums.

Further, the cost of coverage for insurance in excess of \$100,000 should be reduced as the Patients' Compensation Fund will utilize only Hawaii experience in determining the cost for such insurance.

Another benefit of the Patients' Compensation Fund is that it will assure that the joint underwriting plan provided for by the Legislature last year will be able to be put into effect if needed. In the present malpractice insurance market, it is questionable whether the joint underwriting plan, if put into operation, would be able to obtain reinsurance. The Patients' Compensation Fund, by absorbing the amount of judgments in excess of \$100,000, will assure that the joint underwriting plan can be put into effect.

Moneys for the fund will come from surcharges on malpractice insurance premiums in amounts determined by the insurance commissioner and charges assessed against self insurers as established by the commissioner.

In dealing with the problem of malpractice insurance, this bill also is designed to reduce the incidences of malpractice by improving the quality of medical care. This is achieved by increasing the effectiveness of the Board of Medical Examiners in dealing with those few physicians and surgeons who do not meet acceptable standards of competence and requiring continuing medical education for all medical doctors. Further, the Board is augmented by adding two lay members to provide public participation on the Board.

Mr. Speaker, I have given you and members of this body only a brief summary of the major parts of this comprehensive bill. Taken as a whole, the provisions of this bill meet the need of the medical community to obtain medical malpractice insurance at reasonable rates and thus helps to assure the people of this State of quality medical care. For this reason, Mr. Speaker, I urge all members of this body to support this bill."

Representative Sutton then rose to speak against the bill, stating:

"Mr. Speaker, I think that it is appropriate that we look at what the purpose of this bill was supposed to accomplish. The bill was supposed to stabilize the cost of medical malpractice and assure the availability of such insurance at a reasonable cost. It was supposed to decrease the cost of the recovery system for medical malpractice and improve the efficiency of its procedure and it was supposed to police both the

attorneys and the doctors and to make sure that we did not run into a crisis such as other states like California and Indiana have run into.

Now, Mr. Speaker, my family, in 1970, comprised 1% of the State bar; therefore, speaking as an attorney, I must, of my own conscience, say that I think we have not balanced the equity. We have hog-tied the doctors and given an open hunting license to the attorney.

We talk about, first, the contingent fee is 33 1/3% up to the time of the date of readiness; 40% to the time of trial and judgment; and on appeal, whether it be the plaintiff appealing or the defendant, we have it wide open - skies the limit, Mr. Speaker.

Initially, we had a very narrow definition in this bill - you'll notice it is House Draft 2 of *res ipsa loquitur*. That is the Latin, Mr. Speaker, for the thing speaks for itself.

You will recall, in law school, the case we had of the man getting on the operating table to have his leg operated on and he woke up with a terrible headache. And certainly there we have a concept of something completely under the control of the doctor; of the health care operator; and certainly there, *res ipsa loquitur* was appropriate.

But, we have limitations on this doctrine. In the initial HD 1, those limitations have been taken out. Now, what does that mean? It means that the doctrine of *res ipsa loquitur* is the one which the particular court will, if it's conservative or if it's liberal, have a different doctrine that throws the doctors at their mercy.

Mr. Speaker, we have also said you can't practice medicine in Hawaii unless you have a hundred grand. Now, we have taken all the medical profession and we have said you've got to be educated; you are going to be disciplined; you can only practice medicine if you have \$100,000 - get security or have a \$100,000. We have said to the medical profession, in so many words, you will lose your license; be put on probation. But, what is the evidence? We have not had any evidence that indicates such harsh judgment on the doctors. The doctors have been put in a position where, for all intents and purposes, none of their evidence has come in here.

We've even taken the statute of limitations - the old familiar two years is now extended from two years to six. And a child does not have the statute run until 18. That means that a child, at 24, could be bringing a suit here.

Now, Mr. Speaker, we call this bill a malpractice, but we do not have any evidence that it was needed - anything of this type was needed in Hawaii. What is the experience? We have had no dramatic situations of a doctors' strike. We have had no situations. All we have had is a situation where Aqueen Insurance Company had the control and had the monopoly here and, therefore, they used mainland experience, in Hawaii especially, to set their rates. We should have attached ourselves to a basic concept and force the other casualty companies to come in and underwrite their concept with Aqueen.

Mr. Speaker, I submit to you, that we have in this bill, hog-tied the doctors, put them under discipline for sins they have not committed.

Thank you, sir."

Representative Carroll then rose and asked:

"Will the Chairman of the Consumer Protection and Commerce Committee yield to two questions?"

The Chair then asked:

"Representative Yamada, will you yield?"

Representative Yamada replied:

"I will, Mr. Speaker."

Representative Carroll proceeded, asking:

"Mr. Speaker, the first question is, what was the condition in Indiana prior to the adoption of their medical malpractice statute which is similar to ours, as far as the number of carriers available for the doctors to purchase from?"

Representative Yamada answered:

"Mr. Speaker, the State of Indiana, which adopted a malpractice plan which is very similar to the one presented to this body, that prior to the enactment of the medical malpractice insurance, there was only one carrier, which is the same

thing which we have now; however, after the enactment of the medical malpractice plan in Indiana, limiting the insurance company's liability to \$100,000, that the number of insurance carriers issuing malpractice insurance coverage has increased from one to, I think, 32 or 33."

Representative Carroll then stated:

"That was my second question. Thank you, Mr. Speaker."

Representative Abercrombie then rose and said:

"I rise to speak in favor of this bill, but I have grave reservations about it and I would like to articulate them."

Upon being directed to "proceed" by the Chair, Representative Abercrombie stated:

"Thank you, sir.

Mr. Speaker, the reason I have reservations, I had a lengthy dialogue - I should state right before I go further - in open caucus this afternoon with the Chairman of the Consumer Protection and Commerce Committee, who was very gracious and patient in his explanations. And, obviously, the work that's involved in here is tremendous - there's no doubt about that.

My problem comes in this respect - I am not completely convinced that a proper examination of insurance company practices have been made. I am not entirely convinced that we are not being victimized and, for that matter, possibly the doctors are being victimized by their patients and insurance companies. I am not convinced; rather, I would like to say I have been convinced that Hawaii is being discriminated against because nation-wide rates are being applied to this State even though, in this State, our record on malpractice is exceptional, if not one of the best in the country.

As a matter of fact, I believe that the insurance paid into the various malpractice funds by our doctors comes to more than the amount that is paid out in claims in this State. Having that in mind, I cannot agree with the sliding scale of fees for the attorneys. Inasmuch as we are talking about human tragedy here, in a real sense beyond that which perhaps in the mental anguish of a false arrest, perhaps this kind

of thing where someone may have lost a limb, some other kind of physical tragedy taking place, I cannot find it in myself to agree that the sliding scale going up to 40% is an equitable kind of thing. I believe that the original 33 1/3% flat rate should apply throughout.

Also, Mr. Speaker, I have reservations about the makeup of the review committee - the conciliation panel, in particular. The reason that I have these reservations is that they're going to be made up of people who have, in a sense, a vested interest in their professionalism, including the doctors themselves, and I'm not quite sure, despite the assurances of the Chairman, that the public interest, as such, will necessarily be served in the conciliation panels. I see their necessities all right, but I am not entirely sure that the makeup will be entirely to the benefit of the people who have been injured.

And, in this respect, Mr. Speaker, it brings me to the concluding feeling that I have. I would hope that if we vote this bill through, and I expect that we will, that we will very seriously, in the future, take a look at setting up a State insurance funding, in this respect, and remove it from the hands of the private insurance groups. I believe that the Consumer Protection Committee has thought of these things somewhat in the course of discussions on this and I believe that this then will be possibly a first step in that end.

I hope that these remarks and some discussions I've had with the Chairman, that these kinds of feelings and possibilities are in the minds of those members who are on the Consumer Protection and Commerce Committee and that something might be forthcoming in the area in the future.

Thank you."

Representative Yap then rose to speak in favor of the bill, stating:

"After many long hours of night work, I believe we have a plan tonight before us that's a fair and balanced approach to avoiding a medical malpractice insurance problem. Although Hawaii is one of the few states whose insurance costs exceeded the total premiums of malpractice awards paid, we must be prepared when the situation is reversed.

In my opinion, HB 2700 is an equitable bill - neither pro-attorney nor pro-physician - but instead, pro-consumer.

It is set up so it limits an insurance company's liability to \$100,000. Consequently, malpractice premium costs for doctors will be reduced. This, of course, will have a direct reflection on medical bills, which we, the consumers, must pay. Thus, anything over \$100,000 in malpractice awards will be paid from this \$5 million State-administered, self-sufficient fund.

Mr. Speaker, another safeguard within this plan here against excessive malpractice claims in the future is further and necessary proof of medical competency. There is a continuing education requirement in order for doctors and surgeons to continue their practice in this State. Another significant feature is the stronger and more flexible self-policing authority of the medical profession by the State Board of Medical Examiners, as this measure proposes.

Mr. Speaker, while this bill does not profess to be a cure-all for all kinds of malpractice situations between doctors, lawyers and patients, I believe it is certainly in the right direction to attaining a truly equitable solution for all parties involved, so I urge all fifty-one members in this House to at least vote an 'aye' for the first time.

Thank you, Mr. Speaker."

Representative Carroll, upon being recognized, stated:

"Mr. Speaker, I rise to speak in favor of this bill. I would echo the comments of Representative Yap, relative to the starting place. I think, most importantly, with respect to this particular measure, we have seen the crisis situations that have occurred on the mainland where the legislature has lagged behind the situation that was facing the doctors.

I have had the personal experience of a doctor who's been operating on my son for a number of years stopping now from the surgical practice of medicine because of the prohibitive price of malpractice insurance in this State.

I think this is a good bill. It's certainly one that we can put our signatures on and be proud of. I

think it's a move in the right direction and, unfortunately, mine did not see the light of day this year, but I would urge all members to vote aye.

Thank you."

Representative Yamada then rose and stated:

"I would just like to make a few comments to statements made by the Representative from the 15th District.

First of all, the sliding scale on contingent fees that was originally in the bill was changed by the Committee because as per the report of medical malpractice insurance on issues, discussions and proposals for a change which was compiled by a panel of doctors, lawyers, insurance people and lay people by the Department of Regulatory Agencies - that report states that contingent fees do not affect rates and that the only way contingent fees can affect rates would be if we limit them such that lawyers would not handle because of the contingent fee arrangement in some malpractice cases.

To restrict contingency fees to a point where lawyers will not represent patients will be highly inequitable to patients; therefore, Mr. Speaker, we did change the contingency fees section as advocated by H.B. No. 2700.

Now, as far as the doctrine of *res ipsa loquitur*, I think the prior speaker from the 15th District is well aware that Hawaii courts are very conservative because they follow the Common Law and which I'm sure he's well aware of since he always refers to it. And such being the case, Mr. Speaker, we felt that it was not necessary because of the conservative views of our courts to statutorily adopt it.

Now, as far as the mandatory insurance coverage necessary for a doctor to practice, we felt that it's part of a doctor's duty to his patients, not only to provide good medical treatment, but also to assure his patient that should there be non-intentional tort committed on the patient, that such patient can be adequately compensated.

Also, Mr. Speaker, on the same subject, that one of the criticisms of our automobile tort system, which resulted in us passing a No-Fault

Automobile Insurance Act, was that there were many judgment-proof defendants. Consequently, because of that, we did adopt, in our No-Fault Automobile Act, mandatory insurance coverage.

Mr. Speaker, as far as medical malpractice insurance, we felt it should be no different. As far as the statute of limitations, the bill originally provided that the statute of limitations for minors were tolled only until the age of 8 years old. This, Mr. Speaker, we felt to be unjust because, in effect, we are waving a minor's rights or we're telling a minor that from age 8, he may waive some rights if he does not file a medical malpractice suit and, at the same time, we are telling these same minors that they are not adults until the age of 18. And just from the standpoint of equity, Mr. Speaker, we felt that we should delete such a provision and leave the law as it is presently.

And the last point that the speaker made was that the bill was not needed; that, in fact, we have no crisis. Mr. Speaker, I tend to agree that while we have no crisis because of the way insurance premiums are computed that the insurance premiums of doctors and hospitals in this State have risen astronomically to a point where I think about three or four months ago that some of the doctors providing services at Wahiawa General Hospital had threatened not to continue service unless something was done about those rates. And this, Mr. Speaker, is what I feel to be the important thing about this malpractice bill that we are considering tonight - is how to provide malpractice insurance at reasonable rates. This, Mr. Speaker, and all the amendments we have made tonight does, in fact, make malpractice insurance available to doctors at reasonable rates."

Representative Sutton then rose in rebuttal, stating:

"Mr. Speaker, I would urge my colleagues, having heard these arguments, to reconsider in their minds and in their consciences, to think of what we saw in London when we went to the American Bar Association, and there they have what they call counselors at law. And it said up on the wall of an old building in Stravert on the Hip-sun that we can distinguish what a child will be: If he loses his dog by death when he's a little boy, he

becomes a doctor; and if he learns to steal a dog, he becomes an attorney. Sir, I am only quoting to you what was on the hallowed grounds of where our Common Law came from.

Now, Mr. Speaker, we have been told that we do not need to define the limits of *res ipsa loquitur* because we have all conservative judges. But you and I know very well that judges are human beings and are subject to all of the frailties of a mortal and one day they may be conservative and next liberal, and I include myself therein, sir.

And, also, we have certain judges on the different islands, and those islands will have a conservative judge here and a liberal judge there. There is no assurance that the doctrine of *res ipsa loquitur*, of what is under the control of the doctor, will not be something so uniquely conceived by the court to be under his control. It's almost a presumption of negligence.

Now, sir, we have been told on this statute of limitations, that this was a fair and equitable thing. But what about a pediatrician that works on a young child and then he wants to retire. He works on a young child, say, when he's 58 and he wants to retire, say, that young child is eight years old. He's not off the hook for medical malpractice till that child is twenty-four. So he has to carry his premiums, pay his premiums for malpractice. He is caught in this bite until that child has an additional twelve years. By that time, he's 72, and with the rate of inflation that is going on and what not, those premiums are coming in and he has no income because he is not practicing medicine.

Now, Mr. Speaker, we heard a statement made to the effect that this was needed because we wanted to anticipate. There are many things that we could sit down here and anticipate. But I ask you to look at the analogy of an injunctive procedure in a court of equity. A court of equity will not grant an injunction until there is some immediate necessity. There is, in my opinion, sir, no immediate necessity for this bill and I urge my colleagues to vote 'no' and think of the medical profession also.

Thank you."

Representative Uechi, upon being recognized, asked:

"Mr. Speaker, before I make up my mind to vote on this particular bill, could the Representative from the 15th District answer one question for me?"

The Chair then asked:

"Representative Sutton, will you yield?"

Representative Sutton replied in the affirmative.

Representative Uechi then asked:

"Mr. Speaker, now that I know how attorneys become attorneys and doctors become doctors, what about if someone finds a dog and returns it?"

Representative Sutton replied:

"Then he becomes a priest."

Representative Uechi remarked:

"Mr. Speaker, I believe he becomes a politician; he got the wrong answer, so maybe I'll swing my vote the other way."

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and H.B. No. 2700-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL PROFESSIONAL LIABILITY", passed Third Reading by a vote of 45 ayes to 1 no, with Representative Sutton voting no, and Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

Stand. Com. Rep. No. 575-76 on H.B. No. 2111-76, HD 2 (Deferred from March 17, 1976):

Representative Roehrig moved that the report of the majority of the Committee be adopted and H.B. No. 2111-76, HD 2, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Evans then rose and stated:

"Mr. Speaker, members of the House, I rise to speak in opposition to House Bill 2111-76, House Draft 2.

I urge the defeat of this bill on several points.

First, I have reviewed the testimony presented in committee hearings

on this bill. Both as a legislator and a professional in the field, I find that testimony to be less than adequate with regard to firm expert opinion on what constitutes the point of death.

Second, I am aware that the American Medical Association, the senior society of professional physicians, has not taken a stand on the issue of the definition of death. If such an expert body of physicians has declined to give an opinion on this subject because of the deeply complex problems involved, then I do not believe this House of Representatives can legislate a definition of death.

Third, there are in effect at island hospitals procedures for determining the point of death which, according to my investigation, have proven more than adequate. The procedures include the measuring of the respiratory, circulatory, and cardiac functions of the body. I see no groundswell of sentiment from either the medical profession, the hospital administrators, or the general public for legislative action on this subject at this time. The bill in question may well be a gratuitous gesture which, because of the controversy associated with the subject, could well put the legislature, the doctors and the courts in a difficult position if this bill were to be passed. Judge John C. Lanham, Sixth Division, First Circuit Court of Hawaii, pointed to this problem when he stated, '.... law review articles seem to conclude that generally defining death by statute creates as many problems, or perhaps more, than it solves.'

Fourth, I seriously question the jurisdiction of this body, and of the legislature as a whole, to enact by law a definition of death, especially when professional medical and legal minds have taken great pains to avoid taking a stand on the issue. I note that certain prescribed procedures for determining the point of death include the statement 'according to accepted medical practices'. I am sure you are aware that accepted medical practices may vary from location to location, and from patient to patient, because there are extenuating circumstances. To legislate what shall be with regard to this issue is to deny that any such extenuating circumstances could possibly exist.

Fifth, Mr. Speaker, I call to this body's attention the findings and

statements of the ad hoc committee of medical-legal problems of the Division of Medical Sciences of the National Research Council, 'we recognize the need to re-examine current criteria for the definition of death in light of recent medical advancements. Moreover, we consider this to be primarily a medical and not a legal problem.' That a revised definition of death is required is not in dispute here. What I am taking exception to is that, at a time when respected professional organizations do not endorse any one such definition, it is not proper for a legislative body to determine, by law, what such a definition shall or shall not entail.

Finally, Mr. Speaker and my colleagues, should any of you think that the question of defining death is something which can be treated as 'cut and dried' and legislated at this time, I call to those persons' attention the results of a most recent experiment conducted by Dr. Adrian R. M. Upton, an associate professor of neurology at McMaster University in Ontario, Canada. To illustrate the very severe problems involved in determining death, Dr. Upton used an electro-encephalogram (an E.E.G.) machine, the sensing electrodes of which were attached to a simple hemisphere of jello, molded and turned upside down on a dish. Brain wave analysis of that blob of jello yielded readings which could be mistaken as evidence of life.

Mr. Speaker, my distinguished colleagues, for the reasons enumerated, I urge that House Bill 2111-76, House Draft 2, be defeated.

Thank you."

Representative Santos then rose and stated:

"Mr. Speaker, I rise to speak against H.B. No. 2111-76, HD 2.

Mr. Speaker, this bill attempts to provide by statute a definition of death. Mr. Speaker, I submit that modern medicine has advanced technologically to enable the sustenance of life by mechanical and extraordinary means; nonetheless, there remain many reasons for my opposition to this bill, which provides for death for 'all purposes' and will, undoubtedly, create unforeseen problems of such magnitude that many in the medical and related professions will be held culpable both ethically and legally.

The issue we face through this bill is to determine that exact point in life, when death occurs. I contend that submitted testimonies gave us few clear cut guidelines and, furthermore, afforded us no opportunity for dialogue with medical professionals and the general community to enable us to provide a definitive assessment of death at this time.

As revealed in testimony, many questions remain and should be thoroughly discussed before we attempt any legislation of this nature. Among these are: Why such urgency? Is the public ready to legalize the removal of vital organs from a person whose heart still beats?

Because public attention has been drawn, rather sensationally, to slow and agonizing deaths which are the exception rather than the rule, are we to rush into legislation of such sensitivity without adequate and in-depth analysis with those who would be affected by such a statute? Mr. Speaker, members of the House, I must agree with a statement offered in testimony on this issue by the Honorable Judge John C. Lanham of the First Circuit Court, 'I think I'd rather be a dead corpse than a pulsating vegetable, but I wouldn't want anyone to remove my eyes or vital organs while my heart is still beating, nor bury me under those conditions either.'

In closing, Mr. Speaker, though I agree that modern medicine has enjoyed significant advances in recent years and will, without doubt, continue in its rapid progress, I must urge this honorable body to proceed with caution in its attempt to legislate death. I urge you all to vote 'no' on H.B. No. 2111-76, HD 2.

Thank you, Mr. Speaker."

At this time, Representative Ajifu requested a roll call vote on this measure.

Representative Roehrig, upon being recognized, stated:

"I rise to speak in favor of this measure and in doing so, I would like to give the members benefit of some of the background that led to the drafting of a number of bills this year relating to the definition of death.

If the members will recall, late last year, in December, Judge Kimura

in the Third Circuit Court, ordered dissolving a temporary restraining order in the Third Circuit relating to the guardianship of Alice Cameron, an incompetent person. I have a copy of the order that I brought with me this evening. I think it is well that the members recognize what led up to this particular order.

What happened was, in November of 1975, one of our general practitioner physicians in Hilo went to the emergency room in Hilo Hospital and there was a woman there, Alice Cameron, who was in a, I guess what they call a cyanotic state. She was apparently asleep. There was no heart beat when he first arrived but they were able to revive her heart beat. She had no respiration at all, and by mechanical means, the doctor and the emergency personnel were able to get her lungs going again. And after examining her and having seven different physicians, including neurologists, radiologists, etc., examine her, the treating physician concluded that she was dead.

However, before going further, the treating physician was cautious enough to have his attorney contact the County Prosecutor's office. The County Prosecutor's office tried to determine whether there was any definition that the courts could look to in this State to give any kind of guidelines as to when it could be concluded that death occurred so that there wasn't any question regarding the propriety of the treating physician taking off the respiration machine and allowing the woman to, in effect, stop breathing and having her heart stop at the same time as a result of lack of oxygen.

And so, there was considerable interest in the Third Circuit when this petition was filed. And, attendant in court were not only the prosecutor to determine whether or not she was alive, the attorney for the guardian was also present; the attorney for the physician was present; and also family members of the, at that point, alleged incompetent were present. Each and everyone of them was very concerned because nobody knew whether or not this woman was alive or dead.

As a consequence of this, after much discussion in court and legal research on the matter, the court finally entered its order in this matter on December 22, 1975 - and

most of the members here probably saw some discussion of this in the newspaper - and the judge concluded that she was in fact dead and he based this on a number of criteria at that time.

There was an E.E.G. done and it showed no brain wave function over a considerable length of time - more than 24 hours. There was an isotopic study of her blood flow done to determine whether or not blood was even going into her brain, and the radiologist determined that in fact there was none going into her brain. They did a further test which is called the atropine test where they injected atropine into her arm to determine whether or not when this chemical went into the motor part of her brain, that is the medulla, they tried to determine whether or not that would affect the heart beat, whether or not there would be any difference in the heart beat, suggesting that even that part of the brain may still be alive. It was determined in the negative - it was not.

So the judge concluded, after the testimony of the treating physician and the testimony of the other seven physicians that the treating physician had had to confer with, that in fact that she was medically dead according to the usual and customary standards of medical practice in this State.

After the order was entered, the court raised the question with your Chairman when I was in court one day as to why we don't have some kind of definition of death in this State so that the grieving families of people in the condition of Alice Cameron can plan their affairs; so that they can determine whether or not their child, by the current medical standards, is in fact alive or is dead. So this matter was given to the Legislative Reference Bureau to research and, at the same time, since the Attorney General's office had been involved representing the Hilo Hospital at the time of the case, the Attorney General's office started doing research as well which was not in concert but coincidentally so.

And, as a consequence, we have had several bills introduced in both houses of the Legislature this year trying to get a handle on this very difficult area, but very important to the community's interest to have clarified. And the definition that

has been hammered out is what appears in House Bill 2111-76, House Draft 2, and it represents probably the best language that can be forthcoming to define this particular area which, in the final analysis, is left to the treating physician, as the bill says, and that it is the opinion of the treating physician and he certifies death based on ordinary standards of the current medical practice.

Hawaii Medical Service Association submitted a proposed bill on this matter and, with few exceptions, it is practically word for word with the bill that we have before us and they agreed, in principle, with the intent of these bills that we have before the Legislature.

There is no question but that we are all concerned about the situations that Judge Lanham spoke of. And Judge Lanham and I discussed this on the telephone on these two occasions, and he was concerned as to situations where you could have the brain apparently dead and the heart would be beating.

Well, we did some further research on this because I was concerned about what Judge Lanham said, and I was concerned that we do not find ourselves in this kind of predicament. So we talked with a neurologist on this particular matter, and what we have found is when the brain is dead, including the medulla where the motor center of the brain is located, there can be no spontaneous respiration function at all. If there is no spontaneous respiratory functions, there can be no heart beat - the heart cannot get oxygen; the blood will not flow to the heart without sufficient oxygen to keep it alive and life will cease. Unless we have a machine on the lungs that continues to go indefinitely, in fact, life has ceased.

And I am satisfied, based on what the neurologist told me, and based by the support given for the desirability of having a definition which has been thought through quite thoroughly, not only by your Health Committee, but by your Judiciary Committee as well, that it is timely that we have a definition which is as flexible as this one is and in the final analysis leaves it to the fine discretion of the treating physician to make this determination.

We have provided some stringent

provisions here that whomever is the physician who determines the fact that death can in no way participate or be involved in any kind of actions regarding the removing of any body organs or parts after death has occurred so as to prevent any kind of bias or conflict in determining that death has occurred.

So, Mr. Speaker, I recognize, as we all do here, that this is a tough area. But tough areas are what apparently legislative bodies across the country are having to come to grips with, and the language of this bill defining when death occurs is a best possible information, the most flexible and the most consistent with prudent medical practice that we can come up with and I would ask all members to vote 'aye' on this measure.

Thank you."

Representative Evans then rose to speak in rebuttal, stating:

"The very extenuating circumstances that I have been talking about are the extenuating circumstances that were involved in the Cameron case. I would also like to say that there are existing procedures and practices in hospitals that can help grieving families plan their affairs and decide on the life or death of their loved ones - a panel of doctors, neurologists, etc., can render the decision. I think to legislate because of one case is quite dangerous; and it was a very unusual case; and I feel that this has become a very emotional thing; and with those afraid of litigation, etc., especially since the Quinlan case in New Jersey, and I still urge my colleagues to vote 'no'."

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and H.B. No. 2111-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEATH", passed Third Reading by a roll call vote of 34 ayes to 12 noes, with Representatives Ajifu, Clarke, Evans, Ho, Kamalii, Larsen, Lee, Lum, Medeiros, Poepoe, Santos and Sutton voting no, and Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

Stand. Com. Rep. No. 576-76 on H.B. No. 2371-76, HD 1 (Deferred from March 17, 1976):

Representative Roehrig moved that the report of the majority of the Committee be adopted and H.B. No. 2371-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Sutton then rose and asked:

"Would the Chairman of Judiciary yield to a question?"

The Chair asked:

"Representative Roehrig, will you yield to a question?"

Representative Roehrig replied:

"Mr. Speaker, Representative Sutton is in my Committee and I believe he participated in the decision-making on this matter. If he doesn't understand the bill by now, I'm not going to be able to do much good for him, so I'm not going to yield to a question."

Representative Sutton then stated:

"Mr. Speaker, the thing that concerns me is that I recognize there is a need to have the civil rights defined of a minor who gets married. I realize also"

The Chair asked:

"Representative Sutton, are you speaking for or against the bill?"

Representative Sutton answered:

"I am speaking against the bill."

Upon being directed to "proceed" by the Chair, Representative Sutton stated:

"I recognize also that you have quite a serious problem here, that if a married minor becomes divorced, he is then emancipated and then, for all intents and purposes, you have a situation where you have a minor who does not fall under the appropriate propositions from the point of view of police control and what not. We had testimony here from Chief of Police Snead and he indicated that this would present quite a serious problem. I had hoped to ask that question: 'What happens if a minor becomes married and then is emancipated - and then we have a situation of an emancipated minor under 18?' Therefore, I would urge my colleagues to vote 'no'."

Representative Takamura then rose to speak in favor of the bill, stating:

"The purpose of this bill is to grant to minors who are or who have been married all the rights, duties, privileges and responsibilities provided under our civil law to a person who has reached the age of majority, with the exception of drinking and voting.

According to the Department of Health, approximately 400 minor girls and 200 minor boys marry each year. Almost two-thirds of these girls give birth within eight months after marrying and many more already have a child when they marry.

These minors, who are required by law to obtain their parents' written consent in order to marry, are expected to establish a household, and the law specifically holds them responsible to provide for their children in every way that adult parents must. Yet, the law does not expressly give to these minors those rights and privileges necessary to function effectively as adults in this society.

Section 577-3, Hawaii Revised Statutes, states that the 'father and mother of an unmarried minor child are jointly the natural guardians of his person and property' and that 'the father and mother of unmarried minor children shall jointly and severally be liable in damages for tortious acts committed by their children. . . .' To the extent that these and other statutory provisions do not cover particular situations concerning married minors, these situations are by law governed by Common Law, under which married minors are emancipated. Under present law, then, married minors are already emancipated and are already liable for their own tortious acts. Yet, because this is not clearly spelled out, most merchants, landlords, doctors and others will not deal with minors. The married minor has express legal authority to consent to medical treatment for her child; yet, when the minor herself is sick, hospitals often refuse to treat her unless she gets her parents' written consent.

The married minor must provide a home and material goods for his wife and child; yet, because his contracts are voidable, he has great difficulty obtaining a lease or buying on time as most young couples do to set up housekeeping.

Although most of us would hope that the minor would continue his

education after marrying, he or she is often unable to procure a school loan without his parents co-signing.

For minors whose relationship with their parents are strained, who are geographically separated from their parents, or whose parents are unwilling to assume financial liability for their contracts, this is a real hardship, as Judge Vitousek of the Family Court stated at the Judiciary hearing on this measure.

This bill, as amended, also clarifies the jurisdiction of Family Court over married minors and their parents by stating that Family Court retains its exclusive original jurisdiction over such minors. Thus, although the bill enables those married minors who conduct themselves responsibly to conduct their affairs as adults, it also provides a mechanism for supervision and correction of those who may not. And this, I believe, answers the previous speaker's concerns.

So long as Hawaii permits minors to marry and establish their own households as adults, and holds them fully responsible for providing and caring for their children, Hawaii has a duty not to place obstacles in the way of their doing these things, either directly or by leaving them in a legal limbo as they are now. For these reasons, I urge you to vote in favor of H.B. 2371-76."

Representative Cobb then rose and stated:

"Mr. Speaker, I was going to try to answer the question posed by my colleague from the 15th District. He asked it in the masculine gender. What happens to the minor who gets married and then he gets a divorce? I think the answer is he has to go to work to pay off the alimony.

More importantly, Mr. Speaker, I think he then has the responsibility, particularly with this child involved, to see that that child gets an education, gets medical care, has food, has a roof over his head, and I would hate to see any barrier exist for that child.

Here we are dealing with a case where a minor has an infant, and Judge Vitousek was very eloquent in the Committee in pointing out the tremendous problem the present law poses. That's why I would urge every member to vote in favor

of this bill."

Representative Roehrig then rose and stated:

"Mr. Speaker, I would just make one further comment in support of this matter.

The statement was made regarding the feelings of Chief Snead on this particular bill. It's my recollection that Chief Snead spoke in favor of this bill and that the Police Department here favored the emancipation bill as is present before the members. So I am quite at a loss to understand how my colleague from the 15th District got the infinite knowledge that he did regarding Chief Snead's position."

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and H.B. No. 2371-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMANCIPATION OF CERTAIN MINORS", passed Third Reading by a vote of 44 ayes to 2 noes, with Representatives Ajifu and Sutton voting no, and Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

Stand. Com. Rep. No. 583-76 on H.B. No. 3208-76, HD 2 (Deferred from March 17, 1976):

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.B. No. 3208-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN", having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

Stand. Com. Rep. No. 585-76 on H.B. No. 2796-76, HD 1 (Deferred from March 17, 1976):

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 2796-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING", having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

Stand. Com. Rep. No. 586-76 on H.B. No. 1810, HD 2 (Deferred from March 17, 1976):

Representative Yamada moved that the report of the Committee be adopted and H.B. No. 1810, HD 2, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Naito then rose and asked:

"Mr. Speaker, may I ask for a conflict of interest ruling, please?"

The Chair then asked Representative Naito to "state your potential conflict".

Representative Naito replied:

"I work for a company that provides services and is totally owned by Hawaii residents."

The Chair declared "no conflict".

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 1810, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PREFERENCES FOR HAWAII SERVICES", passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

Stand. Com. Rep. No. 590-76 on H.B. No. 2783-76 (Deferred from March 17, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2783-76, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS", having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

Stand. Com. Rep. No. 591-76 on H.B. No. 2635-76, HD 1 (Deferred from March 17, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2635-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", having been read

throughout, passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

The Chair directed the Clerk to note that H.B. No. 2700-76, HD 2, had passed Third Reading at 7:40 o'clock p.m.; H.B. No. 2111-76, HD 2, at 8:03 o'clock p.m.; H.B. No. 2371-76, HD 1, at 8:11 o'clock p.m.; H.B. No. 3208-76, HD 2, at 8:12 o'clock p.m.; H.B. Nos. 2796-76, HD 1, and H.B. No. 1810, HD 2, at 8:13 o'clock p.m.; and H.B. Nos. 2783-76 and 2635-76, HD 1, at 8:14 o'clock p.m.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the following actions taken:

H.B. No. 3254-76

On motion by Representative Yuen, seconded by Representative Oda, H.B. No. 3254-76, entitled: "A BILL FOR AN ACT RELATING TO THE REAPPORTIONMENT OF THE BOARD OF EDUCATION", passed Third Reading by a roll call vote of 35 ayes to 11 noes with Representatives Ajifu, Clarke, Cobb, Hakoda, Ikeda, Kawakami, Larsen, Lum, Medeiros, Poepoe and Sutton voting no, and Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

H.B. No. 2878-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2878-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE INSURANCE ADMINISTRATION", passed Third Reading by a vote of 45 ayes to 1 no, with Representative Sutton voting no, and Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

H.B. No. 2317-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2317-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

H.B. No. 1159, HD 1

On motion by Representative Roehrig, seconded by Representative Yamada, H.B. No. 1159, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTION", passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

H.B. No. 3286-76, HD 1

Representative Roehrig requested that H.B. No. 3286-76, HD 1, be recommitted to the Committee on Judiciary, and the Chair, noting that there were no objections, so ordered.

H.B. No. 2928-76, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2928-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION OF ADULTS", passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

H.B. No. 2135-76, HD 1

Representative Roehrig moved that H.B. No. 2135-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Sutton, upon being recognized, stated:

"Mr. Speaker, this is an 'Act Relating to Elections', and, Mr. Speaker, we have the shortest period between a primary and a general election."

Representative Kunimura, on a point of order, asked:

"Will you ask that man how he's gonna vote?"

Representative Sutton replied:

"I shall urge my fellow representative from Kauai to please vote 'no' on this and I'm speaking in opposition."

The Chair then directed Representative Sutton to "proceed" and Representative Sutton continued, stating:

"We are the only State in the union,

Mr. Speaker, that has only thirty days between the primary and the general and it is highly appropriate that we address our attention to this very pressing problem at the same time. This would have been an appropriate time. Now we will have to postpone it until the Constitutional Convention because we did not do it. I urge my colleagues to vote 'no' on this bill. Thank you."

The motion to pass H.B. No. 2135-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", on Third Reading was put by the Chair and carried by a vote of 45 ayes to 1 no, with Representative Sutton voting no, and Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

H.B. No. 3126-76, HD 1

Representative Roehrig moved that H.B. No. 3126-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then rose and stated:

"I rise to speak in favor of this measure.

There has been some concern in the past regarding the so-called sunshine law that this body enacted last session and there were concerns raised whether or not there was going to be any amendments which, in effect, eclipsed the sunshine that has been coming through so brilliantly in the legislative halls during the last two sessions and elsewhere in the State and County agencies.

The bill before the House is the result of the Committee's work on this matter and is also the result of a considerable amount of leg work which was done by the Attorney General's office, at the request of your Chairman. I requested the Attorney General's office, and one of the deputies, to assist us in trying to think through the various concerns that may be raised by all of the State agencies after having had a one year experience with this particular subject and to report back to our Committee what observations they may have had.

After we reviewed what concerns they raised and problem areas that

they found, we made some decisions on this particular matter and we have done a few changes to what I believe and the Committee believes represents an improvement to the law.

Probably the principal change that assists the public can be found on page 1c of the bill, and that starts at line 8, and that provides that no item shall be added to the agenda in the manner provided above, which is a two-thirds vote if it is of reasonably major importance, and action thereon by the Board will affect the significant number of persons. This restriction was added to the law so that when boards and commissions across the State consider matters of keen public concern that there will be ample opportunity for community associations, community groups, independent persons and interested parties, in general, to have a time to prepare for the subject matter before them before it is brought before the Board.

We also made a second change to provide that in the event any of the political subdivisions of the State have any provisions in their charter, or in ordinance, or by rule or otherwise, that requires more stringent requirements relating to mandating openness of meetings, the more stringent provisions of the charter, ordinance or otherwise, shall apply. This was done to make it clear that in no way has this Legislature intended to eclipse the sunshine of any of the counties who have strived to provide openness in their deliberations before the legislative and administrative boards and agencies.

Finally, we made a so-called house-keeping change to have a reasonable cost attached to reproducing a public document for the general public. In effect, a cost plus basis so that it reasonably reflects what the government has got to pay for the reproduction rather than somewhat of a profit-making on the matter.

So, this represents the product of the House on tightening up the sunshine bill. I think that the sunshine is getting brighter and I think that this session of the legislature, in its decision-making, and in its open caucuses, and especially here on the floor, has shown that the sunshine can work and that the plants generally will grow green and tall when the sun shines in,

with the rare exception with the one on my desk.

Thank you."

The motion to pass H.B. No. 3126-76, HD 1, entitled: "A BILL FOR AN ACT AMENDING CHAPTER 92, HAWAII REVISED STATUTES, RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS", on Third Reading was put by the Chair and carried by a vote of 46 ayes, with Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 3254-76, 2878-76, HD 1, and 2317-76, HD 1, had passed Third Reading at 8:18 o'clock p.m.; H.B. No. 1159, HD 1, at 8:19 o'clock p.m.; H.B. No. 2928-76, HD 1 at 8:20 o'clock p.m.; H.B. No. 2135-76, HD 1, at 8:21 o'clock p.m.; and H.B. No. 3126-76, HD 1, at 8:26 o'clock p.m.

At 8:26 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:40 o'clock p.m., the following introductions were made to the members of the House:

Representative Oda introduced a former member of the House, Howard Miyake.

Representative Roehrig then stated:

"Since we are introducing former representatives, I would like to introduce Toshio Serizawa. I don't know if he just tried to go out of the door, but he's standing somewhere up there. Toshi. . . ."

Representative Sutton, on a point of order, stated:

"You cautioned me against introducing shadows! Thank you, sir."

Representative Suwa then stated:

"From this side, I don't know whether it's because of the acoustics or not, but it sounds like you're calling 'Representative Satan'."

H.B. No. 2385-76

Representative Lee moved that H.B. No. 2385-76, having been read throughout, pass Third Reading, seconded by Representative Takamine.

The following is inserted at the request of Representative Takamine:

"The purpose of H.B. No. 2385-76 relating to full employment is to establish a State policy of full employment, as a result of which the State would take affirmative steps to counteract excessive unemployment. The bill states that under such a State policy, there would be regular assessment of the employment and unemployment levels in the State, on a county by county, and overall State basis. Where three and one-half per cent or lower level of unemployment exists, under the proposed policy, full employment will be assumed to exist. Where unemployment exceeds five per cent, the bill provides that affirmative State action, in the form of formulation of recommendations to the governor, by the Department of Labor and Industrial Relations, to achieve full employment, is required.

Such a policy and affirmative counteraction to excessive unemployment is not only highly desirable, but necessary to ensure the existence of mechanism to allow administrative action when State unemployment levels become excessive. Such a policy and such required actions would mandate State planning action without the requirement of legislative approval, and would allow for addressing the problems inherent to excessive unemployment at an early point in time, when excessive unemployment is first experienced by the State.

While the present rate of unemployment is higher than the level set as the triggering level, the prospective existence of such a policy and mandated action would protect the State from the highly detrimental effects of not dealing with excessive unemployment when it first arises. The largely after-the-fact approach of dealing with excessive unemployment is untenable in and of itself, without a full employment policy for a fuller analysis of the various components of the problem, the projective results of action and nonaction, and similar matters, is either impossible to accomplish, or meaningless because by the time such actions are underway, the unemployment situation could well reach crisis proportions. Therefore, the bill would provide affirmative steps in meeting the employment needs of the State, in a manner which would seek to avert unemployment crises, in the best interest of the well-being of the people and of the State."

The motion to pass H.B. No. 2385-76, entitled: "A BILL FOR AN ACT RELATING TO FULL EMPLOYMENT", on Third Reading was put by the Chair and carried by a vote of 45 ayes, with Representatives Amaral, Carroll, Evans, Kimura, Morioka and Peters being excused.

H.B. No. 3075-76, HD 1

On motion by Representative Cayetano, seconded by Representative Blair, H.B. No. 3075-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OWNERSHIP OF SOLID WASTES", passed Third Reading by a vote of 45 ayes, with Representatives Amaral, Carroll, Evans, Kimura, Morioka and Peters being excused.

H.B. No. 331, HD 1

On motion by Representative Yamada, seconded by Representative Roehrig, H.B. No. 331, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Third Reading by a vote of 45 ayes, with Representatives Amaral, Carroll, Evans, Kimura, Morioka and Peters being excused.

H.B. No. 1445, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 1445, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGREEMENTS OF SALE OF REAL PROPERTY", passed Third Reading by a vote of 43 ayes to 3 noes, with Representatives Clarke, Roehrig and Sutton voting no, and Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

At 8:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:48 o'clock p.m.

H.B. No. 3018-76

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 3018-76, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS", passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

H.B. No. 2575-76, HD 1

Representative Suwa moved that H.B. No. 2575-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Suwa then rose and stated:

"I rise to speak in favor of House Bill 2575-76, House Draft 1, a vehicle for the purpose of which is to provide for a special tax refund to the hard-pressed taxpayers of Hawaii.

Even before this session began, I said that 'fairness to taxpayers' would be a major issue in the Legislature. I also said that government priorities would be balanced against taxpayers' interests.

With this bill, we will continue to honor our commitment to the taxpayers of this State.

We have already passed bills for increased home exemptions for homeowners and larger exemptions for senior citizens; tax credits for renters; and increased tax credits to offset the burden of the general excise tax. And now, we have this bill which proposes to help every individual income taxpayer in this State.

The bill has been amended to keep open the specific amounts to be refunded to taxpayers. We hope to be able to arrive at a specific refund schedule after we have considered other finance measures, including measures from the Senate.

The principle behind this bill is a good one, where we can save on expenditures that the taxpayers who support our government should be the first to benefit.

I ask the members of this House to vote for this principle, and by doing so, to vote for the taxpayers of Hawaii."

Representative Stanley then rose and stated:

"Mr. Speaker, I rise to speak in favor of H.B. 2575-76, HD 1.

Earlier today, we passed the supplemental budget which provides funding for many very important social programs. We have sought fit to fund additional services for the poor, the elderly, those with develop-

mental disabilities, immigrants, and many others.

I believe we have been prudent in our expenditures thus far, and that we should now attend to the average citizen who pays his or her taxes for these programs.

As our financial plan becomes finalized over these next few weeks, I believe we should consider a tax refund to the citizens of our State. Having provided for those services we have deemed essential and desirable, any remaining monies should be returned to the taxpayer.

Therefore, I ask all my colleagues to support this measure."

Representative Blair requested that the following be inserted into the Journal:

"Mr. Speaker, I rise to speak against H.B. 2575-76, HD 1.

If we look 'only' at the operating budget, then perhaps a rebate is appropriate. Certainly that would be preferable to adding new programs. It would also be politically expedient in this election year.

However, we must look at the total state spending: the operating budget, the CIP budget, and the various special funds.

1. The 'operating budget' shows a temporary surplus; however, a couple of years ago there was talk of a \$200 million deficit and the need for a tax increase. Such ephemeral surpluses are not to be given full credence.

2. The 'CIP budget' is in very poor shape. The 'debt service' charge is growing rapidly as a percentage of the total budget. A fixed cost.

3. The 'special funds' are in trouble, particularly the transportation special fund. We are in receipt of an excellent study, by the Arthur Young Co., which suggests the special funds be abolished and the expenses paid by the operating budget.

Put simply, looking at the total picture, the State is not in good financial shape.

Mr. Speaker, it would be an injustice to speak only of the economic problems we face, for progress is also being

made.

To its credit, this body has lapsed millions of dollars of C.I.P. appropriation. This indicates that the problems are known and we are beginning to address them.

Further, the Senate has transmitted a hotel room tax.

Mr. Speaker, if the House adopts the hotel room tax, then I will support this rebate. In fact, we should look to a permanent reduction of the excise tax (on food and drugs at least) instead of a 'one shot', 'election year' rebate.

Mr. Speaker, it may be good politics, but it's bad economics to rebate a 'paper surplus' when we appear unwilling to curb spending.

I, therefore, urge all members of this honorable body to vote 'no' on H.B. 2575-76, HD 1."

Representative Cobb then rose and stated:

"Mr. Speaker, I rise to speak against House Bill 2575-76, House Draft 1, relating to an income tax refund. I do so only after serious consideration, because to be critical of any legislative measure designed to repay to a taxpayer a portion of money he has paid to the State is not something to undertake lightly.

However, in today's circumstances, I feel it absolutely necessary to address the question of simple fiscal responsibility which is lacking in this measure. It is perhaps not inappropriate to liken our State budget to the family budget; the bills have to be paid, and one simply cannot for long spend more than is coming in without courting disaster.

Whether we like it or not, the day is approaching - and it may not be far off - when we as a State shall have to pay our bills, when we can no longer defer payment through the device of selling more and more bonds, thus assuming an increasing burden of debt service for ourselves and our children. This is an illusory and terribly dangerous course that we have consciously chosen, and we must be alert to our last clear chance to avoid catastrophe.

In this current year, our debt service obligation has risen to \$92 million, which means that we must

issue bonds or use cash in that amount just to pay the interest - and, of course, more money is planned for capital improvement projects. Just five years ago our debt service was \$35 million. Five years from now the level will have risen to a staggering \$163 million, just to keep up with the interest.

If we weren't wise enough to see the peril in this kind of fiscal operation, we could hardly escape the example of New York City, still deep in the depths of a financial catastrophe, the direct result of paying for more and more projects by bonds, and finally having to meet even current operating expenses out of bond revenues. As we move closer to that brink, the New York debacle looms closer and the sword of Damocles swings gently over our heads, counterbalanced by a lead balloon and an inflated bond.

We can look at our highway fund as an example right here at home. Over one-half of our highway money goes for debt servicing. If we were to pay off some of that debt, we might not have to continue the 3½¢ per gallon tax on gasoline. Here is a practical example in the use of surplus funds to reduce a bonded indebtedness. If we fail, we and our children will pay at least two or three times as much in the future to reduce our indebtedness. We will be mortgaging our future for a short-term political gain.

It is at once a refreshing and sobering fact that many of our working people who would seem to be among the principal beneficiaries of a tax refund, and these include members of most unions and people in the construction industry, are against a tax rebate. So is every major economist in the State. Having to balance their own budgets, wage earners recognize the need for the State to pay its debts as well. It also highlights the wisdom of utilizing these surplus funds for constructive purposes which will put people to work. A piecemeal approach is not going to solve or reduce the problem of unemployment. Certainly, individual tax refunds of less than \$100 to about one-third of our citizens will do little if anything to solve that problem.

An ancient adage has it that if you are not part of the solution, then you are part of the problem. I submit that by this proposed refund,

it is in no way part of the solution. It is, indeed, typical of financial irresponsibility, and that is a problem which we should avoid at our peril.

I have been reminded that our record as a Legislature on that score is not without blemish. A number of voters both within and without my district have remarked in very clear and certain terms that the rebate appears to be nothing more than a payoff to the voters for the action of this Legislature last session in passing the pay raise and pension bills. Although I may not personally hold that view, the clear impression is there in the minds of many voters.

There is another aspect of this bill which is disturbing, and that is the likelihood that its true character is that of a political ploy. It seems obvious that it is a vehicle for bargaining with the Senate on the hotel room tax bill. As such, it is no more than a means of leverage to use in that encounter.

Even now, there is no guarantee from the Chairman of the Finance Committee that the hotel room tax bill will be enacted this session, either independently or as a companion measure to this rebate bill. Thus, the real nature of this bill is a political ploy, one intended to woo and seduce the voters in this even-numbered year, and it becomes even more obvious.

Already, the biggest portion of our supplementary budget this year goes to debt service, and this rebate goes in the opposite direction of reducing that obligation.

It is unmistakably clear to me that we should not, through the approval of the short-sighted measures such as this, mortgage our future and that of our children for such temporary gains as we might derive from this evasion of financial responsibility.

What better time than now to start getting our financial affairs in order and starting to pay off our debts with this surplus, moving perceptibly away from the brink of disaster toward which we are moving? We should start to pay off our debts now rather than to use this tax rebate as an instrument of political payoff in an election year."

Representative Sutton then rose to speak against the bill, stating:

"Mr. Speaker, this is an election year and a tax refund is as old as politics. We recall the bonus bill which was introduced in the Senate to give all of us, and I would have collected \$15,000 under that bill. There are all sorts of means of robbing Peter to pay Paul. But, Mr. Speaker, just as the taxpayers have emerged before us as one of the really important continuing issues, this morning, I addressed your attention to the supplemental budget. We looked at the CIP, and I had the privilege of questioning the Chairman.

We found there's only a cushion of \$21 million left of a limit of \$1.5 billion. We found that our operating budget was going to be increased by some \$2,435,000, and that we would have an overall of \$710,701,973.

Now, Mr. Speaker, we must, as intelligent people, examine the overall picture. Let us see both sides of the coin. While the federal government is the largest and most pervasive tax collector and affects the economic and social well-being of all its citizens, so too is the State government. It has a special responsibility to have a tax policy that is consistent, that works continuously, and that achieves the end of the revenue it needs.

The concept of special refund to taxpayers, as applied to the taxpayers of Hawaii, does not follow a fair rule and does not meet this standard. By almost any standard, the total tax burden of Hawaii is terribly heavy and terribly real. Citizens in Hawaii are caught in a squeeze of this very high inflation and high taxes, but we do not solve our problems by a one-shot proposition of a tax refund where again, as I pointed out, we rob Peter to pay Paul. We're using bond money to pay our debts and refunding money needed to keep our solvency.

The English pound dropped very seriously again today - the fourth day in a row - because they did not heed this type of financial integrity.

It is important that we not be tempted in this, an election year, to say to the taxpayer: I, your representative, have given you a nice special tax refund; therefore, vote me back in. This is the type of chicanery that we refer to in our profession, Mr. Speaker, and we must not commit chicanery on this floor.

Thank you very much, and I urge my colleagues to maintain the

integrity of their office and not use this type of rebate."

Representative Ho then rose to speak against the bill, stating:

"Mr. Speaker, I will not elaborate what the previous speakers have spoken. My issue and my concerns are great. I would like to point out, Mr. Speaker, on this rebate, I think we are talking about what is conceived to be the surplus - \$83.5 million.

My concern is, where did this surplus originate? From what I could get from information, \$13.5 came from 1973-74, \$70 million came from 74-75, totalling \$83.5 million. How did we get this surplus? I believe from various ways, also from withholding on allocations of the budget. Where is this scheduled to go, on this \$83.5 million?

By the end of June, 1976, only \$40 million will be left; by the end of June of 1977, only \$13 million will be left; by the end of June, 1978, there will be none left. So there is no true surplus. Money is needed to run the State.

The second point, Mr. Speaker, I would like to bring up - we must look beyond the one year - for, I believe, the administration has come down with a six-year plan. Not being that we are legislators, we go by the biennium and use all the resources that are available. I think it is incumbent upon us to foresee the future and not have to raise taxes one or two years later. A good example is S.B. No. 2406-76, SD 1, on hotel room tax, and we'll be paying the tax and the tax that is proposed is 8 percent. The economists predict a slow economy in our future, so I assume that our revenues will decline. I think we have to take into consideration these facts. I don't see anything wrong with saving money or setting aside funds for a rainy day, and it happened this year that a rainy day occurred to the point where construction has gone down drastically and our unemployment has gone up. The surplus is going to help facilitate.

Mr. Speaker, another point on the rebate proposed - it does not help people in need; only those who pay taxes. How about our welfare people? The people who don't pay taxes. They will get affected in this way for if we do give a rebate, the governor is going to be forced

to get the money from somewhere. And where is this money going to come from? The operating budget.

If we are talking about needs and education and help and other various program areas, who is going to be hurt? The real needy and not the people who can afford it. Amounts will be taxed by the federal government so real money in the pocket is going to be small. If you have a maximum of a hundred dollars, you're going to be taxed by the federal government on that \$100.

If a rebate is given, how will we pay for all the programs we are supporting for the unemployed, homeowners and legal aid? These funds add up and the governor estimates we have limited resources. So it's going to take from programs to accommodate the rebate. Another point that I would like to bring up, Mr. Speaker, is that I think we should consider alternatives.

One, continue worthwhile programs - should begin by this Legislature; fund new programs needed and wanted by the people (the elderly, the disabled and school children); keep our capital improvement going to make Hawaii a better place to live; keep the State in sound financial condition.

My concerns here, Mr. Speaker, is upon giving a tax rebate this year. We are not foreseeing next year or the following year preceding that. We have what we have this year in the way of unemployment, in the way of construction. Where are we going to get the funds? Wouldn't it be more feasible to assist these areas in the near future?

Just in February of this year, the tax revenues for the month of February have declined. My concerns are these and especially if a rebate is to be given and the administration is going to take it away from our program. How are we to go back to the people of Hawaii and say, well, you had your rebate and your children or you welfare recipients or you unemployed people will have to suffer a couple of more years.

Thank you, Mr. Speaker."

Representative Yap then rose to speak in favor of the bill, stating:

"A matter of tax rebate in economy

is a matter of principle and a basic philosophy of economy. What is economy? Economy is a flow of cash; flow of money from one hand to the other. At this time, when our economy is soft, we need that shot in the arm more than ever before. By releasing this money to the taxpayers, I can almost assure you, Mr. Speaker, in a half hour after the checks are received by the recipients of the refunds, it is back in the bank and in circulation. When it is in circulation, everybody pays everybody else's debt every time the money changes hands. The government gets 4% (4% to 8%). If it changes hands twenty times, the government gets the whole thing back because all of these refunds and all of these spending are taxable. So when you get that back in the form of taxes again, whatever money you have expended will come back to you and you will be able to fund your programs.

Some might say that the rich will bank it. Even though the rich will bank it, it will make loans available for those who need a loan so the money won't be standing still.

The trouble with soft economy is when no money is being spent. That's when you have a soft economy and we have a soft economy now so we need a cash flow.

A couple of days ago, Mr. Freitas from the tax office noted that they wished that the taxpayers would file their returns early so they'll have refunds back, bigger than last year, and that will be a shot in the arm for the economy.

If this bill goes through, by July, you'll have another shot in the arm - money will be flowing, the economy will be a little firmer, the government will be a little richer by collecting the 4% (4% plus whatever tax you pay on gasoline). So remember, as many times as money changes hands, eventually the government will get it back. For this, you've got to remember, our government doesn't belong to the few who is in government; it belongs to everybody.

This is a democratic form of government. Riches and wealth are invested in the people but not those in the government.

Thank you."

Representative Mizuguchi, speaking in favor of the bill, stated:

"Mr. Speaker, as an early advocate of the tax rebate program, I am pleased to have this opportunity to speak in favor of this measure which proposes to return rebate to the people of Hawaii.

First of all, I would like to comment and congratulate the members of this House for putting together a program and voting for a program that will take care of the major programs in the State of Hawaii. This particular bill takes care of the last remaining elements - the taxpayers of the State of Hawaii of which there are 300,000.

Make no mistake about it - we will soon have a tax revolt on our hands. It will be a revolt as justified as the revolt which founded this country 200 years ago.

The protest over real property taxes which shook every part of this State was only a warning tremor. If we do nothing, the worst shocks are yet to come.

There is real anger among taxpayers that State government tries to take care of everyone - everyone except taxpayers. And adding to this anger is the knowledge that government promises too much and delivers too little.

The taxpaying public wants to enjoy the fruits of their own labor. They want less intrusion of government into their private lives. They want to make their own spending decisions as to what is good for themselves and their families.

The plight of the taxpayer is that he is caught in the squeeze of high taxes and high inflation.

Let's say to our own people that we understand and that we do care. I ask the members of the House to vote for this measure to give real meaning to the principle of fairness to taxpayers and justice to taxpayers. Our people deserve no less."

Representative Stanley then rose to speak in favor of the bill, stating:

"Mr. Speaker, I would like to make a comment on some of the remarks made by a previous speaker with regards to the needs of welfare recipients covered under our public assistance program.

Last year, we passed House Bill

No. 35, which became Act 145. This bill has a measure in it which provides for an automatic increase to be given on July 1st which will be the percentage increased in the average of covered wages. The statistics the Department reports to me to date is that this will be a 7½ percent increase in the monthly standard allowance for all family sizes. To me, this shows that the House and the Senate have adequately thought forward and provided for the needs of public assistance recipients so that they too will have consistent and reasonable increases to their budgets to cover their needs. And, therefore, recipients have been considered in this year's budget or in this proposal.

Thank you."

Representative Suwa rose to speak in favor of the bill, stating:

"I would like to comment on a previous statement made concerning the administration's estimate of the financial plan.

Mr. Speaker, as far as we are concerned, the administration's plan is full of holes and that is why we are here to make our own estimates and corrections. I am not here to argue one's philosophy toward the tax rebate. I am saying that after we have reviewed the budget regarding the people's needs, services, taking care of unemployment, etc., then, and only then, will we be able to consider this matter of a rebate."

Representative Poepoe, upon being recognized, stated:

"I rise to speak in favor of this bill.

Mr. Speaker, I understood that we were taking a small step forward; however, I didn't realize the step was so small - as I see on page 3. But, I understand the bill.

Mr. Speaker, I want to address myself to a few other areas that have been brought up on this floor this evening, and address myself to the members of this body and perhaps to others in the community.

When they consider a bond program for a state or a municipality (county government, if you wish), the calculation of a bond program for a state government or municipality is different than a calculation for

a bond program for a private business or what have you. You relate two things: one is your interest in bonds and two, your deflating rate of the dollar.

Many of us have looked back into the bond issues that we made a long time ago where we were paying 2.4%, 2.7% or whatever interest rate on money back in the 30's, and we wish that we had more of those dollars now.

In other words, if your dollar is depreciating at a greater rate than the interest that you pay in state bonds, then it behooves you to, yes, very carefully look at a program where your money should be barred as a state and spent as a state gain - you do not lose.

Secondly, if you are looking at any programs to save money for the State, if you are concerned about expenditures where the spiral of cost in this government is going; then, you should look into two areas and carefully consider: one, the construction of items, buildings that don't need or have questionable value; or two, question every program and number of people hired and whether those programs are necessary.

I submit to you, Mr. Speaker, if you look back into the budget documents, you will note that these two areas are the primary areas and that the second area is the primary area that we must concern ourselves as State officials and in controlling the spiraling cost of government.

Mr. Speaker, we collect the tax dollars of the people; they belong to the people. When we experience a surplus in our funds, the surplus dollars do, in fact, in my opinion, belong to the people of the State and to no one else. It's not a political ploy of any sort to return money to their proper owners, and that is the business."

Representative Takamura then rose and stated:

"I rise to speak in favor of this bill, but in doing so, I do with a great deal of reservation.

First of all, I believe that myself, as well as many other members of the public, I think, have been confused by the reports as far as what the true state of the economy really is. And I think because of this, and because of assurances

given by the Finance Committee Chairman that none of the programs, and none of the programs that are included in the operating budget, will be sacrificed for the tax rebate. I think that given these assurances, at least, is something that we should be allowed to be considered in the deliberations to follow.

Also, I feel that politics - the name of the game - one of the things we do in politics is to do trade-offs and to consider weighing different measures and to see how they relate to each other. And, personally, I feel that if in passing this and considering this measure, it would have the other result of establishing a hotel room tax, I think that we would have the benefit of two important and very positive programs for the State of Hawaii.

For these reasons, I think it is a bill and a proposal well worth considering and, therefore, I think we should vote for it at this time."

Representative Cayetano then rose and upon being recognized, stated:

"I rise to speak in favor of this bill with some serious reservations which I would like to state for the record.

Mr. Speaker, according to an article in today's HONOLULU ADVERTISER, the Chairman of the Finance Committee is quoted as saying that the purpose of passing this tax rebate vehicle to the Senate is to bargain with the Senate on the hotel room tax. I assume, Mr. Speaker, that this means that the Chairman of the Tourism Committee shares the sentiment of a new look at the Senate's hotel room tax. Mr. Speaker, if this is true, then I'm willing to withhold judgment on the merits of the tax rebate until we see what happens to the Senate's hotel room tax in this House. I say this because I firmly believe that a hotel room tax is the only way to truly give our people tax relief without substantially cutting governmental services.

There has been mentioned the possibility of a potential revolt by the taxpayers. I concur. Taxes in this State are much too high, but I think that common sense should tell us, Mr. Speaker, that the only way we can give ourselves and our people true tax relief is to have people who do not live here primarily pay the tax.

The idea of a hotel room tax - the idea of a tourist tax - has languished in this Legislature for many, many years. Now there seems to be a possibility of it coming to life. I share the concerns mentioned by the earlier speakers, but I am willing to wait and see. I'm willing to wait and see what happens to these bills in conference.

Thank you."

Representative Lum then rose and stated:

"I rise to speak in favor of this measure, and in doing so, I would like to repeat what I said last night that I think the viable alternative is to have a bill that will give a certain percentage across the board back to the taxpaying people of our community.

I can assure you, as I am standing here, the Senate will not pass this bill without an amendment. With that particular thought in mind, this bill will go over to the Senate, they'll have a chance to look at it, think about it, chew on it, like the chairman says, and amend it and send it back to us. The reason I say that is because I don't think they'll accept a tax schedule of one dollar for one taxpayer; one dollar for the next category; and one dollar for the third category. So you know they've got to amend this bill.

The previous speakers have talked about a room tax. I, for one, would like to have a live vehicle ready if in case that thing comes out of committee and this particular majority and this side decides they want to pass a room tax. I, then, would want to have a vehicle to give some of this money back to the people who are paying most of the taxes in this State.

We tried last night, also, to attach onto a particular bill, with the proper title, the elimination of the exemption of the 4 percent on food and drugs. For the last nine years that I've been in the Legislature, that idea has not even been looked at. Today we passed a measure that will exempt prescribed drugs. Terrific! I hope the Senate agrees and passes it back. This is the live vehicle that we'll have to use if in case we find that after we add up all the different bills we are considering, both in the House and the Senate, we have some money left. If there

is money left, then let's give it back to the people who pay most of the taxes.

Mr. Speaker, this is a political game. Unfortunately, we have two houses. This is the vehicle that we are going to throw to the Senate to give back to the people the money that they overpaid the State. For that reason, I wish all members will vote for this particular measure."

Representative Abercrombie then rose and in speaking against the bill, stated:

"Mr. Speaker, it's easy to talk about grand strategy, especially when you don't have any control over the strategy. It's easy to talk about the trade-offs when you own the Hudson Bay Company. It's a little more difficult to talk about it when you're a trapper out in the woods trying to find the pelts that are going to be traded to that Hudson Bay Company.

The record of those who do not have the fiscal power against those who do have the fiscal power is not encouraging. In this respect, I'm talking about those whom, Mr. Speaker, who are unemployed; those who do not have the financial resources.

It's easy, Mr. Speaker, to toss around a figure of \$80 million, \$40 million, \$100 million of so-called surplus. There is no surplus. As we stand here, as I stand here, rather, we have not funded the lower education system. The higher education system is not funded.

I have in my hand, Mr. Speaker, a petition that is circulating at the University of Hawaii right now - no cuts, no hikes; it's addressed to President Matsuda and the members of the Board of Regents; a stop in all tuition increases. What surplus? If there is a surplus of funds in the State, why is the Board of Regents and the University administration considering a \$25, \$30 credit for summer school and continuing education, and recommended \$1,000 for regular resident tuition. One thousand dollars in a public institution of higher learning in this State? This is not, and I hope you will forgive me, Mr. Sutton, a private university. This is not Stanford University. This is not Harvard University. This is not Cornell. This is not a private institution that you charge a tuition commensurate with that

charged by private institutions. This is a public university where we have the obligation and responsibility to provide for everyone. A thousand dollars regular student tuition; we're hiking the summer courses, we're hiking the College of Continuing Education where the people who are not well-financed are able to go and obtain their education. Yet, the well-fixed members on the Board of Regents are now considering making this raise - no cutbacks - \$3.8 million"

Representative Kamalii, on a point of order, asked:

"I wondered whether the speaker was addressing himself to the bill or to something else?"

The Chair then stated:

"Representative Abercrombie, will you make your connection and proceed."

Representative Abercrombie replied:

"Mr. Speaker, the connection I am making is this, and I will continue to make, that when we talk about a rebate to the people, the only way you can rebate something to the people is if you have something to give back to them.

What I'm saying is that there are programs that this Legislature has appropriated money for; there are needs in this State, which I will address shortly, that demand public funding. If there is any surplus at all, that money should be directed towards those needs.

I'm attempting to enunciate for you and for the members of this body, some of the needs in the hopes that some of the people in the Legislature now inclined to vote for the tax rebate bill will reconsider their position.

May I proceed?"

Upon being directed to "proceed" by the Chair, Representative Abercrombie continued, stating:

"Thank you.

\$3.8 million is presently held from the University of Hawaii budget. In financial aids, there is still going to be a lack despite the amount of money that has just been forwarded by the Higher Education Committee and approved by the Finance Committee,

and subsequently approved in this budget we passed today.

The parking fees are going from \$90 to \$125 - \$125 at the University! It's going to cost you more to park than to buy your books.

I call your attention to the fact that at the University of Hawaii right now they do not have sufficient janitorial services. They are not able to hire custodians. They've been cut back. Yet, we are passing a bill right now to provide repair and maintenance; repair and maintenance for not only University buildings. \$1.8 million of the Senate bill"

Representative Kamalii, on a point of order, asked:

"Are we speaking on the bill on repair and maintenance or are we speaking on the special income tax refund?"

The Chair stated:

"Point is well taken. Representative Abercrombie."

Representative Abercrombie then stated:

"Mr. Speaker, I dispute the fact that the 'point is well taken', because if we are talking about returning money to the people in the form of a tax rebate, I think it's perfectly legitimate to speak about those areas where public funds are better spent."

The Chair then remarked:

"I believe you can generally state that. The Chair's feeling is that you are attempting, or attempting to argue, the University of Hawaii budget in detail."

Representative Abercrombie replied:

"Mr. Speaker I can argue generally, but I will argue specifically so that members of this body can see exactly what it is that their money should be going to. Part of the problem with this bill is it's entirely general. Anybody can argue to give money back. Hell, let's give it to everybody in sight. That doesn't solve anything and that's not our responsibility as legislators.

I will cite the University of Hawaii in detail, and I will cite the job picture in detail. As a matter of fact, Mr. Speaker, I intend to make

reference to a table that I have compiled of the unemployment figures of every single month of every single year since January of 1959 until January of 1976. If you want to get that specific, believe me, I have that right here."

The Chair then directed Representative Abercrombie to "proceed".

Representative Abercrombie continued, stating:

"Thank you.

Right now we've passed a bill on employment that I believe is at least \$5 million too low. What we need is jobs, not a tax rebate. We don't need a small amount of money that we can reach out and kid ourselves with that somehow it's going to stimulate the economy for the so-called shot in the arm. What we need is the kind of stimulation in the economy that will bring lasting public benefit.

The public works programs that can be instituted by public works bills properly funded can stimulate the economy in such a way as to not only provide jobs in the immediate, but provide jobs and open ways for people to get off of welfare; to break the circle of despair that exists with long periods of unemployment; to give people an opportunity to perhaps work for the first time in their lives or to get back to work after a long period of unemployment.

I'm going to cite this to you now, Mr. Speaker. The monthly unemployment rates for the State of Hawaii from January 1959 until January of 1976: in January of 1959, the unemployment rate of the State of Hawaii stood at 3.3% - it has gone down as little as 2.7% over the years; by January of 1975, the unemployment rate was 7.5%; for the first four of the six months of 1975, the unemployment rate was in the 6's; starting in July of 1975, it goes to 7.4%, 7.3% in August, 7.9% in September, 8.4% in October, 8.8% in November, 8.8% in December, and in January of this year, it became 9.0% - 9% unemployment!

The laborer's union now has the highest rate of unemployment of any union in the State. Local"

Representative Poepoe, on a point of order, stated:

"Mr. Speaker, the honorable representative from the 13th district has used up his ten minutes. I, unfortunately,

do not have my ten minutes to yield to him."

Representative Naito then stated:

"Mr. Speaker, I would like to yield my ten minutes to Representative Abercrombie."

The Chair then stated:

"Representative Abercrombie, you have an additional ten minutes."

Representative Abercrombie replied:

"Thank you, Mr. Speaker. Thank you, Representative Naito. I appreciate that."

Representative Lum, on a point of information, asked:

"I wonder if the speaker would tell me if he made any speeches on the operating budget today?"

Representative Cobb, on a point of order, stated:

"Speaker, the floor may not be interrupted by a point of information, but only by a point of order."

The Chair then directed Representative Abercrombie to "proceed".

Representative Abercrombie thanked the Chair and continued, stating:

"Mr. Speaker, as I have indicated, the unemployment rate in the State at the present time is 9% - the highest it has been since January of 1959.

I have indicated that we already have vehicles, if you will, for addressing the unemployment problem in this State, by virtue of the bills that have been passed to the Senate and the bills which have come from the Senate to this body.

I submit, Mr. Speaker, that I cannot vote, and I would hope that others would reconsider if they have planned to vote. I cannot vote for a measure that I do not support on the basis of a vague generalization; and I listened very carefully in caucus today to the Finance Chairman on a vague generalization that we are, in fact, going to have a vehicle for a trade - a trade which I cannot foresee. And in his remarks this evening, he solidified my feeling that I should vote 'no' on the bill by saying we should vote for the principle and I cannot vote for this principle - the tax

rebate - in an economic and social circumstance in which I do not believe it is warranted. I want to point out, or reiterate, if I may, that we have in fact addressed various tax inequities which are already in this House: the home exemption, senior citizens, excise tax relief, the tax credit bill.

Just as the Finance Chairman said, having made our marks in these areas, and made it very clearly, we must now address ourselves to a situation in which revenue sharing, for example, may very possibly disappear. At the very least, it's going to go down. We're not going to have those federal dollars here. We see headlines where the Pentagon is considering cutting into the Defense Department budget which may or may not have a large effect on the State of Hawaii.

I want to point out, Mr. Speaker, that there is no indication that the percentage of unemployed is going to go down in a modern technological society unless there is economic stimulus from the governor; unless that stimulus is an effort which is not arbitrary and capricious in the sense that, in any given year, money is returned in a small amount to individual taxpayers.

I would like to point out, in addition, that you traditionally have, I'm sorry to say, an increase in crime because it goes hand in hand with unemployment. I think that you find the situation in which people are able to work; in which you find the situation in which crime, social disorganization, and the kinds of things that cause increases in the welfare problem decline.

So, in conclusion, I'd ask all of you who have thought long and hard on this tax rebate situation to consider that what we need today is a clear and unmistakable addressing of the unemployment problem in the State of Hawaii before we consider any kind of tax rebate. This, indeed, would provide for the taxpayer of Hawaii, and for those who would like to pay taxes, for those who would like to be contributing members of society, an opportunity to turn our social and economic conditions around in a way that the tax rebate, by the nature of its single purpose, by the nature of the fact that it is a one-time thing, cannot possibly address.

Thank you very much."

Representative Cobb then rose and stated:

"I had not planned to speak a second time, but several points were mentioned that I think are deserving of additional comment and, therefore, I would like to amplify in speaking against the measure before us.

I really wish, Mr. Speaker, we had this kind of laudable concern for the taxpayers' money last session when we acted on the pension and pay bills. We keep telling ourselves now, in an election year, it's the taxpayers' money. We seem to have forgotten that a year ago.

But I have some other objections that get into some specifics. Recently, we learned that collective bargaining negotiations are now going into binding arbitration. Some of the estimates I have seen place the cost of those settlements between \$40-\$50. In addition, we have earmarked already, from the Senate, unemployment programs totalling between \$20-\$40 million.

This House has already sent to the Senate a variety of programs and tax relief measures totalling at least \$10 million. The total of these measures is in the neighborhood of \$100 million; and I am not even counting the CIP, the supplemental budget, the prison construction, and other major elements that would be a part of our bonded indebtedness over and above our so-called cash surplus. And yet, we hear the cash surplus is listed in the neighborhood of \$80 million. Mr. Speaker, I really wonder, what surplus, given these obligations?

Furthermore, Mr. Speaker, one of the previous speakers mentioned the methods by which this surplus was arrived at; namely, by executive withholding of many legislative programs. In short, Mr. Speaker, programs in which the Legislature had already made a decision to spend and where another department of government reversed that decision by not spending. Are we saying, Mr. Speaker, this is a surplus? Or should we say, in fact, that this money should have been spent for what it was intended based on decisions that this Legislature made a year ago?

Mr. Speaker, a surplus can be on paper, it can be an illusion, it can be real simply by the methods

described by one of the earlier speakers as to how it was arrived at; and recognizing the many obligations that we have created on this so-called surplus of \$80 million, I seriously wonder how much is going to be left over when all the accounts are added up.

Finally, Mr. Speaker, when we talk of taxpayers' money, we talk of budget decisions that were made in the past. We talk about the many programs that this House has sent over, all residing now in the Senate. We must recognize that the Senate holds the ultimate decision for most of the House program for none of it has come back, and there is absolutely nothing by logic or by practicality that would prevent the Senators from agreeing to this \$100 across the board rebate, granting it, passing it as is, and sending it upstairs. Then it is no longer an item of bargaining. We're taking a chance on this. More importantly, Mr. Speaker, I think we are taking a chance on our future."

Representative Roehrig, upon being recognized, stated:

"I am going to vote in favor of this measure. I have confidence in our Finance Chairman that he will be able to do a fair job for us when the House and the Senate get down to brass tacks on our financial picture. However, I have some very real concerns whether or not we have ample votes on a tourist measure, and I base that only on the vote that we took so far in our committee where only three of the members were in favor of a hotel room tax. I don't know whether that argues well for the future of the hotel room tax or a tourist tax this session.

If we have a tourist tax, which I do favor, I think that a rebate may very well be in order. I have had very serious concerns about the fact that 46% of the apparent profits from the hotel business in the State of Hawaii leaves the State of Hawaii when it's collected and goes elsewhere - to Acapulco or the Caribbean or God only knows where it goes - but we're not getting that money, and I think that the capital improvement budgets and tourist destination areas of this State need that money, and I am counting on the fact that that is going to be somewhat of the considerations when we make the picture for this session of the Legislature

before the 60th day.

Thank you."

The motion to pass H.B. No. 2575-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN INCOME TAX REFUND", on Third Reading was put by the Chair and carried by a roll call vote of 36 ayes to 10 noes, with Representatives Abercrombie, Ajifu, Blair, Clarke, Cobb, Evans, Ho, Larsen, Santos and Sutton voting no, and Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

H.B. No. 3388, HD 1

Representative Lee moved that H.B. No. 3388, HD 1, having been read throughout, pass Third Reading, seconded by Representative Takamine.

Representative Kamalii then rose and stated:

"May we bring back a little sanity to this Chamber? I rise to speak in favor of a measure that is very dear to my heart."

Upon being directed to "proceed" by the Chair, Representative Kamalii stated:

"This bill will provide two Hawaiian translators to be permanently assigned to the State Archives. Their primary duty will be to start translating the more than one million documents in our Archives. These documents are priceless in themselves and represent a direct but fragile tie with our Hawaiian past. As our Hawaiian populace becomes increasingly aware of our Hawaiian heritage, they will seek in larger numbers their family genealogy. The two translators will be able to assist them through their research. Government agencies will also be able to avail themselves of the services of these translators.

Mr. Speaker, most significantly, these two representatives of the Hawaiian race will be a constant source of pride to our large Hawaiian population and a reminder that their history and records are a matter of great concern and value to all Hawaii.

Mr. Speaker, it is a sad commentary on our times that we cannot find enough translators of Hawaiian documents to make a dent in those million odd documents in our Archives;

however, this first step in recovering our ties with the Hawaiian past is the first attempt to achieve this, and I ask my colleagues to vote 'aye'; and my only regret, Mr. Speaker, is that my name isn't there as the introducer.

I thank you."

Representative Lee then rose and stated:

"I rise to speak in favor of this bill.

May I add to the words of Representative Kamalii that the job of these two translators is also to serve other governmental agencies as far as the needs are in translation of Hawaiian matters.

Thank you."

The motion to pass H.B. No. 3388-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", on Third Reading was put by the Chair and carried by a vote of 46 ayes, with Representatives Amaral, Carroll, Kimura, Morioka and Peters being excused.

H.B. No. 3280-76, HD 1

Representative Yamada moved that H.B. No. 3280-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Lum then rose and stated:

"I rise to speak in favor of this measure, but in doing so, let me say that this particular bill is an amendment to the law that was passed last year by this honorable body.

Back in 1969, I had the good fortune of serving on a sub-committee to investigate the problems of gasoline prices in the State of Hawaii. I'm glad to see that there are some controls that are placed on the distributors of petroleum. However, there is a particular section in here that I'm not too clear about. I'm not too clear about it because I'm not too sure what the results will be. I only hope that we'll have the time in the Senate to look at this provision and really investigate what the consequences of it is, and may I quote to this honorable body what this provision is (it's on page 4, Section 486H): 'Transfer; unreason-

able restriction. (a) A petroleum distributor shall not restrict the transfer of a franchise by a gasoline dealer except for just cause or legitimate business reasons'.

Mr. Speaker, in my every day work, sometimes I have the good fortune of doing a State analysis for the police or the service station dealers. When I do this, I try to find out if the dealership can be transferred by that individual. If it can be transferred, there is a value on it. Then, of course, that value is determined by several methods. We try to arrive at a value because that's gonna affect his estate and how much taxes he will ultimately have to pay.

I'm just wondering what's going to happen to the contractual arrangements presently in existence between a dealer and a service station petroleum distributor and the new ones to come into effect. Just picture what is happening: the distributor comes in, leases or buys a piece of property, puts up a structure at his own cost and ends up turning around and having a dealer coming in and operating the service station with certain limitations and restrictions which have been spelled out by the law passed last year and being amended now.

What's gonna happen? As I read this particular section now, this particular dealer will have the right to transfer - transfer his dealership to somebody else except for just cause or legitimate business reasons. What this means then, in essence, is that the investment put out by the distributor is then going to be amortized in some way and paid for by the dealer. And I'm just wondering if the dealers that are sitting out there in the community, the people who are working now at the service stations, I just wonder what the effect would be on them if, in fact, the cost of their operation went up?

And I just wonder what the effect would be if, like true businessmen, they try to pass this particular cost over to the consumer? I'm just wondering what would happen to all the consumers?

This particular bill has to have a little more discussion, especially to that particular feature. I hope that the Senate will look very carefully at this. I hope that they will talk to some dealers and find out what

their opinion is on this. I tried to get, in the short time between yesterday and today when this provision appeared in this particular bill, to get some kind of an idea what the effect will be. I will call some of the people that I know that are dealers and I will ask them their opinions. I will call some of the distributors to find out what their opinion is. I feel that the impact of this may be so heavy on the dealers that it is going to create problems.

Mr. Speaker, aside from this provision, this bill is a very good bill. I do have doubts about this provision, and I encourage everybody to vote for this and also do their own research with the dealer friends, they may have out in the community."

At this time, Representative Roehrig rose and stated:

"I hadn't intended to speak on this bill, but in light of the remarks by the former speaker, I think that it's well that some clarification be made, and I rise to speak in favor of the measure in making these clarifications.

Two years ago, in 1974, this body passed the franchise investment law which was a comprehensive law relating to franchise business in the market place. The principal proponents of the bill included those involved in the service station business.

After the bill became law, questions were raised between the oil company distributors and the service station owners themselves and their association regarding the question: Does this law apply to service station franchise arrangements? There was honest difference of opinions voiced at that time by counsel for both sides. The Attorney General of the State of Hawaii, in his opinion, stated that the franchise investment law did apply to the service stations.

One of the key provisions of that franchise investment law on which the service stations had very strong feelings in favor of, and still do, was Section 'J' which appears on page 31 of the pocket part of Chapter 482E(6), which I have in my hand. And that provision, Section 'J' is, in substance, the provision that the prior speaker was talking about; the provision that restricts unreasonable restrictions on transfer of franchises which, in this case, means the transfer

of the service station business from the business owner to his son or to his widow upon his death, or to his family corporation, or from the family corporation to one of his children or family members.

I don't think that there is any doubt as to how these service station dealers, who serve the State here on Oahu and the far reaches of the neighbor islands in the country areas, feel about this particular transfer restriction. This was much discussed in the Consumer Protection and Commerce Committee by oil distributors and representatives from the service station association.

And I think that everybody generally agreed, on both sides, and we had quite an amicable discussion on this, that we ought to put whatever law we wanted to apply to the service stations in Chapter 46H which we passed last session; and if we intended that the franchise investment law applied to service stations, then we should so state it and put it all in one place so there wouldn't be any future guessing and there wouldn't be any future need for the Attorney General's opinion.

It was the intent of this Legislature, at the time we passed the franchise investment law, that these various restrictions did apply to service station associations and service stations in particular; and what we have done with this bill by including the unreasonable restriction transfer provision on page 4 is to articulate that this is what we meant when we did our public business in 1974 and done nothing more than that. And we have not changed the language - the substance is the same.

If it was improper to phrase it the way we did in 1974, that is not changed and I would suggest that it looks pretty clean to me when I read the language in both the law that we enacted in the bill before us, and I would hope that the senators would look on this with favor because when this bill passes it will signal the beginning, I think in a long period, of good business relations between the oil companies' multinational corporations that run the oil and gasoline business in the State of Hawaii and your neighborhood service stations who serve all of the consumers of the State.

Thank you."

Representative Sutton requested

that the following remarks be entered into the Journal:

"Mr. Speaker, there is a contradiction in the Committee Report as to the placement of this bill in the franchise investment law and, as such, represents a confusion on legislative intent."

The motion to pass H.B. No. 3280-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FRANCHISES", on Third Reading was put by the Chair and carried by a vote of 45 ayes to 2 noes, with Representatives Larsen and Sutton voting no, and Representatives Amaral, Kimura, Morioka and Peters being excused.

H.B. No. 2785-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2785-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MECHANICS' AND MATERIALMEN'S LIENS AND HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Kimura, Morioka and Peters being excused.

H.B. No. 2894-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2894-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Kimura, Morioka and Peters being excused.

At 10:04 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:05 o'clock p.m.

UNFINISHED BUSINESS

H.B. No. 2299-76, HD 2, on Third Reading (Deferred from March 17, 1976):

On motion by Representative Yamada, seconded by Representative Yap and carried, H.B. No. 2299-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MECHANICS' AND MATERIALMEN'S LIENS", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Kimura,

Morioka and Peters being excused.

The Chair directed the Clerk to note that H.B. No. 2385-76 had passed Third Reading at 8:41 o'clock p.m.; H.B. No. 3075-76, HD 1, at 8:42 o'clock p.m.; H.B. No. 311, HD 1, at 8:43 o'clock p.m.; H.B. No. 1445, HD 1, at 8:48 o'clock p.m.; H.B. No. 3018-76 at 8:49 o'clock p.m.; H.B. No. 2575-76, HD 1, at 9:49 o'clock p.m.; H.B. No. 3388-76, HD 1, at 9:52 o'clock p.m.; H.B. Nos. 3280-76, HD 1, and 2785-76, HD 1, at 10:02 o'clock p.m.; H.B. No. 2894-76, HD 1, at 10:04 o'clock p.m.; and H.B. No. 2299-76, HD 2, at 10:05 o'clock p.m.

At this time, Representative Kihano introduced Mrs. Jennie Shito who was seated in the gallery.

At 10:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:08 o'clock p.m.

H.B. No. 2932-76, HD 2, on Third Reading (Deferred from March 17, 1976):

On motion by Representative Roehrig, seconded by Representative Uechi and carried, H.B. No. 2932-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING OF REPEAT OFFENDERS", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Kimura, Morioka and Peters being excused.

THIRD READING

H.B. No. 2784-76

Representative Yamada moved that H.B. No. 2784-76, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Sutton rose to speak against the bill, stating:

"Mr. Speaker, this is a bill for an act relating to credit card offenses, and the purpose of this bill is to amend section 851-4 to make attempts or conspiracies equated to the actual use of credit cards. Now, Mr. Speaker, it is a very serious thing when we equate attempts to the actual use.

In the concept of the common law,

originally there was, as you know, no concept such as attempt, and you and I can recall in our youth many times when we made attempts. The attempts themselves are something that never occurs and for all intents and purposes it is a very insidious type of invasion of the right of an individual to try and make a crime of the actual point of a credit card where it is solely an attempt.

Attempts, as you recall in all of the criminal law, is something that has been engrafted and subsequently put on just as conspiracies. But here we are trying to bring attempts up and open the door in a concept that could be extended later into all our penal code. I am very much opposed to that in any way, shape or manner and, therefore, I feel that the appropriate place to oppose attempts as being equated to the actual act is here.

I would urge my colleagues, therefore, to please vote against this bill."

Representative Kunimura then rose on a point of information and asked:

"Will the members of this House, after this session, be entitled to some credit at the University Law School, especially Brother Blair? I'm referring to the lectures given by the Juris Doctorate on this floor."

The motion to pass H.B. No. 2784-76, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARD OFFENSES", on Third Reading was put by the Chair and carried by a vote of 46 ayes to 1 no, with Representative Sutton voting no, and Representatives Amaral, Kimura, Morioka and Peters being excused.

The Chair directed the Clerk to note that H.B. No. 2932-76, HD 2, had passed Third Reading at 11:08 o'clock p.m. and H.B. No. 2784-76 at 11:11 o'clock p.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

House Bill No. 3165-76, HD 1:

Representative Lee moved that H.B. No. 3165-76, HD 1, be recommitted to the Committee on Labor and Public Employment, and the Chair, noting that there were no objections, so ordered.

At this time, the Chair made the following announcement:

"The Chair would like to extend his personal appreciation to all of the members for putting in much time and effort in passing major pieces of legislation over the past three days. We have worked long hours and the Chair appreciates your patience and understanding and looks forward to all of you to move the Senate bills as rapidly as possible onto the floor."

ADJOURNMENT

At 11:13 o'clock p.m., on motion by Representative Ushijima, seconded by Representative Ajifu and carried, the House of Representatives adjourned until 11:15 o'clock a.m. tomorrow, Friday, March 19, 1976.

FORTY-SECOND DAY

Friday, March 19, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, was called to order at 11:15 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by the Reverend Alfred F. Rebuldela of Our Lady of the Mount Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Amaral, Lee, Morioka, Roehrig, Takamura, Uechi, Wakatsuki and Yamada, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-First Day.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, reading of the Journal was dispensed with and the Journal of the Forty-First Day was approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 115 to 119) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 115) transmitting copies of a report prepared by the Department of Agriculture in compliance with Act 227, SLH 1974, relating to planning and development of Kauai, was placed on file.

A message from the Governor (Gov. Msg. No. 116) transmitting copies of the "Conceptual Master Plan: Kilauea Agricultural Park", for consideration by the Eighth State Legislature, was placed on file.

A message from the Governor (Gov. Msg. No. 117) transmitting copies of five (5) reports prepared by certain State employees, as follows:

1. "An Analytical Study of Alternative Gasoline Rationing Plans for Hawaii";
2. "Agricultural Planning for Hawaii: A Study in Methodology";
3. "An Analysis of Impact of Immigration on State Services";
4. "Report of the Special

Task Force on the Economics of the Energy Situation in Regards to Electrical Power Generation"; and

5. "Evaluation Models for Hawaii State Hospital",

was placed on file.

A message from the Governor (Gov. Msg. No. 118) transmitting copies of the updated "State of Hawaii Comprehensive Outdoor Recreation Plan", which was formulated in accordance with the requirements of the Federal Land and Water Conservation Fund Act of 1965, Public Law 88-578, which is administered by the Bureau of Outdoor Recreation, U.S. Department of the Interior, was placed on file.

A message from the Governor (Gov. Msg. No. 119) informing the House that on March 18, 1976, he signed Senate Bill No. 1771-76 as Act 2, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION", was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 146 to 182) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 146) transmitting Senate Bill No. 28, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TAXES", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 147) transmitting Senate Bill No. 269, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TAXES", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 148) transmitting Senate Bill No. 679, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FRANCHISE INVESTMENT LAW", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 149) transmitting

Senate Bill No. 1187, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ESTABLISHMENT OF THE 'HAWAII DENTAL EDUCATION PLAN' ", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 150) returning House Bill No. 1499, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS", which passed Third Reading in the Senate on March 18, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1499, HD 1, SD 1, was placed on the Clerk's desk and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1499, HD 1, SD 1, were made available to the members of the House at 11:15 o'clock a.m.

A communication from the Senate (Sen. Com. No. 151) transmitting Senate Bill No. 1614, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND TRUSTS", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 152) transmitting Senate Bill No. 1667, entitled: "A BILL FOR AN ACT RELATING TO INCREMENTS, SERVICE ANNIVERSARY DATES AND LONGEVITY INCREASES FOR PUBLIC EMPLOYEES", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 153) transmitting Senate Bill No. 1777-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 154) transmitting Senate Bill No. 1854-76, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 155) transmitting Senate Bill No. 1899-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF AN OFFICE OF CHILDREN AND YOUTH", which passed Third Reading

in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 156) transmitting Senate Bill No. 2226-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 157) transmitting Senate Bill No. 2267-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF DEVELOPMENTAL RATES FOR FACILITIES USED BY GENERAL AVIATION ACTIVITIES", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 158) transmitting Senate Bill No. 2294-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE HEALTH PLANNING", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 159) transmitting Senate Bill No. 2331-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 160) transmitting Senate Bill No. 2527-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 161) transmitting Senate Bill No. 2760-76, entitled: "A BILL FOR AN ACT RELATING TO NAMES", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 162) transmitting Senate Bill No. 2929-76, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN LICENSES", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 163) transmitting Senate Bill No. 2933-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII YOUTH CORRECTIONAL

FACILITY", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 164) transmitting Senate Bill No. 511, entitled: "A BILL FOR AN ACT RELATING TO OBSCENITY", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 165) transmitting Senate Bill No. 849, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 166) transmitting Senate Bill No. 1278, entitled: "A BILL FOR AN ACT RELATING TO REPORTS AND PUBLICATION OF THE LEGISLATURE REFERENCE BUREAU", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 167) transmitting Senate Bill No. 1758-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 168) transmitting Senate Bill No. 1838-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 169) transmitting Senate Bill No. 1874-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF REAL PROPERTY", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 170) returning House Bill No. 1994-76, entitled: "A BILL FOR AN ACT RELATING TO THE REAL PROPERTY HOME EXEMPTION", which passed Third Reading in the Senate, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1994-76, SD 1, was placed on

the Clerk's desk and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1994-76, SD 1, were made available to the members of the House at 11:15 o'clock a.m.

A communication from the Senate (Sen. Com. No. 171) transmitting Senate Bill No. 2019-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 172) transmitting Senate Bill No. 2274-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXATION", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 173) transmitting Senate Bill No. 2285-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 174) transmitting Senate Bill No. 2320-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 175) transmitting Senate Bill No. 2501-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SECONDHAND DEALERS", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 176) transmitting Senate Bill No. 2703-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 177) transmitting Senate Bill No. 2801-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AN APPROPRIATION FOR AGRICULTURAL PARKS", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 178) transmitting Senate Bill No. 2909-76, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 179) transmitting Senate Bill No. 2986-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", which passed Third Reading in the Senate on March 18, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.B. Nos. 28, SD 2; 269, SD 1; 679, SD 1; 1187, SD 2; 1614, SD 1; 1667; 1777-76, SD 1; 1854-76; 1899-76, SD 2; 2226-76, SD 1; 2267-76, SD 1; 2294-76, SD 2; 2331-76, SD 1; 2527-76, SD 1; 2760-76; 2929-76; 2933-76, SD 1; 511; 849; 1278; 1758-76, SD 2; 1838-76, SD 2; 1874-76, SD 1; 2019-76, SD 1; 2274-76, SD 1; 2285-76, SD 1; 2320-76, SD 2; 2501-76, SD 2; 2703-76, SD 2; 2801-76, SD 2; 2909-76; and 2986-76, SD 1, passed First Reading by title and further action on the following bills was deferred until later in the calendar: S.B. Nos. 28, SD 2; 269, SD 1; 679, SD 1; 1187, SD 2; 1614, SD 1; 1667; 1777-76, SD 1; 1854-76; 1899-76, SD 2; 2226-76, SD 1; 2267-76, SD 1; 2294-76, SD 2; 2331-76, SD 1; 2527-76, SD 1; 2760-76; and 2933-76, SD 1.

By unanimous consent, S.B. Nos. 2929-76; 511; 849; 1278; 1758-76, SD 2; 1838-76, SD 2; 1874-76, SD 1; 2019-76, SD 1; 2274-76, SD 1; 2285-76, SD 1; 2320-76, SD 2; 2501-76, SD 2; 2703-76, SD 2; 2801-76, SD 2; 2909-76; and 2986-76, SD 1, were placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 180) transmitting Senate Concurrent Resolution No. 82, congratulating Western Airlines, Incorporated, upon the award of the Hawaii-Vancouver passenger route, which was adopted by the Senate on March 18, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 82 was adopted.

A communication from the Senate

(Sen. Com. No. 181) transmitting Senate Concurrent Resolution No. 83, congratulating Honolulu actor Randall Duk Kim, which was adopted by the Senate on March 18, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 83 was adopted.

A communication from the Senate (Sen. Com. No. 182) returning House Concurrent Resolution No. 75 which was adopted by the Senate on March 18, 1976, was placed on file.

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

Representative Ho introduced 80 members of the Ewa Hui Aloha Senior Citizens Club. They were accompanied by their advisor, Mrs. Susan Shak, and President of the Club, Mr. Carl Oya.

Representative Ho then introduced Mrs. Bobby Meheula, Director of the Hawaii Foundation for History and the Humanities, who was seated in the gallery.

Representative Machida introduced a group of students from Maui High School who are members of the National Honor Society, as follows: Sandra Kobayashi, Rene Ojiri, Eileen Carvalho, Nolan Arruda, Brian Moto, Carolyn Dang, Carrie Sugino, Robert Suiza and Alan Saka. They were accompanied by Ms. Carmelynnne Guillermo.

Representative Ushijima introduced 15 supporters of the Hawaii Foundation for History and the Humanities and their coordinator, Mrs. Pauline Seifermann.

Representative Peters introduced 48 third grade students from Maili Elementary School. They were accompanied by their teachers, Miss Hoyo and Lorraine Tokuda, and parents, Mrs. Ryan and Mrs. Evans.

Representative Fong introduced 8 women who are members of the University of Hawaii Extension Club. They were accompanied by Mrs. Grace Kang and Mrs. Tsuki Fujimori.

Representative Naito then introduced her daughter, Lori-Lei Natsuko, stating:

"This morning, I would like to introduce a young lady who is very dear to me and who I have invited to spend the day with me at the Capitol. The reason that I felt this was necessary is because our legislative assignments have kept us here for such long hours, I was concerned that we would no longer recognize each others faces, Mr. Speaker."

Representative Naito then introduced Ms. Patricia Putnam, a long time friend of the legislature, who was seated in the gallery.

Representative Kimura introduced 2 seniors from Saint Andrew's Priory, Lori Nakamura and Sharolyn Lee, who are winding up their observance of the legislative process today.

Representative Ho then introduced Mr. and Mrs. Barcelo.

Public Employment, then to the Committee on Finance

2267-76 Committee on Energy and Transportation, then to the Committee on Finance

2294-76 Committee on Health, then to the Committee on Finance

2331-76 Committee on Labor and Public Employment, then to the Committee on Finance

2527-76 Committee on Youth and Elderly Affairs, then to the Committee on Judiciary

2760-76 Committee on Judiciary

2933-76 Jointly to the Committees on Youth and Elderly Affairs and Judiciary

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate bills were disposed of as follows:

S.B. Nos.	Referred to:
28	Committee on Energy and Transportation, then to the Committee on Finance
269	Committee on Energy and Transportation
679	Committee on Consumer Protection and Commerce, then to the Committee on Finance
1187	Jointly to the Committees on Higher Education and Health, then to the Committee on Finance
1614	Committee on Judiciary
1667	Committee on Labor and Public Employment, then to the Committee on Finance
1777-76	Jointly to the Committees on Health and Labor and Public Employment
1854-76	Jointly to the Committees on Judiciary and Education
1899-76	Committee on Youth and Elderly Affairs, then to the Committee on Finance
2226-76	Committee on Labor and

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 428 to 441) and concurrent resolutions (H.C.R. Nos. 76 to 82) were disposed of as follows:

H.R. Nos.	Referred to:
428	Committee on Youth and Elderly Affairs, then to the Committee on Finance
429	Committee on Youth and Elderly Affairs, then to the Committee on Legislative Management
430	Committee on Water, Land Use, Development, and Hawaiian Homes
431	Jointly to the Committees on Energy and Transportation and Labor and Public Employment
432	Committee on Health
433	Committee on Education
434	Committee on Education, then to the Committee on Legislative Management
435	Committee on Education, then to the Committee on Labor and Public Employment
436	Jointly to the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, then

- 437 Jointly to the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
- 438 Committee on Energy and Transportation, then to the Committee on Finance
- 439 Committee on Consumer Protection and Commerce
- 440 Committee on Health
- 441 Committee on Health

H.C.R. Nos.

- 76 Jointly to the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
- 77 Jointly to the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
- 78 Committee on Health
- 79 Jointly to the Committees on Energy and Transportation and Labor and Public Employment
- 80 Committee on Energy and Transportation, then to the Committee on Finance
- 81 Committee on Consumer Protection and Commerce
- 82 Committee on Health

COMMITTEE REASSIGNMENT

H.R. No. 314 was re-referred to the Committee on Youth and Elderly Affairs.

STANDING COMMITTEE REPORTS

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 598-76) recommending that S.B. No. 2885-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and S.B. No. 2885-76, entitled: "A BILL FOR AN ACT RELATING

TO AMENDMENTS TO DISTRICT BOUNDARIES BY THE STATE LAND USE COMMISSION AND TO SPECIAL USE PERMITS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 22, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 2885-76 were made available to the members of the House at 11:15 o'clock a.m.

At 11:31 o'clock a.m., on request by Representative Naito, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:32 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Lee, Roehrig and Yamada.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 442 to 447) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 442) congratulating Ms. Gaile Sykes on being selected 1976 State Teacher of the Year was jointly offered by Representatives Blair, Stanley, Yuen, Ajifu, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Evans, Garcia, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Sutton, Takamine, Takamura, Uechi, Ushijima, Yamada and Yap.

On motion by Representative Blair, seconded by Representative Yuen and carried, H.R. No. 442 was adopted.

At this time, Representative Blair introduced Ms. Gaile Sykes to the members of the House.

Representative Kunimura then presented the honoree with a red carnation lei and a certified copy of the resolution was presented by Representative Yuen.

Representative Blair then introduced Mr. Young Yee Ko, Principal of McKinley High School, to the members of the House.

Representative Kunimura then introduced the students of Ms. Sykes from McKinley High School, who

were seated in the gallery.

A resolution (H.R. No. 443) congratulating and commending Rodney Loo of Kalani High School upon his selection to the OIA Varsity Basketball Eastern Division All-Star Team for the fourth consecutive year was jointly offered by Representatives Cobb, Larsen, Ajifu, Akizaki, Blair, Carroll, Cayetano, Clarke, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kimura, Kiyabu, Kondo, Lum, Machida, Medeiros, Mizuguchi, Morioka, Naito, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ushijima, Yuen and Wakatsuki.

On motion by Representative Cobb, seconded by Representative Larsen and carried, H.R. No. 443 was adopted.

At this time, Representative Cobb introduced Rodney Loo to the members of the House.

Representative Naito then presented the honoree with a lei and a certified copy of House Resolution No. 443 was presented by Representative Cobb.

Representative Cobb then introduced to the members of the House Mr. Richard Loo, Rodney's father, who is a member of Representative Sakima's staff.

A resolution (H.R. No. 444) congratulating members of the Kamehameha Warriors basketball team was jointly offered by Representatives Kimura, Poepoe, Abercrombie, Ajifu, Akizaki, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Kimura, seconded by Representative Poepoe and carried, H.R. No. 444 was adopted.

At this time, Representative Kimura introduced to the members of the House the Kamehameha Warriors basketball team; Mr. Jeff Mast, head coach; and Mr. Jimmy Low, team manager.

Representative Poepoe then presented certified copies of the resolution to the honorees.

At 11:51 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honored guests.

The House of Representatives reconvened at 11:56 o'clock a.m.

A resolution (H.R. No. 445) commending the members of the Kauai Senior Center for their outstanding input in this legislature was jointly offered by Representatives Kunimura, Yamada, Kawakami, Abercrombie, Akizaki, Blair, Cayetano, Clarke, Cobb, Garcia, Ho, Inaba, Kihano, Kimura, Kiyabu, Kondo, Lee, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Peters, Roehrig, Sakima, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap, Yuen and Wakatsuki.

On motion by Representative Kawakami, seconded by Representative Yamada and carried, H.R. No. 445 was adopted.

A resolution (H.R. No. 446) complimenting the Windward Theatre Guild for their production of "1776" was jointly offered by Representatives Evans, Ajifu, Akizaki, Blair, Cayetano, Clarke, Cobb, Hakoda, Ho, Kihano, Kiyabu, Medeiros, Poepoe, Sakima, Santos, Takamura and Yuen.

On motion by Representative Evans, seconded by Representative Poepoe and carried, H.R. No. 446 was adopted.

A resolution (H.R. No. 447) congratulating the honorees of the Hawaii Society of Professional Engineers Big Island Chapter Engineers of the Year awards was jointly offered by Representatives Segawa, Roehrig, Abercrombie, Akizaki, Blair, Cayetano, Clarke, Cobb, Garcia, Ho, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Lee, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Sakima, Santos, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Yamada and Yap.

On motion by Representative Segawa, seconded by Representative Suwa and carried, H.R. No. 447 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 448 to 451) and concurrent resolution (H.C.R.

No. 83) were referred to the Committee on Legislative Management and further action was deferred until Monday, March 22, 1976:

A resolution (H.R. No. 448) requesting the Department of Physics and Astronomy of the University of Hawaii to report to the legislature on the entire academic program for undergraduate and graduate study in the field of astronomy, to include specific data on needed appropriations to accomplish the academic objectives of the department was offered by Representative Abercrombie.

A resolution (H.R. No. 449) requesting a limit on the number of small planes because of the associated environmental pollution problems was jointly offered by Representatives Yuen, Akizaki, Blair, Cayetano, Cobb, Evans, Hakoda, Inaba, Kiyabu, Kunimura, Lee, Machida, Oda, Peters, Santos, Segawa, Stanley, Takamine, Takamura and Yap.

A resolution (H.R. No. 450) declaring legislative policies with regard to public education in Hawaii was jointly offered by Representatives Akizaki, Kiyabu, Mizuguchi and Suwa.

A resolution (H.R. No. 451) requesting the City and County of Honolulu to promptly implement a program to control the location of adult motion picture establishments was jointly offered by Representatives Kiyabu, Ajifu, Akizaki, Blair, Ikeda, Inaba, Kihano, Kondo, Machida, Mizuguchi, Naito, Oda, Poepoe, Stanley, Suwa, Takamura, Yamada and Yap.

A concurrent resolution (H.C.R. No. 83) declaring legislative policies with regard to public education in Hawaii was jointly offered by Representatives Akizaki, Kiyabu, Mizuguchi and Suwa.

At this time, Representative Lum rose, stating:

"Mr. Speaker, I rise on a point of information."

The Chair replied: "State your point."

Representative Lum stated:

"I noticed, while going through

my bills today, that I found House Bill 1994-76, SD 1, and yet, on the Order of the Day, I don't see that particular bill and I am wondering whether this particular reference to Senate Bill 1994-76 without a draft is an error."

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

Upon reconvening at 12:05 o'clock p.m., Representative Lum, being recognized by the Chair, stated:

"During the recess, I had my query answered. Thank you."

Representative Lee then rose, stating:

"Mr. Speaker, I rise on a point of personal privilege for the purpose of a personal grievance.

I wonder if it would be proper for me to reconsider my action taken as Labor Chairman on the bill that I recommitted last night?"

The Chair replied:

"Representative Lee, unfortunately, the deadline for passage of Third Reading bills to the Senate is over and we cannot reconsider action at this time."

Representative Lee then said:

"Thank you very much. I will accede to your wishes."

Representative Cobb then rose, stating:

"Mr. Speaker, just one observation as a matter of personal privilege.

It is a real pleasure to note for the first time this session that the Chair is actually wearing an aloha shirt on Aloha Friday."

ADJOURNMENT

At 12:10 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned to 11:30 o'clock a.m. on Monday, March 22, 1976.

FORTY-THIRD DAY

Monday, March 22, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Paul Peachey of the Metropolitan Community Church, after which the Roll was called showing all members present with the exception of Representatives Amaral, Morioka and Santos, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Second Day.

At 11:32 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:34 o'clock a.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, reading of the Journal was dispensed with and the Journal of the Forty-Second Day was approved.

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 120) transmitting copies of a report prepared jointly by the U.S. Forest Service Region 5 Office, the Department of Land and Natural Resources and the Department of Planning and Economic Development, entitled: "Forestry Potentials for Hawaii", was read by the Clerk and was placed on file.

At this time, Representative Lum rose on a point of information and asked:

"I made an inquiry on Friday about a particular bill and I would like to know the status of that bill?"

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

Upon reconvening at 11:41 o'clock a.m., Representative Lum rose and stated:

"I believe the bill that I am inquiring about is laying on the Clerk's desk. Thank you."

The following introductions were made to the members of the House:

Representative Sutton introduced Akira Marumoto who is "one of the most decorated veterans in Hawaii. A man who received medals and honors in three wars."

Representative Uechi introduced 125 fourth grade students from Alvah Scott Elementary School and their teachers, Mrs. Silva, Mrs. Agnes Kaaloa, Mrs. Geri Holt, Mrs. Ruth Watanabe and Mrs. Tomi Tanaka.

Representative Cobb introduced 35 high school juniors, seniors and college students from Interact, the Youth Service Organization. They are here with Mr. Nakano, a Rotarian from Nara, Japan; Mr. Ishibashi, a teacher from Kashiwara School, Japan; and Mr. Imai, a Rotarian from Fukui, Japan. Each student was chosen and sponsored by a Rotary Club in Japan, and they are being escorted by Mr. Donald Chow, a teacher at St. Louis High School and Robin Yoshimura, a senior at St. Louis High School who is acting as coordinator.

At this time, Representative Abercrombie rose on a point of personal privilege and stated:

"Mr. Speaker, as you know, the staff of the House was kind enough to invite us to a party on Friday evening and, as you know very well, you kindly provided what is known as the Speaker's prize for that affair. I know that to be the case because there is a card on this prize that says, 'James H. Wakatsuki, Speaker of the House of Representatives'. It says, 'Speaker's Prize' on it.

However, as you also know, Representative Yap, who is in charge of security for the House of Representatives, has warned us against the possibility of letter bombs and such being delivered to those of us who might incur the wrath of various members of the public and I thought with my voting record this term, Mr. Speaker, perhaps it might be best if I not open this particular 'Speaker's Prize' inasmuch as I won it on Friday night.

So, I was wondering if you might ask one of the more fearless members of the House to help me open this

this morning to assure everybody of the proper security precautions. I wonder if Representative Kunimura would give me a hand?"

The Chair replied: "For that purpose, the Chair declares a recess (11:45 o'clock a.m.), subject to the call of the Chair."

The House of Representatives reconvened at 11:48 o'clock a.m.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were referred as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
511	Jointly to the Committees on Consumer Protection and Commerce and Judiciary
849	Committee on Labor and Public Employment, then to the Committee on Finance
1278	Committee on Legislative Management
1758-76	Committee on Housing, then to the Committee on Finance
1838-76	Committee on Consumer Protection and Commerce
1874-76	Committee on Finance
2019-76	Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Housing, then to the Committee on Finance
2274-76	Committee on Finance
2285-76	Committee on Labor and Public Employment, then to the Committee on Finance
2320-76	Jointly to the Committees on Labor and Public Employment and Health, then to the Committee on Finance
2501-76	Committee on Consumer Protection and Commerce
2703-76	Committee on Consumer Protection and Commerce, then to the Committee on Finance
2801-76	Jointly to the Committees on Agriculture and Water,

Land Use, Development, and Hawaiian Homes, then to the Committee on Finance

2909-76	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Culture and the Arts, then to the Committee on Finance
2929-76	Committee on Consumer Protection and Commerce
2986-76	Jointly to the Committees on Consumer Protection and Commerce and Public Assistance and Human Services

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 448 to 451) and concurrent resolution (H.C.R. No. 83) were disposed of as follows:

<u>H.R. Nos.</u>	
448	Committee on Higher Education
449	Jointly to the Committees on Environmental Protection and Energy and Transportation
450	Committee on Education
451	Committee on Consumer Protection and Commerce

H.C.R. No.

83	Committee on Education
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STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 599-76) informing the House that House Resolution Nos. 442 to 451, House Concurrent Resolution No. 83, Standing Committee Report No. 598-76 and Standing Committee Report Nos. 600-76 to 622-76, have been printed and distributed.

On motion by Representative Akizaki, seconded by Representative Kiyabu and carried, the report of the Committee was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 600-76) recommending that S.B.

No. 1862-76 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 1862-76, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", passed Second Reading and was referred to the Committee on Judiciary.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 601-76) recommending that H.R. No. 212, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 212, HD 1, entitled: "A RESOLUTION REQUESTING THE IMPLEMENTATION OF A SENIOR CITIZEN LEGISLATIVE RESEARCH AIDE INTERNSHIP PROGRAM", was referred to the Committee on Legislative Management.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 602-76) recommending that H.R. No. 263, as amended in HD 1, be referred to the Committee on Culture and the Arts.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 263, HD 1, entitled: "A RESOLUTION REQUESTING A PROGRESS REPORT OF KAHANA VALLEY", was referred to the Committee on Culture and the Arts.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 603-76) recommending that H.R. No. 223 be referred to the Committee on Culture and the Arts.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 223, entitled: "A RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF ESTABLISHING

KAWAINUI SWAMP AS A NATIONAL HISTORIC SITE", was referred to the Committee on Culture and the Arts.

Representative Machida, for the majority of the Committee on Tourism, presented a report (Stand. Com. Rep. No. 604-76) recommending that H.R. No. 116 be referred to the joint Committees on Education and Higher Education.

On motion by Representative Machida, seconded by Representative Lunasco and carried, the report of the majority of the Committee was adopted and H.R. No. 116, entitled: "A RESOLUTION REQUESTING INCREASED FAMILIARIZATION OF STUDENTS WITH THE TOURIST INDUSTRY IN HAWAII", was referred to the joint Committees on Education and Higher Education, with Representative Abercrombie voting no.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 605-76) recommending that H.R. No. 117, as amended in HD 1, be referred to the Committee on Legislative Management.

Representative Cayetano moved that action on Stand. Com. Rep. No. 605-76 and H.R. No. 117, HD 1, entitled: "A RESOLUTION RELATING TO THE PROPOSED STATE FERRY SYSTEM", be deferred 1 day, and the Chair, noting that there were no objections, so ordered.

Representatives Machida and Sakima, for the Committees on Tourism and Higher Education, presented a report (Stand. Com. Rep. No. 606-76) recommending that H.R. No. 278 be adopted.

On motion by Representative Machida, seconded by Representative Sakima and carried, the report of the joint Committees was adopted and H.R. No. 278, entitled: "A RESOLUTION RELATING TO THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT", was adopted.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 607-76) recommending that H.R. No. 392 be adopted.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the joint

Committees was adopted and H.R. No. 392, entitled: "A RESOLUTION REQUESTING MATSON NAVIGATION COMPANY AND THE FEDERAL MARITIME COMMISSION TO EXEMPT FRESH AND PROCESSED HAWAII PRODUCED EASTBOUND AGRICULTURAL PRODUCTS FROM THE INCREASE IN RATES IN THE UNITED STATES PACIFIC/HAWAIIAN DOMESTIC OFFSHORE TRADE TO BECOME EFFECTIVE DECEMBER 8, 1975 (RATE INCREASE SUSPENDED TO APRIL 7, 1976)" was adopted.

At 12:10 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:12 o'clock p.m.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 608-76) recommending that H.C.R. No. 66 be adopted.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the joint Committees was adopted and H.C.R. No. 66, entitled: "A CONCURRENT RESOLUTION REQUESTING MATSON NAVIGATION COMPANY AND THE FEDERAL MARITIME COMMISSION TO EXEMPT FRESH AND PROCESSED HAWAII PRODUCED EASTBOUND AGRICULTURAL PRODUCTS FROM THE INCREASE IN RATES IN THE UNITED STATES PACIFIC/HAWAIIAN DOMESTIC OFFSHORE TRADE TO BECOME EFFECTIVE DECEMBER 8, 1975 (RATE INCREASE SUSPENDED TO APRIL 7, 1976)", was adopted.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 609-76) recommending that H.R. No. 256, as amended in HD 1, be adopted.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 256, HD 1, entitled: "A RESOLUTION REQUESTING THE GOVERNOR OF HAWAII TO ESTABLISH A STATE VOLUNTEER CENTER", was adopted, with Representative Carroll voting no.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand.

Com. Rep. No. 610-76) recommending that H.C.R. No. 54 be adopted.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.C.R. No. 54, entitled: "A CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF HAWAII TO ESTABLISH A STATE VOLUNTEER CENTER", was adopted, with Representative Carroll voting no.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 611-76) recommending that H.R. No. 248, as amended in HD 1, be adopted.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 248, HD 1, entitled: "A RESOLUTION URGING THE CIVIL AERONAUTICS BOARD TO AUTHORIZE REINSTITUTION OF SENIOR CITIZEN DISCOUNT FARES FOR AIR TRAVEL WITHIN HAWAII", was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 612-76) recommending that H.R. No. 35, as amended in HD 1, be adopted.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 35, HD 1, entitled: "A RESOLUTION REQUESTING A REVIEW OF FINANCIAL AIDS TO STUDENTS", was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 613-76) recommending that H.R. No. 231, as amended in HD 1, be adopted.

On motion by Representative Sakima, seconded by Representative Takamura, the report of the Committee was adopted and H.R. No. 231, HD 1, entitled: "A RESOLUTION REQUESTING THE DELEGATION OF THE COMMUNITY GARDENING PROGRAM TO THE COLLEGE OF TROPICAL AGRICULTURE", was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 614-76) recommending that H.C.R. No. 36, as amended

in HD 1, be adopted.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.C.R. No. 36, HD 1, entitled: "A CONCURRENT RESOLUTION REQUESTING THE DELEGATION OF THE COMMUNITY GARDENING PROGRAM TO THE COLLEGE OF TROPICAL AGRICULTURE", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 615-76) recommending that H.R. No. 119, as amended in HD 1, be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 119, HD 1, entitled: "A RESOLUTION REQUESTING A STUDY ON WAIPIO VALLEY, HAWAII", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 616-76) recommending that H.R. No. 246 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 246, entitled: "A RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A FEASIBILITY STUDY ON ALTERNATIVE USES FOR THE ISLAND OF KAHOO LAWE", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 617-76) recommending that H.C.R. No. 38 be adopted.

Representative Kawakami moved that action on Stand. Com. Rep. No. 617-76 and H.C.R. No. 38 be deferred 1 day, and the Chair, noting that there were no objections, so ordered.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 618-76) recommending that S.B. No. 2545-76 pass Second

Reading and be referred to the Committee on Environmental Protection.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and S.B. No. 2545-76, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION", passed Second Reading and was referred to the Committee on Environmental Protection.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 619-76) recommending that S.B. No. 2031-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 2031-76, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 620-76) recommending that S.B. No. 1807-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 1807-76, entitled: "A BILL FOR AN ACT RELATING TO THE CONVERSION OF CERTAIN EXEMPT POSITIONS WITHIN THE DEPARTMENT OF DEFENSE TO PERMANENT CIVIL SERVICE STATUS", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 621-76) recommending that S.B. No. 1831-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 1831-76, entitled: "A BILL FOR AN ACT RELATING TO VACATIONS OF PUBLIC OFFICERS AND EMPLOYEES", passed Second Reading and was referred to the Committee on Finance.

* Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 622-76) recommending that H.R. No. 24 be referred to the Committee on Legislative Management.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 24, entitled: "A RESOLUTION REQUESTING A STUDY OF PHASED RETIREMENT POLICIES AND PLANS FOR PUBLIC EMPLOYEES", was referred to the Committee on Legislative Management.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 452 to 454) and concurrent resolution (H.C.R. No. 84) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 452) honoring the memory of the late Arthur K. Kodama and extending condolences and deepest sympathy to his family was jointly offered by Representatives Wakatsuki, Uechi, Abercrombie, Ajifu, Akizaki, Blair, Carroll, Cayetano, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Uechi, seconded by Representative Garcia and carried, H.R. No. 452 was adopted.

A resolution (H.R. No. 453) honoring the memory of the late Mrs. Dorothy M. Place and extending condolences and deepest sympathies to her family was jointly offered by Representatives Kondo, Abercrombie, Akizaki, Blair, Cayetano, Cobb, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Mizuguchi, Naito, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Takamine, Takamura, Uechi, Yamada, Yuen and Wakatsuki.

On motion by Representative Kondo, seconded by Representative Shito and carried, H.R. No. 453 was adopted.

A resolution (H.R. No. 454) congra-

tulating the Baldwin Bears, 1976 MIL basketball champions was jointly offered by Representatives Kondo, Abercrombie, Akizaki, Blair, Cayetano, Cobb, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Mizuguchi, Naito, Roehrig, Sakima, Santos, Segawa, Stanley, Takamine, Takamura, Uechi, Yamada, Yuen and Wakatsuki.

On motion by Representative Kondo, seconded by Representative Machida and carried, H.R. No. 454 was adopted.

A concurrent resolution (H.C.R. No. 84) welcoming the Australian Trade Show and extending aloha and best wishes for its success was jointly offered by Representatives Kawakami, Wakatsuki, Akizaki, Blair, Cayetano, Clarke, Cobb, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Larsen, Lee, Lunasco, Machida, Mizuguchi, Naito, Oda, Sakima, Santos, Segawa, Shito, Sutton, Suwa, Takamine, Yamada, Yap and Yuen.

On motion by Representative Kawakami, seconded by Representative Lunasco and carried, H.C.R. No. 84 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 455 to 460) and concurrent resolutions (H.C.R. Nos. 85 and 86) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 23, 1976:

A resolution (H.R. No. 455) requesting the Department of Social Services and Housing to evaluate the feasibility of contracting with the Habilitat, Inc. to operate the Hawaii Youth Correctional Facility was jointly offered by Representatives Peters, Kunimura, Kamalii, Akizaki, Cayetano, Cobb, Ho, Kawakami, Kihano, Kiyabu, Machida, Mizuguchi, Naito, Segawa, Shito, Stanley, Suwa, Takamura and Yamada.

A resolution (H.R. No. 456) requesting the Department of Land and Natural Resources to designate Hulopoe-Manele Bay, Lanai, a marine conservation district was jointly offered by Representatives Machida, Kondo, Ajifu, Akizaki, Blair, Cayetano, Clarke, Evans, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kihano, Kimura, Kiyabu, Kunimura, Larsen, Lee, Lunasco, Medeiros, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Takamine, Uechi, Yap and Yuen.

A resolution (H.R. No. 457) requesting the review of the district diagnostic procedures was jointly offered by Representatives Ho, Abercrombie, Akizaki, Blair, Cobb, Hakoda, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Lee, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Peters, Sakima, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

A resolution (H.R. No. 458) requesting the Department of Transportation to limit the use of Honolulu International Airport by private small aircraft in the interest of the common safety was jointly offered by Representatives Yuen, Blair, Cayetano, Ho and Segawa.

A resolution (H.R. No. 459) requesting a study on the feasibility of creating a new governmental system comprising all or part of Windward Oahu was jointly offered by Representatives Medeiros, Ajifu, Clarke, Evans, Poepoe and Yuen.

A resolution (H.R. No. 460) requesting a report on constitutional issues to provide the public and the Constitutional Convention with sufficient information to adequately examine the reorganization of Hawaii's governmental framework was jointly offered by Representatives Poepoe, Ajifu, Carroll, Evans, Fong, Hakoda, Ikeda, Kamalii, Lum, Medeiros and Sutton.

A concurrent resolution (H.C.R. No. 85) requesting a report on constitutional issues to provide the public and the Constitutional Convention with sufficient information to adequately examine the reorganization of Hawaii's governmental framework was jointly offered by Representatives Poepoe, Ajifu, Carroll, Evans, Fong, Hakoda, Ikeda, Kamalii, Lum, Medeiros and Sutton.

A concurrent resolution (H.C.R. No. 86) requesting the City and County of Honolulu to promptly implement a program to control the location of adult motion picture establishments was jointly offered by Representatives Kiyabu, Akizaki, Carroll, Kondo, Kunimura, Lum, Naito, Sakima, Shito and Yap.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Ajifu and

carried, the rules were suspended for the purpose of taking up a bill on Third Reading on the basis of a modified consent calendar.

THIRD READING

S.B. No. 2885-76

On motion by Representative Kawakami, seconded by Representative Ho, S.B. No. 2885-76, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO DISTRICT BOUNDARIES BY THE STATE LAND USE COMMISSION AND TO SPECIAL USE PERMITS", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Morioka, Santos and Sutton being excused.

The Chair directed the Clerk to note that S.B. No. 2885-76 had passed Third Reading at 12:21 o'clock p.m.

At 12:23 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:30 o'clock p.m.

DISPOSITION OF MATTER PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 1499, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1499, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Cayetano, Chairman; Blair, Ikeda and Kiyabu were appointed as Managers on the part of the House for the consideration of said amendments.

The Chair, at this time, stated:

"The Chair would like to remind all Committee Chairpersons that March 25th is the deadline for lateral movement of bills. This coming Monday will be the last day to deck all Senate Bills with House Drafts. So, get your Committees together and make decisions as rapidly as possible."

ADJOURNMENT

At 12:34 o'clock p.m., on motion
by Representative Kimura, seconded
by Representative Ajifu and carried,
the House of Representatives adjourned
to 11:30 o'clock a.m. tomorrow,
Tuesday, March 23, 1976.

FORTY-FOURTH DAY

Tuesday, March 23, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Chair, at this time, stated:

"Will all of you please remain seated until I call upon the Reverend.

This morning, we are indeed privileged to have Reverend Covy E. Blackmon of Saint Phillip's Episcopal Church from Maile to offer the invocation. Reverend?"

Prior to offering the invocation, Reverend Covy E. Blackmon stated:

"Just sit down--relax. The main thing is to get your attention and I have done that already, I assume, by letting you sit down.

I have come from Maile and, in all probability, you are worried already because the last one from that area created quite a noise on the other side of the House. I am not here this morning to lecture you on how to run the legislature of the State of Hawaii any more than I would invite you out to my church to lecture on theology and ethics. On the other hand, there are a couple of things that might profitably be said rather than just to haul off and invoke God's presence which is kind of silly in the first place because he is already here. If he isn't, I am in the wrong business. So I am not going to make a lot of silly noises about what you ought to do and think and say as far as legislation is concerned.

But, I think it is terribly important to focus, not on asking God to come where he already is, but to recognize that we are in his presence and adjust ourselves accordingly. So I am going to offer a couple of prayers and they are going to be Christian prayers and if you don't like that, that's tough because I am a Christian and I recognize that there are others here who may not be Christians and I don't sit in judgment on that. But being a Christian, that's about the only way I know how to do these things and if you agree with it, Christians quite often say 'Amen' at the end of prayers. That's not unheard of because that is

what that means is that was good; you said the right thing and I agree with that, so be it, Amen. And if you want to say that, that's fine. That gets you into the act, right?

The idea is sort of not just very presumptuously assume that we are going to do what God wants because there we wouldn't need the Ten Commandments if that was true, would we. So the next couple of minutes, I want to ask you to focus yourselves and, hopefully, I will, too, on the problem of bringing ourselves into the presence of God that we may hear what he has to say to us rather than us telling him what we would like to have him do for us as though he were some sort of a heavenly bellhop at our beck and call.

Would you please stand."

The Divine Blessing was then invoked by the Reverend Covy E. Blackmon, after which the Roll was called showing all members present with the exception of Representatives Amaral, Morioka, Roehrig, Santos, Segawa and Stanley, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Third Day.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, reading of the Journal was dispensed with and the Journal of the Forty-Third Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 183 to 185) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 183) returning House Bill No. 2247-76 which passed Third Reading in the Senate on March 22, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 184) returning House Bill No. 2319-76, HD 1, which passed Third Reading in the Senate on March 22, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 185) returning House Bill No. 2374-76, HD 1, which passed Third Reading in the Senate on March 22, 1976, was placed on file.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 19 to 24) were read by the Clerk and were disposed of as follows:

A communication from the Honorable Spark Matsunaga, Member of Congress (Misc. Com. No. 19) acknowledging receipt of a copy of House Resolution No. 317, requesting retention of certain Department of Defense programs for the Army and Air National Guard, was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 20) acknowledging receipt of a copy of House Resolution No. 317, requesting retention of certain Department of Defense programs for the Army and Air National Guard, was placed on file.

A communication from Mr. and Mrs. Frank Kupchak (Misc. Com. No. 21) acknowledging receipt of a copy of House Resolution No. 366, honoring their son, Kenneth Kupchak, was placed on file.

A communication from the Honorable Hiram L. Fong, United States Senator (Misc. Com. No. 22) acknowledging receipt of a copy of House Resolution No. 132, opposing the grant of landing rights for the supersonic transport, was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 23) acknowledging receipt of House Resolution No. 132, expressing opposition to the proposed landing of the Concorde at Dulles and Kennedy Airports, was placed on file.

A communication from Tad T. Miura, County Clerk, County of Kauai (Misc. Com. No. 24) acknowledging receipt of a copy of House Resolution No. 9, establishing an ad hoc committee to examine the relationship between residential housing prices, existing county building codes, and the cost of certain building materials, was placed on file.

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

Representative Lee introduced 72 fifth grade students from Kaiulani School. They were accompanied by their teachers, Mrs. Bernice

Chung, Mrs. Ruth Nishimura, and Mrs. Patsy Sakai.

Representative Carroll introduced Mr. and Mrs. Russell Crenshaw from Bozeman, Montana.

Representative Kiyabu introduced 30 students from the Waikiki School, Adult Education Class, who are learning English as a second language to become future citizens of America. They were accompanied by their teachers, Mrs. Patricia Matsuo, Mrs. Helen Griffin and Mrs. Emilie Simmers.

Representative Cobb introduced 19 fourth grade students from Island Paradise School Annex and their teacher, Ms. Deborah Leong.

Representative Cobb then introduced 2 seniors from Iolani School, Philip Au and Stewart Ching, both legislative interns, who are here for a week to study the legislative process.

Representative Ajifu introduced some friends from Kaneohe, Tom and Lillian Akamine, and her mother, Mrs. Yonaha. Accompanying them was Mr. Vincent Heaton from Denver, Colorado, who was Tom's godfather while he was attending Colorado University in Boulder, Colorado.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Ajifu and carried, the rules were suspended for the purpose of considering certain resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 461 and 462) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 461) extending congratulations of the House of Representatives to Terrence Albritton for setting an amateur world record in the shot put event was jointly offered by Representatives Abercrombie, Kimura and Ushijima.

On motion by Representative Abercrombie, seconded by Representative Ushijima and carried, H.R. No. 461 was adopted.

At this time, Representative Abercrombie introduced to the members of

the House Mr. Terrence Albritton and Dr. Robert Tracy, stating:

"Mr. Speaker, it is a particular pleasure for me to be associated with this resolution because I have known Dr. Tracy for a number of years and I know how hard he has worked to bring track and field programs at the University of Hawaii to where we would like to see it and, particularly, it is a pleasure because Mr. Albritton, I think, is going to be in the vanguard of bringing the kind of athletes to Hawaii and developing the kind of athletes in Hawaii that are going to make the State proud and to show what track and field can be in the State."

Representative Naito then presented Mr. Albritton with a red carnation lei and Representative Evans presented Dr. Tracy with a red carnation lei.

Certified copies of the resolution were then presented to the honorees by Representative Abercrombie.

A resolution (H.R. No. 462) congratulating the Nanakuli High and Intermediate School Golden Hawks on winning the 1976 State Class "A" basketball championship was jointly offered by Representatives Peters, Ho, Abercrombie, Ajifu, Akizaki, Blair, Cayetano, Inaba, Kihano, Kiyabu, Lee, Lunasco, Mizuguchi, Naito, Oda, Poepoe, Segawa, Shito, Suwa, Takamine, Uechi, Yamada, Yap and Yuen.

On motion by Representative Peters, seconded by Representative Ho and carried, H.R. No. 462 was adopted.

At this time, Representative Peters introduced to the members of the House the following: Mr. Hugh Taufaasau, Basketball Coach and Athletic Director, and co-captains of the team, Wayne Montez and Jesse Ball.

Representative Ho then presented certified copies of the resolution to the honorees.

At 11:56 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honored guests.

Upon reconvening at 12:01 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Roehrig, Segawa and Stanley.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 455 to 460) and concurrent resolutions (H.C.R. Nos. 85 and 86) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
455	Committee on Judiciary, then to the Committee on Finance
456	Committee on Water, Land Use, Development, and Hawaiian Homes
457	Committee on Education
458	Committee on Energy and Transportation
459	Committee on Judiciary, then to the Committee on Legislative Management
460	Committee on Judiciary, then to the Committee on Legislative Management

<u>H.C.R. Nos.</u>	
85	Committee on Judiciary, then to the Committee on Legislative Management
86	Committee on Consumer Protection and Commerce

COMMITTEE REASSIGNMENTS

The following Senate bills were re-referred as follows:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
2527-76	Committee on Judiciary
2654-76	Committee on Public Assistance and Human Services
2933-76	Committee on Judiciary

UNFINISHED BUSINESS

Stand. Com. Rep. No. 617-76 on H.C.R. No. 38 (Deferred from March 22, 1976):

Representative Kawakami moved that the report of the Committee be adopted and H.C.R. No. 38 be adopted, seconded by Representative Ho.

Representative Clarke then rose, stating:

"Mr. Speaker, I rise to speak in favor of House Concurrent Resolution No. 38.

Mr. Speaker and members of this honorable body, in 1974, the legislature, in its wisdom, saw fit to enact Act 69 which established the Na Ala Hele project, a project designed to develop a statewide trail and access system for all the peoples of Hawaii and the rest of the world to partake of and enjoy. For the benefit of those who do not know the meaning of the words of the project, I would like to define them. 'Na' is simply the plural of anything Hawaiian; 'Ala' means trail and 'Hele' means to walk. Therefore, Na Ala Hele or walking trails.

For too many years, our Na Ala Hele have become more and more limited due to urban encroachment. The Castle Trail, long hailed by nature lovers and hikers from all over, is in danger of becoming an inaccessible trail about which we will hear legends but never travel.

Running from Punaluu Valley up the Kahuku Pali and through Kaliuwaa Valley and along the winding Kaluanui Stream, Oahu's highest perennial stream, one emerges at the Koolau Summit Trail. This trail, at the beginning of the Kaipapau watershed, has, for many years, been one of the main and most spectacular arteries of the Koolau trail system, running the length of the summit to the Waihole Valley Trail.

The magnificent flora of the endemic rain forest, the steep valleys, the high mountain streams and falls and the awesome magnificence of the view from the summit could only have been created by the master architect of the universe.

The names of us here present today will soon fade into history. But the people and children from all over the world who come to enjoy this scenic beauty will never forget that this, the Eighth Legislature of the sovereign State of Hawaii, made it possible.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 38, entitled: "HOUSE CONCURRENT

RESOLUTION REQUESTING THE INCLUSION OF THE CASTLE TRAIL, PUNALUU VALLEY, AND UPPER KALUANUI STREAM OF KALIUWAA VALLEY, OAHU, IN THE NA ALA HELE", was adopted.

Stand. Com. Rep. No. 605-76 on H.R. No. 117, HD 1 (Deferred from March 22, 1976):

Representative Cayetano moved that Stand. Com. Rep. No. 605-76 and H.R. No. 117, HD 1, be recommitted to the Committee on Energy and Transportation and the Chair, noting that there were no objections, so ordered.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 623-76) informing the House that House Resolution Nos. 452 to 460, House Concurrent Resolution Nos. 84 to 86, and Standing Committee Report Nos. 624-76 to 631-76, have been printed and distributed.

On motion by Representative Akizaki, seconded by Representative Kiyabu and carried, the report of the Committee was adopted.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 624-76) recommending that H.C.R. No. 19, as amended in HD 1, be referred to the Committee on Legislative Management.

By unanimous consent, consideration of Stand. Com. Rep. No. 624-76 on H.C.R. No. 19, HD 1, was deferred to the end of the calendar.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 625-76) recommending that H.R. No. 181 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 181, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF AGRICULTURE, THE BUREAU OF LABOR STATISTICS, AND THE AGRICULTURAL MARKETING SERVICE TO REFORM PRICE REPORTING AND COST OF LIVING INDEX POLICIES", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 626-76) recommending that H.R. No. 295 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 295, entitled: "HOUSE RESOLUTION REQUESTING REVISIONS IN GOVERNMENTAL AGRICULTURAL REPORTING", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 627-76) recommending that H.R. No. 182, as amended in HD 1, be adopted.

Representative Uechi moved that the report of the Committee be adopted and H.R. No. 182, HD 1, be adopted, seconded by Representative Inaba.

Representative Sutton then rose, stating:

"Mr. Speaker, this is a resolution requesting a study of imported lumber trade, but there is a very definite implication. . ."

Representative Kimura, at this point, rose, stating:

"Point of order, Mr. Speaker. Is the speaker speaking for or against the measure?"

Representative Sutton continued, saying:

"Mr. Speaker, I am speaking for the resolution and also, while I have a point of order, I would like to say that Rule 25.3 says that 'Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the House floor of any interest so filed'."

The Chair then said: "Proceed with your argument in favor of the resolution."

Representative Sutton went on to say:

"Mr. Speaker, we have on the island of Hawaii one of the most severe situations of unemployment. We have tremendous timber lands that require development. We will accomplish the ends of this motion if we develop a timber industry and if we use the pulp and the paper required for the preservation of all the industries of an agricultural nature and not ship these to a foreign port as we are doing now.

Mr. Speaker, there are virgin

forests that need development and there is a new concept in forest that we can use that land for multiple purposes and not spoil the water storage that occurs beneath in our volcanic tunnels.

Mr. Speaker, this is a golden opportunity for us to help the unemployment to develop a new industry and to accomplish the missions of this resolution so I would urge both you and my colleagues here to vote favorably on this resolution.

Thank you, sir."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 182, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE IMPORTED LUMBER TRADE", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 628-76) recommending that H.R. No. 186, as amended in HD 1, be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 186, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE EFFICACY OF MORE FAVORABLE ELECTRICAL RATES FOR FARM USE", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 629-76) recommending that H.R. No. 185, as amended in HD 1, be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 185, HD 1, entitled: "HOUSE RESOLUTION REQUESTING COUNTIES TO AMEND BUILDING AND ZONING CODES REGARDING FARM OPERATIONS", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 630-76) recommending that S.B. No. 2231-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Machida, seconded by Representative Naito and carried, the report of the Committee was adopted and S.B. No. 2231-76 passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 24, 1976.

Representatives Uechi and Kawakami,

for the majority of the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 631-76) recommending that S.B. No. 1577, SD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the majority of the joint Committee was adopted and S.B. No. 1577, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 24, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 2231-76 and S.B. No. 1577, SD 1, HD 2, were made available to the members of the House at 11:30 o'clock a.m.-

At 12:10 o'clock p.m., on request by Representative Poepoe, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:27 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 463 and 464) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 463) honoring the memory of Gene Hunter and extending condolences and deepest sympathy to his family was jointly offered by Representatives Kamalii, Ajifu, Cobb, Fong, Garcia, Kimura, Kunimura, Medeiros, Poepoe, Ushijima, Yap and Wakatsuki.

On motion by Representative Kamalii, seconded by Representative Ushijima and carried, H.R. No. 463 was adopted.

A resolution (H.R. No. 464) congratulating the Hawaii Poison Information Center for its service to the community was jointly offered by Representatives Evans, Sutton, Abercrombie, Ajifu, Carroll, Clarke, Fong, Hakoda, Ikeda, Kamalii, Larsen, Lum, Medeiros and Poepoe.

On motion by Representative Evans, seconded by Representative Sutton and carried, H.R. No. 464 was

adopted.

By unanimous consent, the following resolution (H.R. No. 465) and concurrent resolution (H.C.R. No. 87) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 24, 1976:

A resolution (H.R. No. 465) relating to unemployment and moonlighting within the building and construction industry was jointly offered by Representatives Lee, Akizaki, Blair, Cayetano, Ho, Inaba, Kamalii, Kihano, Kiyabu, Lunasco, Machida, Mizuguchi, Naito, Oda, Peters, Sakima, Segawa, Shito, Sutton, Suwa, Takamine, Ushijima, Yamada, Yap and Yuen.

A concurrent resolution (H.C.R. No. 87) requesting a progress report on Kahana Valley was jointly offered by Representatives Ho, Abercrombie, Akizaki, Blair, Carroll, Cayetano, Clarke, Evans, Inaba, Kawakami, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Mizuguchi, Naito, Peters, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada and Yap.

DEFERRED MATTER FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 624-76 on H.C.R. No. 19, HD 1:

The Chair, at this time, with the Chairpersons involved consenting, re-referred H.C.R. No. 19, HD 1, to the Committee on Energy and Transportation solely.

Representative Cayetano then moved that the report of the majority of the Committee be adopted and notwithstanding the report of the Committee, that H.C.R. No. 19, HD 1, be adopted, seconded by Representative Kondo.

Representative Ikeda then rose, stating:

"Mr. Speaker, I rise to speak in opposition to H.C.R. 19, House Draft 1.

For more than 20 years, the people of Hawaii have been bombarded with plans and counter-plans for an inter-island ferry system. These proposals have ranged from State owned systems to private systems to systems combining both private and government funds. We have been planned to death and yet the

one fact which has emerged from all of these proposals is that there is no valid economic or social reason to have an inter-island ferry system.

It has been pointed out many times that the existing privately owned and operated inter-island marine transport systems are providing services which, if not the optimum, are responsive to the greater needs of Hawaii's people. Further, the inter-island air transport system, primarily passenger, is one of the most complete systems in the world, providing this small geographic segment of the earth with an amazing amount of variable opportunity to travel among the islands. I would further point out that all of the supposed advantages of an inter-island ferry also accrue to the present inter-island passenger service, Seaflyght, and yet that company looks forward to a bleak economic future without State subsidies.

And that brings me, Mr. Speaker, to my final point. This State is contemplating the construction and operation of a massive rapid transit system for Oahu--a system which, by very conservative estimates, will cost \$600 million to construct and many, many millions more a year to operate and maintain. Are we then also to contemplate a multi-million dollar inter-island ferry system of dubious value to be paid for by the already overburdened taxpayer of Hawaii?

Mr. Speaker, time after time, this body and all the people of Hawaii have been told that it is not economically feasible, nor even necessarily socially desirable, to press forward with planning for an inter-island ferry system. Now we are asking again for another plan. I say that the State Department of Transportation has more pressing problems to address than the possibility of a ferry system.

I, therefore, urge defeat of House Concurrent Resolution 19, House Draft 1. Thank you."

Representative Carroll then rose, stating:

"Mr. Speaker, I rise to speak against House Concurrent Resolution No. 19, HD 1.

Mr. Speaker, for many years, hunters, farmers and legislators have fantasized about the inter-island ferry system and apparently most of these people have not been out

into the Alanuihaa or the Molokai Channels to see exactly what kind of conditions the proposed ferry system would be having to cover.

The history of the ferry system is one of failure and bankruptcy all the way back to the time when it cost but \$5.00 to go from here to Hilo. We persist in this; we've had innumerable studies; we've had experts in these fields indicate to us clearly that there is no viable ferry system that can serve the so-called latent needs of this State for a ferry system.

As far as the evidence that was received by the Transportation Committee--testimonies came in from technicians, from people who are merchandising equipment. We had no testimony to indicate that there is this so-called latent need and yet, we persist in talking about it.

We are discussing an expenditure of approximately \$4 million for the proposed ferry system and I realize that it is not indicated in this Standing Committee Report but that was the indication at the hearings and at the decision-making time.

Mr. Speaker, I believe that this ferry system is being put upon the public almost as a fraud upon the taxpayer and I do not know why we persist in this. All the evidence indicates that this system will not go and I say, let us not be found guilty of putting a fraud upon the public and I ask that everyone vote no on this measure.

Thank you."

Representative Cayetano then rose, stating:

"I rise to speak in favor of this resolution.

Mr. Speaker, as the lady Representative from Hawaii Kai pointed out, the issue of a State ferry system has been studied quite extensively. However, there has been no plan and this resolution, this concurrent resolution, calls for the Department of Transportation to develop a comprehensive plan for a pilot project to outline the specifications for the plan and to provide for implementation, upon approval, by the next coming legislature.

What the Committee on Energy and Transportation is striving to do with this resolution, Mr. Speaker, is to bring the issue of the ferry system to head by instituting a pilot project.

The evidence cited by the previous speakers are conflicting. It depends on which side. . . on which source you rely on. The problem that I see is that we have to bring this matter to a head and we can only do that by actually implementing a test run of some kind.

The Department of Transportation, at one time, had proposed that we go to Alaska and bring down the big ferry from Alaska--lease it from the Alaskan government. That ferry would hold a thousand people, carry 250 cars but that proposal will be very, very expensive.

This concurrent resolution only requires that in developing the comprehensive plan for the pilot project, that the Department of Transportation use the existing carriers and the existing carriers we have right now are Young Brothers and Seaflite and that is all it asks. We want to bring this issue to a head and this is what it is. We are calling for a plan, not a study.

Thank you."

Representative Roehrig rose, stating:

"Mr. Speaker, I rise to speak in favor of this concurrent resolution and in doing so, I would like to say that I would prefer that I was speaking on the bill to implement a neighbor island transportation system.

Listening to the comments this morning in this chamber, I am wondering whether or not the neighbor islands are still part of the State of Hawaii. It seems as though there seems to be a question of difference of opinion on that and this difference of opinion seems to be popular this year.

We have had Dillingham Transportation and the Chamber of Commerce make a lot of self-serving comments about what kind of transportation system we should have, principally because of the fact that they are going to be affected by it and they've got a vested interest to protect, I would suggest, so if we are going to discuss matters relating to misrepresentation and fraud, I think that we ought to really direct our attention to who has been promoting this kind of talk in the community about the cost of neighbor island transportation.

I think the neighbor island members of this body recognize that it is

almost prohibitive for neighbor island families to travel to and from the various islands. From the Big Island, if you have a family of two children, you and your wife wanted to come to Oahu, the round trip cost would be \$240. That is prohibitive, I should say. The only time people come to Oahu is that they come for a funeral or for a holiday or for Christmas. But, as a practical matter, the average wage earner in the neighbor islands does not travel between the islands very much because of the high cost. But I haven't seen any ground swell of suggestions that we should somehow try to equalize the problems of living in an island state and when I hear criticism of a resolution just asking for a pilot study on a ferry system, I am just absolutely astounded. When the people of Oahu want to come to the neighbor islands because of the fact that they can't stand the damn traffic and the pollution, you know the neighbor islands are a great place to be but when it comes time to take care of the neighbor islands in terms of minimal transportation requirements that we have had, I would suggest that another tune is sung.

Now, a statement was made that the existing services are adequate. I would suggest that it is just the contrary. You talk to any farmer who lives on the neighbor islands who tries to transport his cargo by surface carrier to Oahu and he will tell you that the service is inadequate; it doesn't come often enough; the refrigeration containers leak; the tariff's too high and there's continual squabble between the farmers and the carriers.

As far as the airlines' cost is concerned, I have already alluded to that. People who come from the mainland, who come here for a vacation, they ride on the common fare between the islands. Local residents don't even have a common fare. No matter how many times you ride in the airlines, you pay the same cost time after time. I have not seen any legislation or resolution that is going to try to take care of that problem. However, I am kind of pleased to see the Transportation Committee, at least, was able to come up with a resolution to do a pilot study on the ferry system. So, Mr. Speaker, it is with a little bit of frustration I hear the comments made today and I am not speaking today to try to make anything divisive between the neighbor islands and Oahu. I am just pointing out the concerns the neighbor islanders have that we may be an island state but because of the cost of transportation, it is

getting to be that the neighbor islands are getting to be states in and of themselves because the people can't travel. And I would hope that every member would vote in favor of this resolution no matter how modest it is.

Thank you."

Representative Abercrombie then rose, stating:

"Mr. Speaker, I rise to speak against this resolution. I wasn't going to say anything about it but the last speaker's remarks, I think, called for it because he raised very real problems. The reason I am voting no on this is that I feel this pilot project is going to put off resolving the very thing that the last speaker alluded to--not alluded to--stated very specifically, very succinctly, and as far as I am concerned, most truthfully.

I am against this ferry system. I don't think it is going to cut down the cost one single dime for any of the neighbor island people to travel; and us to travel to the neighbor islands. I think that the kind of travel it will promote is the exact wrong kind of travel that the extent that it could be gotten under way and I think it is just going to end up in another scheme and delay on the part of the Department of Transportation and I am sorry that that's the case but the main reason for voting against it is in order to try and push us towards implementing the kind of approach that the Representative from the Big Island just so, in my opinion, eloquently indicated needs to be done. I don't think this will do it in the least. I think we've got to address the airlines and the present transportation system and get it off the dime."

Representative Carroll then rose, stating:

"Mr. Speaker, the Representative from Hilo raised a point that there are no resolutions addressing the problem which he raised in his comments and I would like to indicate to the members of this honorable body that I do have a resolution and I'd be delighted if he would take a look at it and I'd even be more delighted if it would be acted upon.

Thank you."

Representative Cayetano again

rose, stating:

"Mr. Speaker, I would just like to clear up a few things about this resolution.

First of all, it has been called a pilot study. Mr. Speaker, I dread the use of the word 'study' when it relates to a ferry system because that system has been studied to death. This calls for the development of a plan that would be Phase I of the resolution. Phase II calls for the legislature, if it is satisfied with the plan for the pilot project, to implement the pilot project in the next legislative session. That is all it calls for. It does not call for another study."

Representative Takamura then rose and stated:

"Mr. Speaker, I would like to speak in favor of the resolution and just to make comment that, you know, just given the discussion that's occurred so far, I think you see the problem and the reason why the present resolution is before us. I mean you have very extreme points of view between people who think we waited long enough and we should start right away and between people who feel that we shouldn't have a ferry system at all and I think the whole reason for this resolution before us is for us to try to do a little bit of both--to have a pilot project program that would lead, I think, as soon as possible, into getting something going but, at the same time, it would still allow us to evaluate and, I think, because of that, this is the most reasonable approach we can take.

Representative Ajifu then requested a roll call vote on this resolution.

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.C.R. No. 19, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE PROPOSED FERRY SYSTEM", was adopted by a roll call vote of 32 ayes to 14 noes, with Representatives Abercrombie, Ajifu, Carroll, Clarke, Cobb, Evans, Fong, Ikeda, Kamalii, Larsen, Lum, Medeiros, Poepoe and Sutton voting no, and Representatives Amaral, Hakoda, Morioka, Santos and Segawa being excused.

DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No.

1994-76, SD 1, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the Senate amendments, seconded by Representative Akizaki.

Representative Suwa then stated:

"Mr. Speaker, primarily, what the Senate did was, in essence, increased the home exemption from \$8,000 to \$12,000 and for people age 60 but less than 70, from the present \$16,000 to \$24,000, and from the present \$24,000 to \$30,000 for the people 70 and over."

Representative Ajifu then rose, stating:

"I rise to address certain inconsistencies in the position of the House with regard to the increase in real property home exemption. . ."

The Chair interrupted:

"Representative Ajifu, are you in favor or against the bill?"

Representative Ajifu answered:

"Mr. Speaker, I am speaking against the motion to agree."

The Chair replied:

"Proceed and limit your discussion to the particular amendment."

Representative Ajifu continued, stating:

"Yes, Mr. Speaker. During the 1975 session, this body passed a bill raising that exemption to \$12,000. In August, 1975, there was a Special Committee Report No. 16 reaffirming the position of the House and recommended the \$12,000 exemption be adopted and in the current session, this body introduced and passed new legislation raising that exemption to \$14,000.

As I pointed out during the House session on February 9th of this year, procedurally, this body should have changed the proposed 1975 legislation rather than introduce a new bill.

Now, this body is faced with reversing its position again on the issue of home owners' exemptions. We have gone from \$12,000 to \$14,000 and back to \$12,000. Such vacillation and hesitancy on our part can certainly raise questions in the eyes of the

public as to the sincerity and purposefulness of this body.

Thank you, Mr. Speaker."

Representative Suwa then rose, stating:

"Mr. Speaker, in speaking for the agreement to the Senate amendment, at that time when we passed and after pre-session work, it all geared to the fact that we will be able to substantiate that amount of \$14,000 exemption, Mr. Speaker. But since then, after the passage of the bill, many events have taken place and primarily may I speak in the light of the fact that many federal programs where the counties have taken advantage and now they see the light that they are not going to be funded and also some of the counties functions that they want to pass over to the State.

Mr. Speaker, for the additional \$2.5 million or so, I think the counties can continue to carry out the federal program they thought was good to initiate and this will make them able to continue their program with the service in the counties, Mr. Speaker. Therefore, I ask the members to support the amendment made by the Senate."

Representative Ajifu then rose on a point of information, stating:

"This motion that was made by the Chairman of the Finance Committee is a vote to agree on the amendment made by the Senate. Is there another motion that would be in order for us to pass Final Reading or is this the Final Reading vote?"

The Chair replied:

"This is the final reading."

Representative Ajifu then stated:

"Mr. Speaker, then, I would like to raise a few questions to the Chairman."

Directed by the Chair to "proceed", Representative Ajifu stated:

"I would like to reflect back to the Journal of February 9 when House Bill No. 1994-76 was adopted. The Chairman, in his explanation, and I would like to quote from the Journal, the Chairman has stated that 'an explanation is in order on Special Committee Report No. 16 that is on our desks dated February 9th. To keep our records straight, this interim report was submitted on August 27, 1975. Since then, continuing research by

the staff of Finance has rationalized that the \$14,000 would be in order.'

Another section of this report which I would like to quote from the Chairman's statement, that is to the procedural part and he went on to say, 'but as to the change from that of \$12,000 to \$14,000, reflects the continuing research by the staff and this is to reaffirm our action of the concern of the taxpayers.'

That was the statement made by the speaker and I would just want to bring out the inconsistencies in terms of our position at this stage.

Mr. Speaker, I really would like to see this Committee say that we disagree with the motion and that this matter go to conference and that this be a conference matter and see if we can resolve it in conference to restore the \$12,000 to \$14,000.

Thank you, Mr. Speaker."

Representative Kunimura then rose on a point of personal privilege and stated:

"We have been accused of being inconsistent but I would like to make this statement that I have learned a long time ago in the legislative body that wise men change their minds, only fools don't."

Representative Lum then rose, stating:

"I would like to ask for a point of information. I would like to have the Clerk restate the motion made by the Representative from the Finance Committee."

The Chair replied:

"The motion before the House is to adopt or agree with the amendments to House Bill 1994-76 made by the Senate."

Representative Lum then stated:

"Mr. Speaker, I rise on a point of order then."

The Chair replied: "State your point."

Representative Lum stated:

"I believe there has to be a step also to accept it in its final reading."

At 12: 57 o'clock p.m., the Chair

declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12: 58 o'clock p.m.

The motion to agree to the Senate amendment was put by the Chair and, at this point, Representative Poepoe rose, stating:

"Point of order, Mr. Speaker. You must clear up the point of order raised by the Representative from the 7th District."

The Chair replied:

"After this motion, the proper motion for Final Reading will be made by the Chairman of Finance."

The motion to agree with the Senate was put by the Chair and carried, with Representatives Ajifu, Carroll, Clarke, Cobb, Evans, Poepoe and Sutton voting no.

Representative Suwa then moved that H.B. No. 1994-76, as amended by the Senate, pass Final Reading, seconded by Representative Akizaki.

The motion was put by the Chair and H.B. No. 1994-76, as amended, passed Final Reading by a vote of 46 ayes, with Representatives Amaral, Hakoda, Morioka, Santos and Segawa being excused.

The Chair directed the Clerk to note that H.B. No. 1994-76, SD 1, had passed Final Reading at 1: 00 o'clock p.m.

By unanimous consent, H.B. No. 449, HD 1, was taken from the Clerk's desk.

Representative Roehrig moved that H.B. No. 449, HD 1, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then stated:

"Mr. Speaker, this is, in effect, a housekeeping measure that provided that drivers who came to Hawaii from the so-called driver license compact states that Hawaii is engaged in a compact wherein we would have the same rights as other state drivers regarding renewal of their licenses if they would be entitled to drive their motor vehicles until their license expires as other out-of-state drivers are entitled to do. This was recommended as an administration measure

by the Department of Transportation."

Representative Sutton then rose on a point of information, stating:

"Point of inquiry. Would the Chairman yield to a question?"

The Chair asked: "Representative Roehrig, will you yield?"

Representative Roehrig replied: "I will yield to his question, Mr. Speaker."

Representative Sutton then asked:

"Mr. Speaker, I am concerned that those that hold licenses from the provinces of Canada--what would be the disposition to them?"

Representative Roehrig answered:

"Mr. Speaker, those from the provinces of Canada would be treated the same way as other drivers from the states of the United States. They would be given the same privilege of driving until their licenses expire and I would suggest that when Representative Sutton signed the Committee Report free and clear that he understood

that because that is in the very first paragraph of the Committee Report.

Thank you."

At 1:04 o'clock p.m., on request by Representative Ajifu, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:05 o'clock p.m., the motion to pass H.B. No. 449, HD 1, on Final Reading was put by the Chair and carried by a roll call vote of 46 ayes, with Representatives Amaral, Hakoda, Morioka, Santos and Segawa being excused.

The Chair directed the Clerk to note that H.B. No. 449 had passed Final Reading at 1:06 o'clock p.m.

ADJOURNMENT

At 1:10 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned to 11:30 o'clock a.m. tomorrow, Wednesday, March 24, 1976.

FORTY-FIFTH DAY

Wednesday, March 24, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Steven Amsden of the Pearl Harbor Memorial United Church of Christ, after which the Roll was called showing all members present, with the exception of Representatives Amaral, Morioka and Santos, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Fourth Day.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, reading of the Journal of the Forty-Fourth Day was dispensed with and the Journal of the Forty-Fourth Day was approved.

Representative Roehrig, on a point of order, stated:

"Mr. Speaker, I believe the Clerk said that there '47 present and 7 excused'. By my count, that is 54, and I don't think we've had reapportionment yet."

Representative Sutton, upon being recognized, asked:

"Mr. Speaker, this is an unconstitutional assembly. If we have 54 in it and the Constitution says 51, three of us would have to drop out - could I have the day off, please?"

The Chair replied:

"The Chair will allow you the day off for the rest of the session."

Representative Kunimura then stated:

"Request the last person's vote, if he will volunteer?"

The Chair then stated:

"Mr. Clerk, will you note the proper attendance?"

The Clerk replied: "I will."

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

The House of Representatives reconvened at 11:43 o'clock a.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 186 to 189) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 186) transmitting Senate Concurrent Resolution No. 30 requesting corrective actions to improve the management and administration of the program for regulating public utilities which was adopted by the Senate on March 23, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 187) transmitting Senate Concurrent Resolution No. 32 requesting a thorough review and revamping of the present approach to the regulation of cable television systems which was adopted by the Senate on March 23, 1976, was placed on file.

By unanimous consent, action on S.C.R. Nos. 30 and 32 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 188) returning House Concurrent Resolution No. 84 which was adopted by the Senate on March 23, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 189) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1499, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Dennis O'Connor, Chairman; Donald D. H. Ching, Robert S. Taira and Mary George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

The following introductions were made to the members of the House:

Representative Sutton introduced Mr. and Mrs. Oliveira from Calustooga, California.

Representative Kunimura introduced Ms. Leslie Lucas from Wenatchee, Washington. She worked as a legislative

intern with him and spent the past two years in Washington D.C. with Senator "Scoops" Jackson. She is presently enrolled in the Hastings School of Law.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolution (H.R. No. 465) and concurrent resolutions (H.C.R. No. 87 and S.C.R. Nos. 30 and 32) were disposed as follows:

<u>H.R. No.</u>	<u>Referred to:</u>
465	Committee on Labor and Public Employment
<u>H.C.R. No.</u>	
87	Committee on Culture and the Arts
<u>S.C.R. Nos.</u>	
30	Committee on Consumer Protection and Commerce
32	Committee on Consumer Protection and Commerce, then to the Committee on Finance

COMMITTEE REASSIGNMENT

The following were re-referred as follows:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
1758	Committee on Housing
2095-76	Committee on Labor and Public Employment, then to the Committee on Finance

<u>H.R. Nos.</u>	
352	Committee on Culture and the Arts
435	Committee on Education

<u>H.C.R. No.</u>	
58	Committee on Culture and the Arts

STANDING COMMITTEE REPORTS

Representative Akizaki, for the

Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 632-76) informing the House that House Resolution Nos. 461 to 465, House Concurrent Resolution No. 87 and Standing Committee Report Nos. 633-76 to 646-76, have been printed and distributed.

On motion by Representative Akizaki, seconded by Representative Kiyabu and carried, the report of the Committee was adopted.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 633-76) recommending that H.R. No. 314, as amended in HD 1, be adopted.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 314, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HONORABLE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO APPOINT AN INTERIM COMMITTEE TO INVESTIGATE AND STUDY NEEDED CHANGES IN THE LAWS RELATING TO CHILD ABUSE", was adopted.

At 11:42 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:50 o'clock a.m.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 634-76) recommending that H.R. No. 172 be referred to the Committee on Legislative Management.

On motion by Representative Yuen, seconded by Representative Oda and carried, the report of the Committee was adopted and H.R. No. 172, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UNDERTAKE A STUDY ON EARLY RETIREMENT FOR TEACHERS", was referred to the Committee on Legislative Management, with Representative Sutton voting no.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 635) recommending that H.C.R. No. 27 be referred to the Committee on Legislative Management.

On motion by Representative Yuen, seconded by Representative Oda and carried, the report of the Committee

tee was adopted and H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UNDERTAKE A STUDY ON EARLY RETIREMENT FOR TEACHERS", was referred to the Committee on Legislative Management, with Representative Sutton voting no.

Upon the request of Representative Cayetano, the following is inserted:

"Mr. Speaker, I rise to speak in favor of H.R. No. 172 and H.C.R. No. 27.

Mr. Speaker, H.R. 172 requests the Legislative Reference Bureau to undertake a feasibility study relating to early retirement for teachers.

Mr. Speaker, a great crisis exists among our young teachers. Unemployment and disillusionment is rampant within their ranks. There are now more than 3500 unemployed young teachers listed on the DOE's waiting list. I suspect there are many more who are probably so discouraged at the prospect of finding a teaching job that they have not even bothered to apply and have sought non-teaching jobs or left the State.

The State of Hawaii, Mr. Speaker, should bear a fair share of the responsibility for this crisis. For the tragic crisis I speak of is in great part our own creation.

In 1965, Mr. Speaker, an overwhelming number of Hawaii's young people responded to the various programs set up by the Legislature's mandate to the DOE to encourage them to enter the teaching profession. However, because of the lack of long range planning and failure to coordinate policy between the various governmental agencies, we now have far too many applicants for too few teaching positions.

Mr. Speaker, the State of Hawaii has a moral obligation to at least try to do something about this tragic situation. One possible way to alleviate the situation is to create more job openings for our young teachers by offering early retirement incentives to those who have been teaching for 25 years or more or who have reached the age of 55. I am informed that as of August 31, 1975, there were 558 teachers employed by the DOE who were eligible for retirement.

Mr. Speaker, one of the functions of government is to respond and

aid its citizens who are in trouble. When the sugar mills closed at Kohala, we responded with the Kohala Task Force. When the citizens of the Waianae Coast were recently devastated by floods, we responded with financial and moral support.

The crisis which now exists among our young teachers is no different from that in Kohala or Waianae.

Our young teachers are in trouble. It's time we gave them a hand.

I urge all of you to begin by voting for H.R. 172."

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 636-76) recommending that S.B. No. 1623, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Yuen, seconded by Representative Oda and carried, the report of the Committee was adopted and S.B. No. 1623, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SEX BIAS IN SCHOOLS", passed Second Reading and was referred to the Committee on Judiciary.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 637-76) recommending that S.B. No. 1824-76, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and S.B. No. 1824-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPRAISAL OF PUBLIC LANDS", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 638-76) recommending that S.B. No. 2884-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and S.B. No. 2884-76, entitled: "A BILL FOR AN ACT RELATING TO THE APPOINTMENT OF AN EXECUTIVE OFFICER BY THE STATE LAND USE COMMISSION AND THE EXEMPTION OF THE POSITION FROM CIVIL SERVICE

STATUS", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 639-76) recommending that S.B. No. 1825-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and S.B. No. 1825-76, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF THE SPECIAL LAND AND DEVELOPMENT FUND", passed Second Reading and was referred to the Committee on Finance.

At 11:52 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:46 o'clock p.m.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 640-76) recommending that H.R. No. 352 be referred to the Committee on Water, Land Use, Development, and Hawaiian Homes.

Representative Ho moved that the report of the Committee be adopted and, notwithstanding the report of the Committee that H.R. No. 352 be referred to the Committee on Water, Land Use, Development, and Hawaiian Homes, that H.R. No. 352 be adopted.

Seconded by Representative Abercrombie.

The motion was put by the Chair and carried and the report of the Committee was adopted and notwithstanding the recommendation of the Committee, H.R. No. 352, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE FRIENDS OF IOLANI PALACE TO PROVIDE SPACE WITHIN THE IOLANI BARRACKS FOR THE PURPOSE OF STORING THE ROYAL GUARDSMAN EQUIPMENT", was adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 641-76) recommending that H.C.R. No. 58 be referred to the Committee

on Water, Land Use, Development, and Hawaiian Homes.

Representative Ho moved that the report of the Committee be adopted and, notwithstanding the report of the Committee that H.C.R. No. 58 be referred to the Committee on Water, Land Use, Development, and Hawaiian Homes, that H.C.R. No. 58 be adopted, seconded by Representative Abercrombie.

The motion was put by the Chair and carried and the report of the Committee was adopted and notwithstanding the recommendation of the Committee, H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE FRIENDS OF IOLANI PALACE TO PROVIDE SPACE WITHIN THE IOLANI BARRACKS FOR THE PURPOSE OF STORING THE ROYAL GUARDSMAN EQUIPMENT", was adopted.

Representatives Ho and Lee, for the Committees on Culture and the Arts and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 642-76) recommending that S.B. No. 2819-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ho, seconded by Representative Lee and carried, the report of the joint Committees was adopted and S.B. No. 2819-76, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC BROADCASTING AUTHORITY", passed Second Reading and was referred to the Committee on Finance.

Representatives Kawakami and Blair, for the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection, presented a report (Stand. Com. Rep. No. 643-76) recommending that H.R. No. 225 be adopted.

Representative Kawakami moved that H.R. No. 225 be adopted, seconded by Representative Blair.

Representative Carroll then rose and asked:

"Mr. Speaker, could the introducer yield to several questions?"

Representative Blair answered:

"I would be happy to."

Representative Carroll continued:

"Mr. Speaker, I would like to ask,

first of all, if Chapter 5 of the report, which is referred to in the Committee, which has set out in it four separate alternatives, if those alternatives are synthesized in Scheme A and Scheme B as noted on page, what would be, 410?

I presume A and B, although they are unmarked, but they are clearly marked as Scheme A and Scheme B."

The Chair then asked:

"What is the question, Representative Carroll?"

Representative Carroll answered:

"I'm asking if the alternatives which were set forth in Chapter 5, which is referred to in the text of H.R. No. 225, if those four alternatives set forth in Chapter 5 are generally represented in Scheme A and Scheme B. In other words, synthesized in Scheme A and Scheme B."

Representative Blair then remarked:

"Mr. Speaker, I don't have a copy of the report with me on the floor today. I can't answer that question."

Representative Carroll then asked:

"Well, may I ask it more specifically, Mr. Speaker?"

The Chair directed Representative Carroll to "proceed".

Representative Carroll stated:

"Well, specifically, my questions are with respect to the Diamond Head side of Kewalo Basin, connecting the Ewa side of Kewalo Basin - Scheme A indicates retail/commercial use and Scheme B indicates office/commercial with a combination of office/residential/commercial, I believe. And I am wondering if this is the Representative's understanding of the only types of uses that would be allowed in that sector if this resolution would be adopted and then implemented?"

Representative Blair replied:

"Mr. Speaker, if it were adopted and implemented, I would presume that the body which made the report back to the legislature, formulating a timetable, would not find itself tied to any perimeters established by DPED or the Department of Transportation or anything else, but would

be able to go outside of those perimeters if it felt it necessary."

At this point, the Chair asked Representative Carroll if he wanted a recess and having received an affirmative answer, the Chair declared a recess at 12:51 o'clock p.m., subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m., at which time Representative Carroll rose and stated:

"Mr. Speaker, I have gotten, in the recess, the answers or partial answers to my questions and I would like to speak against the resolution at this time.

Mr. Speaker, my concern with the effect of the resolution is that the four alternatives which were set forth in Chapter 5 of the Kakaako Study and which are noted in the resolution are synthesized in Scheme A and Scheme B which is set forth in Chapter 4 of the Kakaako Study.

There are proposed uses which are common to both studies - that is, minimal uses. The effect of which would be to eliminate the tuna packing industry as well as the continued commercial use of this area for the fishing industry, for tuna packers and for the dry-dock facility, which is, I believe, one of the oldest facilities in the State.

Now, if I'm wrong about that, I'm happy. But, based on the way I read this, I would ask everyone to vote against this resolution.

Thank you."

Representative Blair then remarked:

"I have some remarks that I've given to the Clerk. I'd like them to be submitted for the Journal - in speaking in favor of adoption of the resolution.

I would like to also state the previous concern expressed. I believe the body that would be formed by this resolution and concurrent resolution would not view its scope so narrowly."

The Chair then stated:

"If there's no objections, so ordered."

Representative Blair's remarks are as follows:

"Mr. Speaker, there are few citizens

of urban Honolulu who do not enjoy Ala Moana Park. This is possible because of the foresight of others. Now it is our turn to show the foresight necessary to facilitate the establishment of a second major shorefront park on the Kewalo peninsula.

It is necessary because Ala Moana is already used to capacity and future growth, particularly in Kakaako, is inevitable.

I, therefore, urge my colleagues to support the two measures which are now before us for adoption."

Representative Lum then rose and stated:

"Mr. Speaker, I rise to speak against this particular resolution and in doing so, I would like to point out that I find it very difficult to even come to any kind of a position on a resolution that, to me, is very innocuous and will probably not get anywhere but a little publicity for the people who are involved.

This particular resolution, as I understand it, addresses itself to the Kakaako Waterfront Park, and I tried to look at this vast document, which each of you have in your offices, to look at what it is trying to address itself to, and as I understand it, they're trying to address themselves to the park area, which is in the proposed area.

The Study has four different alternatives. And this Study, by the way, was funded by the Urban Planning Grant and Department of Housing of Urban Development under Section 701 of the Housing Act of 1954. It was just completed in December of 1975. In the several alternatives, what it does is it talks about some of the plans which we, as legislators, over the years, have not only funded but approved through our enacted legislation, through our budget or through other resolutions passed.

They discuss here the other different alternatives dealing with this. I can go on for probably an hour if somebody would lend me enough time here to explain all the alternatives, but I'll address myself to the summary which was also given along with this and try to have you realize what the different alternatives are.

Alternative #1, the first Scheme, represents an approximation of the State DOT Harbors Division preliminary 1995 Waterfront Plan. This Scheme

assumes that if the major container facilities move to Sand Island, the Fort Armstrong area which contains the State's best deep water berths would remain in use as a container and general cargo yard. The FDC would continue expanding to eventually occupy 49 acres. And it goes on to talk about a plan which is supposed to go all the way to 1995.

Alternative #2. This Scheme is based on the premise that the Fort Armstrong peninsula could be developed into a regional waterfront park over a 20-25 year period. The container yard would be relocated to Sand Island, although port-related activities would remain at Piers 1 and 2. And it goes on to talk about the different alternatives.

Alternative #3. The distinguishing feature of the third alternative is the loop road which we all know have been discussed for many many years - and the road that goes around the present Hawaiian Electric. This, again, is an appropriation of a lot of money. This island would contain mixed uses of certain existing commercial structures - like the Gold Bond and armed forces. And they go on to refer to some of the existing things in the particular area.

Alternative #4 is a Scheme representing a combination of Alternatives 1 and 2, which is the 20-25 year Plan and the 1995 Harbor Plan and a combination of Alternatives 3 and 4.

But, I think the critical thing about all of this is the last paragraph in this particular summary. In all the Alternatives, it was assumed that realization of any plan for the area may require from 20-25 years because of existing leases, acquisition problems, capital requirements and relocation questions.

Ladies and gentlemen, I know we cannot solve this problem with an interim committee. We will be addressing ourselves on the floor, probably to a bill that was passed over to us and now in committee.

This bill addresses itself to Kakaako. Its a major concern to all of us, especially on Oahu, because of the lack of development in that area. As I understand, that bill, as it hits this floor, it will address itself only to Kakaako instead of allowing it to go into other areas like Waikiki or other areas.

I think it is essential that we not have a committee of maybe 4, 5, 6

members - I don't know what the Speaker or the President, if the HCR goes through, does with the combination of that committee. But, I think it is essential that we, as a body, both House and Senate, make these decisions. I don't see how an interim committee can even come back with alternatives, being that most of these are tied into leases and acquisition costs.

This Study is very comprehensive. Before we can go into interim committee, we have to look at this Study. So, therefore, I suggest that we vote the shibai resolution down and let's not waste the time of the House."

Representative Blair then rose and stated:

"I think Representative Lum brings out one good point, and that is that the premise on the basis of the Study was 20-25 years.

During the last interim, I worked with DPED on trying to keep up on what they were doing with on this Study. That's one of the things that really bothered me and that's one of the reasons why this introduction was made.

One of the functions, I believe, of this interim committee would be to try and facilitate so that we don't take 20-25 years, if it can be done in a shorter time; and I think we'll be resolving some of those problems. So for precisely the same reason, I urge the opposite conclusion."

The motion was put by the Chair and carried, and the report of the joint Committees was adopted and H.R. No. 225, entitled: "HOUSE RESOLUTION RELATING TO KAKAOKO SHORELINE", was adopted.

Representatives Kawakami and Blair, for the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection, presented a report (Stand. Com. Rep. No. 644-76) recommending that H.C.R. No. 34 be adopted.

On motion by Representative Kawakami, seconded by Representative Blair and carried, the report of the joint Committees was adopted and H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO KAKAOKO SHORELINE", was adopted.

Representatives Kawakami and Blair, for the Committees on Water,

Land Use, Development, and Hawaiian Homes and Environmental Protection, presented a report (Stand. Com. Rep. No. 645-76) recommending that S.B. No. 2092-76, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Blair and carried, the report of the joint Committees was adopted and S.B. No. 2092-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT AMENDING SECTION 205-35 OF THE HAWAII REVISED STATUTES, RELATING TO SHORELINE SETBACKS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 25, 1976.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 646-76) recommending that S.B. No. 2094-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and S.B. No. 2094-76, entitled: "A BILL FOR AN ACT AMENDING SECTION 101-2 OF THE HAWAII REVISED STATUTES, RELATING TO TAKING OF PRIVATE PROPERTY FOR PUBLIC USE AND THE DISPOSAL OF EXCESS PROPERTY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 25, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 2092-76, SD 2, HD 1, and S.B. No. 2094-76 were made available to the members of the House at 11:30 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 466 to 468 and 476) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 466) congratulating the Kaimuki High School Girls Varsity Bowling Team for winning the 1975-76 OIA Girls Varsity Championship was jointly offered by Representatives Kiyabu, Ajifu, Akizaki, Blair, Cayetano, Ikeda, Inaba, Kihano, Kimura, Kondo, Kunimura, Lee, Lum, Machida, Mizuguchi, Naito, Oda, Poepoe, Sakima, Shito, Stanley, Suwa, Takamura, Yamada and Yap.

On motion by Representative Kiyabu, seconded by Representative Naito and carried, H.R. No. 466 was adopted.

A resolution (H.R. No. 467) honoring Gladys Bowell on her retirement from the Hawaii County Office of Aging was jointly offered by Representatives Segawa, Roehrig, Akizaki, Cobb, Ho, Inaba, Kawakami, Kihano, Kiyabu, Larsen, Lee, Lunasco, Mizuguchi, Naito, Oda, Suwa, Takamine, Yamada and Yuen.

On motion by Representative Segawa, seconded by Representative Roehrig and carried, H.B. No. 467 was adopted.

A resolution (H.R. No. 468) commending the Hospital Association of Hawaii and its member institutions for their outstanding service to the people of Hawaii was jointly offered by Representatives Wakatsuki, Abercrombie, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Ho, Ikeda, Kawakami, Kunimura, Lee, Machida, Mizuguchi, Peters, Poepoe, Sakima, Santos, Segawa, Stanley, Takamine, Takamura, Uechi, Yamada and Yuen.

On motion by Representative Segawa, seconded by Representative Stanley and carried, H.R. No. 468 was adopted.

A resolution (H.R. No. 476) congratulating Melvin William Miranda: State Outstanding Young Farmer for 1975-76 was jointly offered by Representatives Takamine, Inaba, Abercrombie, Ajifu, Akizaki, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Takamine, seconded by Representative Inaba and carried, H.R. No. 476 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 469 to 475) and concurrent resolutions (H.C.R. Nos. 88 to 90) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 25, 1976:

A resolution (H.R. No. 469) request-

ing the expansion of the Hawaiian Studies Program at the University of Hawaii, Hilo, was jointly offered by Representatives Segawa, Roehrig, Akizaki, Cobb, Ho, Inaba, Kawakami, Kihano, Kiyabu, Larsen, Lee, Lunasco, Mizuguchi, Naito, Oda, Takamine, Yamada and Yuen.

A resolution (H.R. No. 470) requesting the Department of Education to establish an on-going program for the purpose of displaying student art in public buildings was jointly offered by Representatives Kiyabu, Ajifu, Akizaki, Cayetano, Ikeda, Inaba, Kihano, Kimura, Kondo, Kunimura, Lee, Lum, Mizuguchi, Naito, Poepoe, Sakima, Shito, Stanley, Suwa, Yamada and Yap.

A resolution (H.R. No. 471) requesting the City and County of Honolulu to construct an ocean recreation complex at Pokai Bay, Oahu, was jointly offered by Representatives Peters, Ho, Akizaki, Blair, Cayetano, Cobb, Inaba, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lee, Lunasco, Machida, Mizuguchi, Oda, Sakima, Suwa, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

A resolution (H.R. No. 472) requesting that Kolekole Pass be opened to the public was jointly offered by Representatives Peters, Ho, Akizaki, Blair, Cayetano, Garcia, Inaba, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lee, Lunasco, Machida, Mizuguchi, Morioka, Oda, Sakima, Segawa, Suwa, Takamura, Uechi, Yamada, Yap and Yuen.

A resolution (H.R. No. 473) requesting Congress to amend the Internal Revenue Code to promote the sale of residential land subject to leaseholds was jointly offered by Representatives Cobb, Akizaki, Blair, Cayetano, Garcia, Hakoda, Ho, Ikeda, Kamalii, Kawakami, Kiyabu, Larsen, Lum, Lunasco, Machida, Medeiros, Peters, Poepoe, Sakima, Shito, Stanley, Takamine, Takamura and Uechi.

A resolution (H.R. No. 474) requesting a study into the advisability of compulsory education for real estate licensees was jointly offered by Representatives Yamada and Kondo.

A resolution (H.R. No. 475) requesting a study into the establishment of a self-insured program for real estate errors and omissions insurance was jointly offered by Representatives Kondo and Yamada.

A concurrent resolution (H.C.R.

No. 88) requesting the Department of Physics and Astronomy of the University of Hawaii to report to the Legislature on the entire academic program for undergraduate and graduate study in the field of astronomy, to include specific data on needed appropriations to accomplish the academic objectives of the Department was offered by Representative Abercrombie.

A concurrent resolution (H.C.R. No. 89) requesting study and review of public safety and security personnel employed by the State of Hawaii and the various counties was offered by Representative Abercrombie.

A concurrent resolution (H.C.R. No. 90) requesting the Government Reorganization Commission to study the establishment of a Department of Public Libraries was offered by Representative Abercrombie.

SUSPENSION OF RULES

Representative Kimura rose and stated:

"I move that we suspend the rules of the House for considering S.B. No. 2231-76 by consent calendar."

The Chair then asked:

"All Third Reading bills by consent calendar - am I correct?"

Representative Kimura replied:

"Just the first, your honor."

Representative Abercrombie, on a point of order stated:

"I don't believe you've reached quite that elevated state, just yet."

The Chair replied:

"I agree with you. Representative Ajifu."

Representative Ajifu then stated:

"Mr. Speaker, I second the motion."

The motion to suspend the rules for considering S.B. No. 2231-76 by consent calendar was put by the Chair and carried.

THIRD READING

The following bills, which were on the calendar for Third Reading,

were read throughout and the following actions taken:

S.B. No. 2231-76

On motion by Representative Machida, seconded by Representative Naito, S.B. No. 2231-76, entitled: "A BILL FOR AN ACT RELATING TO KULA HOSPITAL", having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Amaral, Morioka and Santos being excused.

S.B. No. 1577, SD 1, HD 2

Representative Uechi moved that S.B. No. 1577, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

At this time, Representative Larsen rose and stated:

"Mr. Speaker I would like to rise and speak, with some difficulty, in favor of this measure and I would like to express some concern, for the record.

To begin with, Mr. Speaker, we've had considerable discussion on this measure over the last four or five days, and I still have some hang-ups concerning it. My hang-ups, to start with, are in favor of doing something for the people living in Waimanalo, for which this measure was drafted, primarily. However, it is very extensive. It includes everything in the State that is now covered by State agricultural leases, and this is the point I'm trying to address myself to, Mr. Speaker.

The measure states intensive agriculture which encompasses everything except extensive pasture. In that vein, then, Mr. Speaker, we are including all leases that now extend across sugar, pineapple, orchards, etc.; from one island to the next, throughout the State.

In many cases, Mr. Speaker, these leases now extend agricultural lease rents of 5 to 10 to 15 dollars per acre for sugar leases. In my view, this is considerably lower than it should be, and I believe free market bidding to allow additional people to go in there and bid these leases when they come up again would get these sugar leases up to a more realistic level. The law states that lease rents will not go down on these areas; but, my point is that even if they're at \$10

or \$15 per acre, you could double these leases now and then take them to \$30. It would certainly meet the stipulation of the law; however, in many cases, sugar leases are not realistic at these levels. They should be put on the basis of a percentage of gross, like the private companies are now negotiating with the sugar companies. In many cases, these lease rents go to \$100 to \$175 per acre per year. In many cases, sugar leases could support a higher lease rent.

I'm talking about this because, as was pointed out, many times a large percentage of the Hawaiian Homes Commission's earnings come from 30% of the State's leases on sugar land. I believe that many of these leases are too low. They should be increased. I think the best way to increase them is through open competitive bidding.

It has been pointed out that many sugar companies have a lock on these leases and that they will have the right to continue leasing because they have the processing facilities. My point is that there are alternatives to this. One has already been established. I believe it is called Hilo Processing Company - made up of a great many small growers who have assembled themselves and put together a processing plant and now operate their own farms. They're individual farmers that are processing in one location. I believe this could happen again in other areas if leases came up for competitive bidding.

Secondly, we talk about pineapple leases. In the old days, up till now, all pineapple has been processed. It's a very expensive procedure to get a processing plant set up and compete in the market with canned products. Right now we are in the throes of a revolution here in the processing business. We are going into fresh fruit packing.

In this State, fresh fruit packing could be marketed under a co-op so that similar to what we are having in California, there are various processing companies that handle citrus. And, I think that could also apply to the sugar business and small farmers could very profitably farm their 50 - 75 acre patch of pineapple and market under a co-op.

In the case of certain other small farmers, I think we can give them

the assistance of putting into this bill a stipulation that says a person of 5 to 10 to 15 acres could renegotiate, as is stated; but I object to the provisions that there is no limit on the areas, the size of the areas, that can be renegotiated without competitive bidding.

Thank you, Mr. Speaker."

Representative Roehrig, upon being recognized, stated:

"Mr. Speaker, with some trepidation, I rise to speak against this resolution.

As a Legislature, we try to be fair and democratic in our agricultural lease policies. We have been mindful of the history of land ownership in this State and in the Territory, and with a sense of history, I believe we have tried to approach the question of agricultural lease policies as it relates to lease lands of the State in a fashion so as to insure that the small farmer, the small person in agriculture, the majority of the people, in effect, who are in agricultural lands in the State will have a fair shot at it when State leasing lands are coming up for lease.

We have provided a mechanism in the agricultural lease law to allow leasing by pulling of lots, by negotiation in the case of agricultural parks and a public bidding procedure. We have strived to make land available by changes in the law to the young people who are in our agricultural programs in the community colleges and colleges. To make land available to those who were on plantations that were closed down, to make land available to those peoples, especially in the neighbor islands, who have not had the benefit of having agricultural leases until in the last decade.

What this bill does, Mr. Speaker, is to provide a mechanism whereby the Board of Land and Natural Resources can extend existing present leases for terms in their discretion without resort to bidding again or pulling of lots or what have you. And this includes leases that are in sugar, pineapple, truck farm crops, flowers, poultry and swine and dairy, just to mention those that are enumerated in Section 171-10 in the Hawaii Revised Statutes.

Most of these lands, hundreds of thousands of acres of these lands are located in the neighbor islands, and in particular, on the Big Island.

There has been much concern, as has been expressed by the former speaker, about the situation at Waimanalo, where some of our small farmers are having difficulty because of their leases expiring. I believe that an agricultural park, with the kind of input that the Department of Land and Department of Agriculture can make there, will go a long way to take care of their concerns; but, this bill that was supposedly to help them, and I believe that was the intent, is also going to set a policy across the entire State of ours, about agricultural lease lands for the rest of our natural lives and for our grandchildren. It is going to provide that whomever are the members of the Land Board are going to decide the question of land tenure and not those who run for public office, who sit in these hallowed halls.

I think that the public is aware, as we are, that there are more people who would like to have an agricultural lease than presently have them. And this land bill gives the discretion to the Land Board, in effect, to carte blanche - to do what they please in this area.

I recognize that there is support for this measure from some of the members in this body, including our majority members. However, I would like to say that I certainly pity the have and have nots when this bill passes and I pity the young people and our young farmer program and ecologists and the independent cane growers who would like to have some of the lands that some of our big sugar plantations have right now that they've had their eyes on for all these years. I pity all of them when this bill passes.

Thank you, Mr. Speaker."

Representative Ajifu, speaking in favor of the bill, stated:

"Mr. Speaker, the provisions contained in this bill will provide relief to those farmers of our communities who, because of limited time remaining on their leases, have been unable to obtain mortgage financing.

Passage of this bill will provide legislative recognition of the problems faced by those farmers and nurserymen who have devoted many years to the development of their lands, only to see the fruits of their labors taken away because of short terms

remaining on the leases. In many instances, the agricultural specialists in question have made, and will continue to make, significant contributions to the general economic welfare of the State and to their local communities. Their use of the land benefits all Hawaii's people.

Senate Bill 1577, as amended, also provides the Board of Land and Natural Resources with the power to assist lessees in obtaining financing by waiving statutory requirements which would inhibit such financing. The passage of this legislation, again, recognizes the unique problems faced by our farmers and horticulturalists and offers a means to assist them.

I urge this body to pass this bill, as amended, so that true farmers, agriculturists, and horticulturists will be able to pursue their chosen fields without the threat of lease-related losses hanging over their heads. These people have chosen to work the land for the good of the total community. We should provide them all the protection possible.

Thank you, Mr. Speaker."

At this time, Representative Carroll rose and stated:

"Mr. Speaker, I rise to speak briefly against the bill. While it is commendable, purposes that have been expressed rather amply the reasons that underlie the authoring of this bill, the very people that are attempted to be helped by the passage of this measure can be victimized by it, and I think that in order to retain a safeguard, we are going to have to vote this measure down.

We like to see things done for everyone, and we certainly are a generous Legislature, and I think this is one time we are going to have to be very careful with what we are going to pass into law. We do away with these safeguards and I think we are going to create a vicious set of circumstances for many of the people who are least able to cope with the situation that can arise if this bill is to become law.

I ask everyone to vote against it.

Thank you."

Representative Kawakami, upon being recognized, asked:

"Will the previous speaker please yield to a question?"

Representative Carroll replied:

"No, Mr. Speaker."

Representative Kawakami then remarked:

"Thank you. He has answered my question - he doesn't know what he is talking about."

Representative Carroll, on a point of order, stated:

"If the previous speaker's question was, 'Do I know what I am talking about?', the answer was 'yes'."

Representative Kawakami then stated: "Point of order, Mr. Speaker. He refused to answer my question at the beginning."

Representative Uechi then rose to speak in favor of the bill, stating:

"Mr. Speaker, the previous speakers speaking against the bill referred to the Land Board having the power and authority to do certain things. I think in the creation of the Board itself, the Legislature has given them the power to determine what is good for the State and as Chairman of the Agriculture Committee, I can say without any reservation that this is good for the entire agricultural industry and that is including sugar and pineapple."

A lot of times, we talk about diversified agriculture and we leave out sugar and pine. But, as we all know, these two industries are the most viable industries in the State of Hawaii. The concerns that some of our committee members had last year with regard to the pasture leases, because it was so violent, the house draft excluded pasture leases. However, as the pasture leases went out this last year, it drove the prices out of range for those who were successful ranchers. If I had my druthers, I would have included this particular provision also in the bill and I think it is good. However, because of these violent objections, we excluded this provision."

All through the renegotiation of the lease, these lease rentals will be higher. The law also stipulates that these leases may be extended. It doesn't say it shall be extended; it may be extended if it is good for agriculture in the State of Hawaii. With regard to the independent growers, in the extension of these

leases all of these concerns would be put to the Land Board, even in the renegotiations, and determination will be made by the Land Board as to the extension of this particular lease. So, all in all, Mr. Speaker, I feel that this particular bill is not only good for the small independent farmer, but also good for the whole agricultural industry in the State of Hawaii. I encourage all of the members of the House to vote for the bill.

Thank you, Mr. Speaker."

Representative Kunimura, upon being recognized, stated:

"I feel compelled to speak in favor of this bill this afternoon. I was adamantly against this bill last year. But with the pasture provision being deleted, I feel now that this bill is a good bill."

This is the bill that is going to cause us this afternoon to put our vote where our mouth is because I remember for so many sessions, every legislator, every cotton-picking member of this House, have talked about agriculture and the support for agriculture, but we are going to have to vote now, ladies and gentlemen; we are going to have to declare are we really for agriculture or not because this bill is going to help proven farmers, people that have proven for many years that they are true dirt farmers that love to grow things and make that their livelihood."

This bill will not help speculators because this is to extend the leases for those who have used the State land and have proven to us that they can make a go of it. So think very carefully how you are going to vote and please put your vote where your mouth is."

Representative Roehrig then rose and stated:

"I make a few remarks against this bill again. The prior speaker talked about putting your vote where your mouth is. I think that what we are doing here is voting our conscience, and in voting against this measure, I would ask committee members and from our committee who considered this and members of this House to recognize who it is that is going to get the leases extended and it isn't just little dirt farmers. This is some of the people who run the State from Merchant Street. Thank you."

Representative Takamine then stated:

"Mr. Speaker, I would like to, by way of speaking in favor of this bill, just make two comments.

One is that, first of all, I would like to say that I hope that in succeeding years that the pasture land would also be included. We just saw the bidding take place a few months ago and because of that bidding, Kukaia Ranch is going to close, whereby we will be losing twelve jobs and that is no economic development for the State of Hawaii. Those that got the successful bids were those that could afford and needed tax shelters.

This bill says that for the good of the State that these leases can be extended. I believe that we are taking the right step. This House has deliberated for several years now on the Kohala situation and I think that the conclusion is clear that it is not easy to replace a closing plantation. Right now there's several plantations that are facing similar situations. Just imagine that if the Hilo coast plantation closes down, I don't think there will be any Hilo town left. If Kohala is a problem, just imagine what can happen to Hilo.

So, with these few remarks, I say that we are taking the right step. I think this bill is one of the major bills of this session. I think everybody should vote for this bill."

The motion to pass S.B. No. 1577, SD 1, HD 2, on Third Reading was

put by the Chair and carried by a Roll Call vote of 45 ayes to 3 noes, with Representatives Carroll, Cobb and Roehrig voting no, and Representatives Amaral, Morioka and Santos being excused.

The Chair directed the Clerk to note that S.B. No. 2231-76 had passed Third Reading at 1:06 o'clock p.m., and S.B. No. 1577, SD 1, HD 2, at 1:30 o'clock p.m.

At this time, Representative Kunimura introduced fourteen 8th grade students from St. Theresa School, Kekaha, Kauai. They were accompanied by Sister Mary Albert and Father Bob Anderson.

The Chair, at this time, made the following announcement:

"The Chair would like to announce that tomorrow is the last day for lateral movement on Senate Bills and that all members please check with your chairpersons before leaving the Capitol today and notify the chairperson where you can be reached for signing Committee Reports."

ADJOURNMENT

At 1:35 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Thursday, March 25, 1976.

FORTY-SIXTH DAY

Thursday, March 25, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Sam Sasser of the First Assembly of God Church, after which the Roll was called showing all members present with the exception of Representatives Lee, Morioka, Roehrig, Santos, Segawa, Stanley and Yamada, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Fifth Day.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, reading of the Journal was dispensed with and the Journal of the Forty-Fifth Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 190 to 193) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 190) transmitting Senate Concurrent Resolution No. 85, extending aloha and expressing appreciation to the Kyusei International Goodwill Association for fostering and promoting international goodwill and world peace through cultural interchange, which was adopted by the Senate on March 24, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 85 was adopted.

A communication from the Senate (Sen. Com. No. 191) transmitting Senate Concurrent Resolution No. 31, requesting strengthening of the Department of the Attorney General for the handling of public utility matters, which was adopted by the Senate on March 24, 1976, was placed on file.

By unanimous consent, action on S.C.R. No. 31 was deferred until later in the calendar.

A communication from the Senate

(Sen. Com. No. 192) returning House Bill No. 2812-76, HD 1, which passed Third Reading in the Senate on March 24, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2812-76, HD 1, SD 1, was placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 193) returning House Bill No. 3106-76, which passed Third Reading in the Senate on March 24, 1976, was placed on file.

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

Representative Naito introduced 25 fifth grade students from Waialae School. They were accompanied by their teachers, Mrs. Theresa Lau and a student teacher, Miss Rhonda Chee.

Representative Uechi introduced 130 fifth grade students from Moanalua Elementary School. They were accompanied by their teachers, Mrs. Judith Kaya, Mrs. Josephine Miller, Mrs. Joan Acoba, Miss Jeanette Ota and Miss Lillian Okamura, and parents, Mrs. Johnson, Mrs. Kuniyoshi and Mrs. Kaplan, and a student teacher, Miss Casupang.

Representative Peters introduced 46 fifth grade students from Nanaikapono School. They were accompanied by their teachers, Mrs. Gordan and Mrs. Naehu, and parents, Mrs. Torres and Mrs. Farias.

Representative Kimura introduced 50 eighth grade students from Kawana-nakoa Intermediate School. They were accompanied by their teachers, Mrs. Linda Asato and Mrs. Penny Lot.

Representative Inaba introduced 19 students from Konawaena High School who belong to the Multi-Culture Studies Club. They are here on a three-day educational tour. They were accompanied by their advisors, Mr. Alvin Row, Mr. Eugene Yap, Mrs. Phyllis Shimatsu and Ms. Hakoi.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Ajifu

and carried, the rules were suspended for the purpose of considering certain resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 477 to 479) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 477) congratulating the Kaimuki Intermediate School team for winning the 1976 Mathematics Papahana sponsored by St. Louis High School was jointly offered by Representatives Kiyabu, Ajifu, Akizaki, Blair, Cayetano, Hakoda, Ho, Ikeda, Inaba, Kihano, Kimura, Kondo, Kunimura, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Sakima, Segawa, Shito, Stanley, Suwa, Takamura, Uechi, Yamada, Yap and Yuen.

On motion by Representative Kiyabu, seconded by Representative Naito and carried, H.R. No. 477 was adopted.

At this time, Representative Naito introduced to the members of the House the honorees of the resolution, as follows. Ruth Kobayashi, Layne Yamada and Ms. Audrey Kanesue, teacher at Kaimuki Intermediate School.

Representatives Naito and Cobb then presented red carnation leis to the honorees and certified copies of the resolution were presented by Representative Kiyabu.

A resolution (H.R. No. 478) congratulating and recognizing the 1975 Miss Hawaii, Miss Catherine Mary Foy and the Miss Hawaii Pageant was jointly offered by Representatives Kimura, Abercrombie, Ajifu, Akizaki, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Kimura, seconded by Representative Ushijima and carried, H.R. No. 478 was adopted.

At this time, Representative Kimura introduced to the members of the

House Miss Catherine Mary Foy, Miss Hawaii 1975; Mrs. John Foy, mother of Catherine; Mr. James Nakaya, Chairman, Honolulu Jaycees Pageant Committee; Mr. Craig Miyamoto, President, Honolulu Jaycees; Mr. Lindsey Pollock, Chairman, Hawaiian Airlines Pageant Committee; and Mr. George Kobayashi, Vice President (Sales), Hawaiian Airlines.

Representatives Kunimura and Peters then presented a maile lei to Miss Hawaii 1975 and Representative Ushijima presented certified copies of the resolution to the recipients.

The Chair then appointed Representatives Uechi, Blair, Peters, Lunasco, Carroll, Lum and Kimura to escort Miss Foy to the rostrum "in order that she may share some of her experiences with us."

The Chair then presented Miss Foy, stating:

"Members of the House and our audience, it is my distinct honor and privilege to present to all of you Miss Hawaii, Catherine Foy."

Miss Foy then addressed the members of the House, as follows:

"Thank you and aloha. I feel very speechless but, nevertheless, I would like to say a few words.

First of all, the Miss Hawaii Pageant is also a tradition here. It first began in 1959 and has been going on since then so it started when Hawaii first became a state. The Miss Hawaii Pageant, in itself, is a preliminary to the Miss America Scholarship Pageant which is indeed, as it is titled, specifically a scholastic pageant. It provides an excellent opportunity for any young woman to pursue a higher degree of education for herself. It is the largest of its kind in the world and is also a very challenging opportunity for any young woman.

I felt very honored and privileged to have had the time and the opportunity to represent the State of Hawaii in the Miss America Pageant. It was a very tremendous growing and learning experience for me and a time when many memories were made. But, nevertheless, I am very glad to see that. . . first of all, the criteria of the pageant is education and I feel that education is the most important thing. It is a foundation to attain any goal in anyone's life and I would like to thank all of you for this beautiful recognition but also to thank you for recognizing the importance of education

here in the islands and for our children.

I would like to thank the members of the Honolulu Jaycees for the time and preparation they took to sponsor last year's pageant and I would like to congratulate the members of Hawaiian Airlines and hope that this year's will be very successful indeed. And, last but not least, all the handsome young men standing behind me and all of the wonderful people I see in front of me and the children, thank you very much. Mahalo from the bottom of my heart and thank you for your recognition, not only for the title of Miss Hawaii, but for education.

Thank you very much."

At 11:58 o'clock a.m., on request by Representative Kunimura, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:59 o'clock a.m.

A resolution (H.R. No. 479) congratulating the Puerto Rican community on the observance of the 75th Anniversary of the immigration of Puerto Ricans to Hawaii was jointly offered by Representatives Evans, Ho, Abercrombie, Ajifu, Carroll, Clarke, Fong, Hakoda, Ikeda, Kamalii, Larsen, Lum, Medeiros, Poepoe and Sutton.

On motion by Representative Evans, seconded by Representative Ho and carried, H.R. No. 479 was adopted.

At this time, Representative Evans rose, stating:

"Mr. Speaker and members of the House, Puerto Ricans in Hawaii have long been a misunderstood minority. Very little was known about their culture and traditions. Because of this, members of the United Puerto Rican Association of Hawaii and the Multi-Cultural Center presented an exhibit, an outstanding exhibit, on Puerto Rican culture, commemorating their 75th Anniversary of the coming of the Puerto Ricans to Hawaii."

Representative Evans then introduced the following to the members of the House: Mr. John Rodrigues, Chairman of the Finance Committee of the United Puerto Rican Association of Hawaii; Mrs. Souza who is presently writing a true history of Puerto Ricans in Hawaii; and Mrs. Karen

Motosue, Director of the Multi-Cultural Center.

Representatives Kamalii, Ho and Abercrombie then presented leis to the honorees and Representative Evans presented them with certified copies of the resolution.

At 12:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting all of the honored guests.

Upon reconvening at 12:13 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Lee, Roehrig, Segawa, Stanley and Yamada.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 469 to 475) and concurrent resolutions (H.C.R. Nos. 88 to 90 and S.C.R. No. 31) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
469	Jointly to the Committees on Higher Education and Culture and the Arts
470	Jointly to the Committees on Education and Culture and the Arts
471	Committee on Water, Land Use, Development, and Hawaiian Homes
472	Committee on Water, Land Use, Development, and Hawaiian Homes
473	Committee on Housing, then to the Committee on Finance
474	Committee on Consumer Protection and Commerce
475	Committee on Consumer Protection and Commerce
<u>H.C.R. Nos.</u>	
88	Committee on Higher Education
89	Committee on Labor and Public Employment, then to the Committee on Finance
90	Committee on Education,

then to the Committee on
Labor and Public Employment

S.C.R. No.

- 31 Jointly to the Committees on
Consumer Protection and
Commerce and Judiciary,
then to the Committee on
Finance

COMMITTEE REASSIGNMENTS

The following Senate bills were re-
referred as follows:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
1793-76	Committee on Water, Land Use, Development, and Hawaiian Homes
1821-76	Jointly to the Committees on Health and Labor and Public Employment
2797-76	Committee on Finance

STANDING COMMITTEE REPORTS

Representative Akizaki, for the
Committee on Legislative Management,
presented a report (Stand. Com.
Rep. No. 647-76) informing the
House that House Resolution Nos.
466 to 476, House Concurrent Resolution
Nos. 88 to 90, and Standing Committee
Report Nos. 648-76 to 694-76, have
been printed and distributed.

On motion by Representative Akizaki,
seconded by Representative Kiyabu
and carried, the report of the Commit-
tee was adopted.

Representatives Segawa and Kawakami,
for the Committees on Health and
Water, Land Use, Development,
and Hawaiian Homes, presented
a report (Stand. Com. Rep. No.
648-76) recommending that S.B.
No. 2519-76, SD 1, as amended
in HD 1, pass Second Reading and
be referred to the Committee on
Finance.

On motion by Representative Naito,
seconded by Representative Kawakami
and carried, the report of the joint
Committee was adopted and S.B.
No. 2519-76, SD 1, HD 1, entitled:
"A BILL FOR AN ACT RELATING
TO SAFE DRINKING WATER", passed
Second Reading and was referred
to the Committee on Finance.

Representative Shito, for the

Committee on Housing, presented
a report (Stand. Com. Rep. No.
649-76) recommending that S.B.
No. 2603-76, SD 1, pass Second
Reading and be referred to the Commit-
tee on Finance.

On motion by Representative Shito,
seconded by Representative Cayetano
and carried, the report of the Commit-
tee was adopted and S.B. No. 2603-
76, SD 1, entitled: "A BILL FOR
AN ACT RELATING TO THE ESTABLISH-
MENT OF THE COUNCIL OF HOUSING
AND CONSTRUCTION INDUSTRY",
passed Second Reading and was
referred to the Committee on Finance.

Representative Takamura, for
the majority of the Committee on
Youth and Elderly Affairs, presented
a report (Stand. Com. Rep. No.
650-76) recommending that S.B.
No. 1899-76, SD 2, as amended
in HD 1, pass Second Reading and
be referred to the Committee on
Finance.

On motion by Representative Takamura,
seconded by Representative Kunimura
and carried, the report of the majority
of the Committee was adopted and
S.B. No. 1899-76, SD 2, HD 1,
entitled: "A BILL FOR AN ACT RELAT-
ING TO THE ESTABLISHMENT OF
AN OFFICE OF CHILDREN AND YOUTH",
passed Second Reading and was
referred to the Committee on Finance.

Representative Cayetano, for
the Committee on Energy and Transporta-
tion, presented a report (Stand.
Com. Rep. No. 651-76) recommending
that S.B. No. 1855-76, as amended
in HD 1, pass Second Reading and
be referred to the Committee on
Judiciary.

On motion by Representative Cayetano,
seconded by Representative Kiyabu
and carried, the report of the Commit-
tee was adopted and S.B. No. 1855-
76, HD 1, entitled: "A BILL FOR
AN ACT RELATING TO DRIVER'S
LICENSE CATEGORIES", passed
Second Reading and was referred
to the Committee on Judiciary.

Representative Yuen, for the
Committee on Education, presented
a report (Stand. Com. Rep. No.
652-76) recommending that S.B.
No. 1809-76 pass Second Reading
and be referred to the Committee
on Finance.

On motion by Representative Yuen,
seconded by Representative Oda
and carried, the report of the Commit-
tee was adopted and S.B. No. 1809-

76, entitled: "A BILL FOR AN ACT RELATING TO AGENTS OF PRIVATE SCHOOLS AND CORRESPONDENCE SCHOOLS", passed Second Reading and was referred to the Committee on Finance.

Representatives Stanley and Segawa, for the Committees on Public Assistance and Human Services and Health, presented a report (Stand. Com. Rep. No. 653-76) recommending that S.B. No. 2121-76, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Segawa and carried, the report of the joint Committee was adopted and S.B. No. 2121-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR MEDICAL AND OTHER PROFESSIONAL HEALTH CARE SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 654-76) recommending that S.B. No. 2294-76, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and S.B. No. 2294-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE HEALTH PLANNING", passed Second Reading and was referred to the Committee on Finance.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 655-76) recommending that H.R. No. 354 be referred to the Committee on Finance.

On motion by Representative Blair, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.R. No. 354, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL TO CONDUCT A LITTER STUDY", was referred to the Committee on Finance.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 656-76) recommending that S.B.

No. 2235-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Yuen, seconded by Representative Oda and carried, the report of the Committee was adopted and S.B. No. 2235-76, entitled: "A BILL FOR AN ACT RELATING TO SECONDARY SCHOOL STUDENTS CONFERENCE", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 657-76) recommending that S.B. No. 849 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 849, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 658-76) recommending that S.B. No. 2562-76, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 2562-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDBY PAY", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 659-76) recommending that S.B. No. 2027-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 2027-76, entitled: "A BILL FOR AN ACT RELATING TO REALLOCATION", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com.

Rep. No. 660-76) recommending that S.B. No. 2226-76, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 2226-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 661-76) recommending that S.B. No. 2643-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 2643-76, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 662-76) recommending that S.B. No. 2024-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 2024-76, entitled: "A BILL FOR AN ACT RELATING TO SABBATICAL LEAVES", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 663-76) recommending that S.B. No. 2028-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 2028-76, entitled: "A BILL FOR AN ACT RELATING TO PAY OF OFFICERS AND EMPLOYEES ON ACTIVE MILITARY SERVICE", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 664-76) recommending that S.B. No. 1798-76, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 1798-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE TORT LIABILITY ACT", passed Second Reading and was referred to the Committee on Judiciary, with Representative Abercrombie voting no.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 665-76) recommending that S.B. No. 1667 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 1667, entitled: "A BILL FOR AN ACT RELATING TO INCREMENTS, SERVICE ANNIVERSARY DATES AND LONGEVITY INCREASES FOR PUBLIC EMPLOYEES", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 666-76) recommending that S.B. No. 2409-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 2409-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE-CONNECTED TOTAL DISABILITY RETIREMENT FOR POLICE OFFICERS", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 667-76) recommending that S.B. No. 2827-76, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine

and carried, the report of the Committee was adopted and S.B. No. 2827-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPAIR AND MAINTENANCE OF STATE PROPERTIES AND FACILITIES", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 668-76) recommending that S.B. No. 2715-76, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 2715-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STADIUM AUTHORITY", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 669-76) recommending that S.B. No. 2745-76, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 2745-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE EMPLOYMENT PROGRAM", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 670-76) recommending that S.B. No. 2095-76, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 2095-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OAHU METROPOLITAN PLANNING ORGANIZATION", passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 671-76) recommending that S.B. No. 2405-76, as amended

in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 2405-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A COMPREHENSIVE REVIEW OF MAJOR EMPLOYEE BENEFIT PROGRAMS", passed Second Reading and was referred to the Committee on Finance.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 672-76) recommending that S.B. No. 1801-76, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 1801-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", passed Second Reading and was referred to the Committee on Finance.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 673-76) recommending that S.B. No. 2333-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 2333-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REVOLVING FUNDS FOR CORRECTIONAL FACILITY STORES", passed Second Reading and was referred to the Committee on Finance.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 674-76) recommending that S.B. No. 2105-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 2105-76, entitled: "A BILL FOR AN ACT RELATING TO CIRCUIT COURTS", passed Second Reading and was

referred to the Committee on Finance.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 675-76) recommending that S.B. No. 1794-76, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 1794-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC", passed Second Reading and was referred to the Committee on Finance.

Representatives Roehrig and Lee, for the majority of the Committees on Judiciary and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 676-76) recommending that S.B. No. 2321-76, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Roehrig, seconded by Representative Lee and carried, the report of the majority of the joint Committee was adopted and S.B. No. 2321-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Second Reading and was referred to the Committee on Finance.

Representatives Roehrig and Lee, for the Committees on Judiciary and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 677-76) recommending that S.B. No. 2107-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Roehrig, seconded by Representative Lee and carried, the report of the joint Committee was adopted and S.B. No. 2107-76, entitled: "A BILL FOR AN ACT RELATING TO LAW CLERKS FOR JUSTICES OF THE SUPREME COURT", passed Second Reading and was referred to the Committee on Finance.

Representatives Segawa and Lee, for the Committees on Health and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 678-76) recommending that S.B. No. 2320-76, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Lee and carried, the report of the joint Committee was adopted and S.B. No. 2320-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 679-76) recommending that H.R. No. 214 be adopted.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 214, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO MAKE A STUDY TO DETERMINE THE FEASIBILITY OF A BUS LINE ALONG KUNIA ROAD TO SERVICE THE RESIDENTS BETWEEN WAHIAWA AND WAIPAHU", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 680-76) recommending that H.R. No. 328 be adopted.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 328, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO PURCHASE AND IMPLEMENT USE OF SPECIAL HILL CLIMBING BUSES", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 681-76) recommending that H.C.R. No. 39 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PLANNING AND IMPLEMENTATION OF EXPLORATORY DEEP WATER WELLS IN THE SOUTH KOHALA DISTRICT OF THE COUNTY OF HAWAII", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 682-76) recommending

that H.R. No. 299 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 299, entitled: "HOUSE RESOLUTION REQUESTING THE TRANSFER OF NAVY LAND AT MCGREW POINT, OAHU, FOR PARK USE", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 683-76) recommending that H.C.R. No. 37 be adopted.

Representative Kondo moved that the report of the Committee be adopted and H.C.R. No. 37 be adopted, seconded by Representative Kawakami.

Representative Abercrombie then rose and stated:

"Mr. Speaker, I rise to speak in favor of the resolution, but I rise with some trepidation because I understand that the Department of Genetics at the University of Hawaii, in cooperation with the Marine Science Program, is now working and developing a humpback seal."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HONORABLE GOVERNOR OF HAWAII TO DESIGNATE AND ADOPT THE HUMPBACK WHALE AS HAWAII'S OFFICIAL MARINE MAMMAL", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 684-76) recommending that H.R. No. 247 be adopted.

On motion by Representative Kondo, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 247, entitled: "HOUSE RESOLUTION REQUESTING THE HONORABLE GOVERNOR OF HAWAII TO DESIGNATE AND ADOPT THE HUMPBACK WHALE AS HAWAII'S OFFICIAL MARINE MAMMAL", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 685-76) recommending

that H.R. No. 270 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 270, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT RULES AND REGULATIONS TO AID IN THE PRESERVATION OF OPIHI", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 686-76) recommending that H.R. No. 209, as amended in HD 1, be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 209, HD 1, entitled: "HOUSE RESOLUTION REQUESTING STATE LANDS BE DEDICATED FOR THE ESTABLISHMENT OF A FIRE STATION TO SERVE THE WAI'AU-NEWTOWN-PEARL RIDGE REGION OF OAHU", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 687-76) recommending that H.R. No. 216, as amended in HD 1, be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 216, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO IMPLEMENT AND ENFORCE THE HUNTER SAFETY PROGRAM", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 688-76) recommending that S.B. No. 243, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 243, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF INCOME TAXES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Suwa, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 689-76) recommending that S.B. No. 2230-76, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2230-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX LAW", passed Second Reading and was placed on the calendar for Third Reading Monday, March 29, 1976.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 690-76) recommending that S.B. No. 2572-76, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2572-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONEYS", passed Second Reading and was placed on the calendar for Third Reading.

The Chair directed the Clerk to note that printed copies of S.B. No. 243, SD 1; S.B. No. 2230-76, SD 1; and S.B. No. 2572-76, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 691-76) recommending that H.C.R. No. 49 be referred to the Committee on Finance.

On motion by Representative Yuen, seconded by Representative Oda and carried, the report of the Committee was adopted and H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING MODIFICATION OF THE POLICIES AND PRACTICES GOVERNING THE ALLOTMENT OF FUNDS FOR OPERATIONS OF THE STATE'S PUBLIC SCHOOLS", was referred to the Committee on Finance.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 692-76) recommending that H.R. No. 303 be referred to the Committee on Finance.

On motion by Representative Yuen, seconded by Representative Oda and carried, the report of the Committee was adopted and H.R. No. 303, entitled: "HOUSE RESOLUTION REQUESTING MODIFICATION OF THE POLICIES AND PRACTICES GOVERNING THE ALLOTMENT OF FUNDS FOR OPERATIONS OF THE STATE'S PUBLIC SCHOOLS", was referred to the Committee on Finance.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 693-76) recommending that S.B. No. 79, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Sutton rose, stating:

"Mr. Speaker, can the record show that this bill, comprising some 341 pages, which I originally had introduced and published in total and was told that it was excessively large. . ."

Representative Kunimura then rose on a point of order and stated:

"Is he requesting a personal privilege or. . ."

Representative Sutton replied:

"I am speaking in favor, sir, of the motion."

Directed by the Chair to "proceed", Representative Sutton continued, stating:

"That this excellent Uniform Probate Code has now come out of the Judiciary Committee and the cost that was entailed to have it published is now fully justified. The gentleman who just brought me to order was the one who said that I spent excessive money to have it published and now it's coming out as a majority bill.

Will there be some reparation made to me, sir?"

Representative Kunimura replied:

"Mr. Speaker, I think his facts are erroneous. It is not the exact thing that the member from the 15th district introduced."

Representative Sutton then rose and asked:

"Will the young gentleman from Kauai yield to a question?"

The Chair asked:

"Will you yield, Representative Kunimura?"

Representative Kunimura replied:

"Mr. Speaker, the document the member from the 15th district is referring to is a Senate measure."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 79, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representatives Stanley and Lee, for the Committees on Public Assistance and Human Services and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 694-76) recommending that S.B. No. 2334-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Lee and carried, the report of the joint Committee was adopted and S.B. No. 2334-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATORS OF THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", passed Second Reading and was referred to the Committee on Finance.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 695-76) recommending that S.B. No. 2080-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 2080-76, entitled: "A BILL FOR AN ACT RELATING TO RECORDS OF THE LIQUOR COMMISSION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 696-76) recommending that S.B. No. 2739-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 2739-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION AGAINST THE PHYSICALLY HANDICAPPED", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 697-76) recommending that S.B. No. 1832-76, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 1832-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 698-76) recommending that S.B. No. 1819-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 1819-76, entitled: "A BILL FOR AN ACT RELATING TO WORKER'S COMPENSATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representatives Segawa and Lee, for the Committees on Health and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 699-76) recommending that S.B. No. 2225-76, SD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Lee and carried, Stand. Com. Rep. No. 699-76 and S.B. No. 2225-76, SD 2, were recommitted to the joint Committee on Health and Labor and Public Employment.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 700-76) recommending that S.B. No. 2654-76 pass Second

Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and S.B. No. 2654-76, entitled: "A BILL FOR AN ACT TO REPEAL ACT 176, SESSION LAWS OF HAWAII 1937, WHICH APPROPRIATED FUNDS FOR BEDS FOR INDIGENT MATERNITY PATIENTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representatives Segawa and Lee, for the Committees on Health and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 701-76) recommending that S.B. No. 1820-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Lee and carried, the report of the joint Committee was adopted and S.B. No. 1820-76, entitled: "A BILL FOR AN ACT RELATING TO THE PREPAID HEALTH CARE ACT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 702-76) recommending that S.B. No. 2330-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 2330-76, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 703-76) recommending that S.B. No. 1830-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 1830-

76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INITIAL APPOINTMENTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 704-76) recommending that S.B. No. 1561, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 1561, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSURE QUALIFICATIONS OF ATTORNEYS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 705-76) recommending that S.B. No. 2958-76, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the majority of the Committee was adopted and S.B. No. 2958-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPARATIVE NEGLIGENCE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 706-76) recommending that S.B. No. 1169, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 1169, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR TRAFFIC VIOLATIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 707-76) recommending that S.B.

No. 2526-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 2526-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSENT TO ADOPTION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 79, SD 1, HD 1; S.B. No. 2080-76; S.B. No. 2739-76, HD 1; S.B. No. 1832-76, SD 1, HD 1; S.B. No. 1819-76; S.B. No. 2654-76; S.B. No. 1820-76; S.B. No. 2330-76; S.B. No. 1830-76, HD 1; S.B. No. 1561, SD 1; S.B. No. 2958-76, SD 1, HD 1; S.B. No. 1169, SD 1; and S.B. No. 2526-76, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 708-76) recommending that S.B. No. 1191, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 708-76 on S.B. No. 1191, HD 2, was deferred until Monday, March 29, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1191, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 709-76) recommending that S.B. No. 2545-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 709-76 on S.B. No. 2545-76 was deferred until Monday, March 29, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2545-76 were made available to the members of the House at 11:30 o'clock a.m.

Representatives Sakima and Segawa, for the Committees on Higher Education and Health, presented a report (Stand. Com. Rep. No. 710-76) recommending that S.B. No. 1187,

SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Segawa and carried, the report of the joint Committee was adopted and S.B. No. 1187, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ESTABLISHMENT OF THE HAWAII DENTAL PLAN", passed Second Reading and was referred to the Committee on Finance.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 480 to 484) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 480) commending the symphony upon the occasion of its Diamond Jubilee was jointly offered by Representatives Ho, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Ikeda, Kamalii, Kawakami, Kihano, Kimura, Larsen, Lum, Lunasco, Machida, Poepoe, Roehrig, Sakima, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Ushijima, Yamada, Yuen and Wakatsuki.

On motion by Representative Suwa, seconded by Representative Abercrombie and carried, H.R. No. 480 was adopted.

A resolution (H.R. No. 481) expressing congratulations and best wishes to Joyce Tsunoda upon her appointment as Provost of Kapiolani Community College was jointly offered by Representatives Shito, Kihano, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Ho, Kamalii, Kawakami, Kimura, Kiyabu, Lee, Lunasco, Mizuguchi, Poepoe, Roehrig, Sakima, Segawa, Sutton, Suwa, Ushijima, Yap, Yuen and Wakatsuki.

On motion by Representative Shito, seconded by Representative Kihano and carried, H.R. No. 481 was adopted.

A resolution (H.R. No. 482) congratulating the Kaimuki High School Junior Varsity Basketball Team for winning the 1976 Honolulu District Championship in the OIA Eastern Division was jointly offered by Representatives Kiyabu, Ajifu, Akizaki, Amaral, Blair, Cayetano, Clarke, Cobb, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kimura, Kondo, Kunimura, Lee, Lum, Lunasco, Machida, Medeiros,

Mizuguchi, Naito, Oda, Peters, Poepoe, Sakima, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Kiyabu, seconded by Representative Naito and carried, H.R. No. 482 was adopted.

A resolution (H.R. No. 483) expressing congratulations to the players and staff of the Kaimuki High School Junior Varsity Baseball Team: 1976 Honolulu District Champions, Oahu Interscholastic Association, Eastern Division was jointly offered by Representatives Kiyabu, Ajifu, Akizaki, Amaral, Blair, Cayetano, Clarke, Cobb, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kimura, Kondo, Kunimura, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Sakima, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Kiyabu, seconded by Representative Naito and carried, H.R. No. 483 was adopted.

A resolution (H.R. No. 484) honoring the memory of Prince Kuhio on the anniversary of his birth was jointly offered by Representatives Sutton, Kunimura, Kamalii, Ajifu, Amaral, Cobb, Ho, Kawakami, Kimura, Larsen, Lunasco, Peters, Poepoe, Segawa, Suwa, Ushijima and Yuen.

At this time, Representative Kunimura rose and stated:

"Mr. Speaker, before we vote on this resolution, may I have the Speaker's permission to have the best reader from this House; namely, Senor Peters, read into the records some very important words on behalf of the Kauai delegation."

Directed by the Chair to "proceed", Representative Peters stated:

"Mr. Speaker, while America celebrates its Bicentennial, it seems especially appropriate that we should honor Prince Jonah Kuhio Kalaniana'ole on the anniversary of his birth, for Prince Kuhio, beloved Alii of Hawaii, was one of the greatest statesmen in this nation's history.

Mainland history books make little mention of Prince Kuhio's pride, anguish, and accomplishments; but we, the people of Hawaii, know of him because his deeds are written

in our hearts. Today, I am proud to open my heart and tell all who would hear something about Prince Kuhio-- what he did, and what he meant to Hawaii.

One hundred and five years ago tomorrow, Prince Kuhio was born at Hoaiquahu, Koloa, Kauai. He was the youngest son of High Chief David Kahale Houili Piikoi, a descendant of the last island king of Kauai. His mother was Princess Kinoiki Kekaulike, sister of Queen Kapiolani. He was the second cousin of King Kalakaua and Queen Liliuokalani. Along with his brother, David Kawanakoa, he was proclaimed a prince of the realm in 1884.

In his youth, Prince Kuhio was a superb athlete, running the 100 yard dash in ten seconds and starring in football and track. He was also an excellent rower and bicyclist.

It is said that Kuhio was the last Alii trained in the arts of Hawaiian wrestling, lua. He was an expert in the holds, kapu to all except the Aliis.

Being trained by King Kalakaua for high office in the kingdom, Kuhio received one of the finest educations of his day--attending Punahou School in Hawaii, St. Matthews School in San Mateo, California, visiting and touring Japan, and attending the Royal Agricultural College in England.

On his return from England in 1891, Kuhio was placed in the Ministry of Interior and Custom Service.

When Queen Liliuokalani's throne was usurped, Kuhio remained intensely loyal to the monarchy, and took an active part in attempting to restore the Queen. Ironically, he was jailed for treason in 1894 by the leaders of the revolt because of his patriotic activities on his Queen's behalf.

During the trying period of the Republic and Annexation, Kuhio decided he could better protect his people's welfare within the framework of the haole political system. The two princely brothers entered separate political parties--Prince Kuhio becoming a member of the Republican party and Prince David Kawanakoa organizing the Democratic party.

Prince Kuhio was elected Hawaii's Delegate to Congress from 1903 to 1921. For approximately twenty years, he guided Hawaii's destiny in Washington, D.C., gaining the respect and confidence

of Presidents, Cabinet Officers, Senators and Congressmen, and other high government officials.

His accomplishments were legion--he obtained for Hawaii from Congress much liberal legislation and appropriations to provide extensive public improvements throughout his island home--among these is included the Hawaii National Park System.

He is remembered most by us, however, for his unrelenting dedication to the preservation of his people and his culture. Recognizing his people's desire to perpetuate the land, Prince Kuhio organized the Order of Kamehameha, a fraternity dedicated to Hawaiians, and also founded the Hawaiian Civic Club movement.

As the forerunner of his greatest ambition, the rejuvenation, 'hoopulapula', of the Hawaiian people, Kuhio obtained an amendment to the Organic Act in 1910, which opened public lands in Hawaii to homesteading.

When the Homestead Act did not protect Hawaiians, Kuhio began agitating to set up special homesteading for Hawaiians only. As a result of his efforts, the Hawaiian Homestead Program and Commission was finally established in 1920. If the Hawaiian Homes Program has failed to fully achieve the Prince's purpose of hoopulapula, it was definitely not for lack of a dream.

Prince Kuhio was a democratic, friendly, and generous man, who devoted his whole life to protect the interests and welfare of the Hawaiian people. When he died on January 7, 1922, he left a legacy to his people--a legacy of land and love. His casket bore the inscription: 'Ke alii makaaiana' meaning, 'The Prince of the common people'.

Living through the trying days of Queen Liliuokalani's overthrow, through the establishment of the unpopular Republic of Hawaii, through the early turbulent history of the Hawaiian Islands as a territory, Prince Jonah Kuhio Kalaniana'ole epitomized the leadership his people so desired. He was the true and noble son of a splendid race. Ua nui kana mau hana, E koomanao mau ia ia--to be remembered by us always.

Thank you, Mr. Speaker."

Representative Abercrombie then

rose, stating:

"Mr. Speaker, I feel compelled to make a correction in the last speaker's oration which was very eloquent.

The social and economic system referred to in the talk as being haole was not haole but, rather, monopoly capitalism which knows no racial nor ethnic designation."

Representative Sutton then rose, stating:

"Ua nui kana mau hana, E koomanao mau ia ia, may we have this resolution adopted by a rising vote, Mr. Speaker."

The motion to adopt the resolution was put by the Chair and carried, and H.R. No. 484 was adopted by a rising vote.

By unanimous consent, the following resolutions (H.R. Nos. 485 to 496) and concurrent resolutions (H.C.R. Nos. 91 to 95) were referred to the Committee on Legislative Management and further action was deferred until Monday, March 29, 1976:

A resolution (H.R. No. 485) commending the stockholders of Aloha Airlines for resisting the takeover of their company by the mainland interests was jointly offered by Representatives Kunimura, Akizaki, Blair, Fong, Ho, Ikeda, Inaba, Kawakami, Kiyabu, Kondo, Lee, Lunasco, Machida, Mizuguchi, Oda, Peters, Sakima, Segawa, Shito, Suwa, Takamura, Uechi, Ushijima, Yamada and Yuen.

A resolution (H.R. No. 486) requesting the University of Hawaii to expand the nurses training program statewide was jointly offered by Representatives Sakima, Blair, Cayetano, Cobb, Evans, Kunimura, Larsen, Poepoe, Shito, Stanley, Ushijima, Yap and Yuen.

A resolution (H.R. No. 487) requesting continued efforts to promote the Kona coffee industry was jointly offered by Representatives Inaba, Ajifu, Akizaki, Cayetano, Cobb, Fong, Ho, Kimura, Kiyabu, Lee, Lum, Lunasco, Machida, Naito, Sakima, Segawa, Shito, Suwa, Takamine, Takamura, Uechi, Yap and Yuen.

A resolution (H.R. No. 488) requesting increased intergovernmental cooperation to minimize flood damage in Oahu's Waianae and North Shore areas was jointly offered by Represen-

tatives Ho, Peters, Abercrombie, Ajifu, Akizaki, Blair, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Oda, Poepoe, Roehrig, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

A resolution (H.R. No. 489) requesting the Legislative Auditor to examine the milk price increase approved by the Board of Agriculture on March 31, 1975 was jointly offered by Representatives Cayetano, Akizaki, Blair, Carroll, Clarke, Cobb, Garcia, Hakoda, Ikeda, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Naito, Oda, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Yamada, Yap and Yuen.

A resolution (H.R. No. 490) directing the Department of Transportation to open car pool lanes along Moanalua Freeway during non-peak traffic hours to the general public was jointly offered by Representatives Cayetano, Akizaki, Blair, Carroll, Clarke, Cobb, Garcia, Hakoda, Ho, Ikeda, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Naito, Oda, Peters, Roehrig, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

A resolution (H.R. No. 491) recognizing April 1976 as Cancer Control Month was jointly offered by Representatives Segawa, Amaral, Clarke, Evans, Hakoda, Ho, Kihano, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Sakima, Sutton, Takamine, Yamada and Yuen.

A resolution (H.R. No. 492) requesting a study of the School Lunch Program was jointly offered by Representatives Yuen, Abercrombie, Akizaki, Ho, Inaba, Kawakami, Kihano, Kiyabu, Kunimura, Lee, Lunasco, Machida, Mizuguchi, Naito, Oda, Peters, Sakima, Segawa, Stanley, Suwa, Takamine, Takamura, Uechi, Yamada and Yap.

A resolution (H.R. No. 493) commending the Kahoolawe activists was jointly offered by Representatives Ho, Peters, Abercrombie, Akizaki, Blair, Clarke, Kihano, Kimura, Kiyabu, Machida, Mizuguchi, Morioka, Naito, Oda, Segawa, Suwa, Takamine, Takamura, Uechi, Yap and Yuen.

A resolution (H.R. No. 494) expres-

sing support for the efforts to develop an Arizona Memorial Museum and shoreside complex at Pearl Harbor was jointly offered by Representatives Sutton and Evans.

A resolution (H.R. No. 495) requesting a study on the feasibility of limiting the number of bills introduced was jointly offered by Representatives Larsen, Ajifu, Clarke, Cobb, Evans, Fong, Hakoda, Ho, Ikeda, Kamalii, Kimura, Lee, Lum, Naito, Oda, Poepoe, Roehrig and Yap.

A resolution (H.R. No. 496) requesting Congress to propose a fiscal spending limit amendment to the U.S. Constitution for ratification by the states or call a National Constitutional Convention for that purpose was jointly offered by Representatives Poepoe, Ajifu, Akizaki, Carroll, Cayetano, Clarke, Evans, Hakoda, Ikeda, Kamalii, Kimura, Kiyabu, Larsen, Lum, Medeiros, Segawa, Shito and Sutton.

A concurrent resolution (H.C.R. No. 91) requesting the Board of Regents and the University of Hawaii Professional Assembly to develop an equitable fee schedule for lecturers in the University of Hawaii system was jointly offered by Representatives Abercrombie and Kunimura.

A concurrent resolution (H.C.R. No. 92) to have the Legislative Auditor study the various provisions in the Hawaii Revised Statutes affecting land use requirements was jointly offered by Representatives Peters, Ajifu, Blair, Cayetano, Cobb, Kimura, Kiyabu, Lee, Oda, Sakima, Takamura, Ushijima and Wakatsuki.

A concurrent resolution (H.C.R. No. 93) requesting the Legislative Auditor to examine the milk price increase approved by the Board of Agriculture on March 31, 1975 was jointly offered by Representatives Cayetano, Akizaki, Blair, Carroll, Clarke, Cobb, Garcia, Hakoda, Ikeda, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Naito, Oda, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Yamada, Yap and Yuen.

A concurrent resolution (H.C.R. No. 94) requesting Congress to propose a fiscal spending limit amendment to the U.S. Constitution for ratification by the states or call a National Constitutional Convention for that purpose was jointly offered by Representatives Poepoe, Ajifu, Akizaki, Carroll, Cayetano, Clarke,

Evans, Hakoda, Ikeda, Kamalii, Kimura, Kiyabu, Larsen, Lum, Medeiros, Segawa, Shito and Sutton.

A concurrent resolution (H.C.R. No. 95) requesting a study on the feasibility of limiting the number of bills introduced was jointly offered by Representatives Larsen, Abercrombie, Ajifu, Clarke, Cobb, Evans, Fong, Hakoda, Ho, Ikeda, Kamalii, Kimura, Lee, Lum, Naito, Oda, Poepoe, Roehrig and Yap.

At 12:42 o'clock p.m., on request by Representative Kimura, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:47 o'clock p.m.

At this time, Representative Ho rose on a point of order and stated:

"I believe there is a resolution on the Clerk's desk."

At 1:48 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:49 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, the rules were suspended for the purpose of taking up bills on Third Reading on the basis of a modified consent calendar.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the following actions taken:

S.B. No. 2092-76, SD 2, HD 1:

On motion by Representative Kawakami, seconded by Representative Cobb, S.B. No. 2092-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT AMENDING SECTION 205-35 OF THE HAWAII REVISED STATUTES, RELATING TO SHORELINE SETBACKS", passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Santos being excused.

S.B. No. 2094-76:

On motion by Representative Kawakami, seconded by Representative Ho, S.B. No. 2094-76, entitled: "A BILL FOR AN ACT AMENDING SECTION 101-2 OF THE HAWAII REVISED STATUTES, RELATING TO TAKING OF PRIVATE PROPERTY FOR PUBLIC USE AND THE DISPOSAL OF EXCESS PROPERTY", passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Santos being excused.

The Chair directed the Clerk to note that S.B. Nos. 2092-76 and 2094-76 had passed Third Reading at 1:50 o'clock p.m.

STANDING COMMITTEE REPORTS

Representatives Roehrig and Yamada, for the majority of the Committees on Judiciary and Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 711-76) recommending that S.B. No. 1775-76, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Roehrig, seconded by Representative Yamada and carried, the report of the majority of the joint Committee was adopted and S.B. No. 1775-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID LEGAL SERVICES", passed Second Reading and was referred to the Committee on Finance.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 712-76) recommending that S.B. No. 2932-76, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 2932-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISTRICT COURTS", passed Second Reading and was referred to the Committee on Finance.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 713-76) recommending that S.B. No. 1758-76, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Cayetano

and carried, the report of the Committee was adopted and S.B. No. 1758-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 714-76) recommending that S.B. No. 1836-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the majority of the Committee was adopted and S.B. No. 1836-76, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF REGULATORY AGENCIES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 715-76) recommending that S.B. No. 2909-76 pass Second Reading and be referred to the Committee on Culture and the Arts.

Representative Kawakami moved that the report of the Committee be adopted and notwithstanding the report of the Committee, that S.B. No. 2909-76 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Ho.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and notwithstanding the report of the Committee, S.B. No. 2909-76, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION", passed Second Reading and was referred to the Committee on Finance.

Representatives Shito and Kawakami, for the majority of the Committees on Housing and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 716-76) recommending that S.B. No. 714, SD 1, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 716-76

on S.B. No. 714, SD 1, HD 3, was deferred until Monday, March 29, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 714, SD 1, HD 3, were made available to the members of the House at 11:30 o'clock a.m.

Representative Machida, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 717-76) recommending that S.B. No. 2139-76, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Ushijima and carried, the report of the Committee was adopted and S.B. No. 2139-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERIM TOURISM POLICY ACT", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 718-76) recommending that H.R. No. 430, as amended in HD 1, be adopted.

At this time, Representative Ajifu requested a roll call vote on this measure.

On motion by Representative Kunimura, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 430, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE LAND USE COMMISSION TO DENY THE PETITION OF HRT, LTD., FOR THE RECLASSIFICATION OF CERTAIN LANDS AT LIHUE, KAUAI", was adopted by a roll call vote of 27 ayes to 9 noes, with Representatives Ajifu, Amaral, Cobb, Fong, Hakoda, Lunasco, Medeiros, Poepoe and Sutton voting no, and Representatives Carroll, Clarke, Evans, Kamalii, Kihano, Kimura, Kiyabu, Larsen, Lee, Machida, Morioka, Oda, Santos, Takamura and Yuen being excused.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 719-76) recommending that S.B. No. 1949-76, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and S.B. No. 1949-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POLICY PLANNING", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 1949-76, SD 1, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 720-76) recommending that S.B. No. 2267-76, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2267-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF DEVELOPMENT RATES FOR FACILITIES USED BY GENERAL AVIATION ACTIVITIES", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 721-76) recommending that S.B. No. 2467-76, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2467-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCENTIVES FOR ENERGY CONSERVATION", passed Second Reading and was referred to the Committee on Finance.

Representatives Segawa and Lee, for the Committees on Health and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 722-76) recommending that S.B. No. 1821-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.B. No. 1821-

76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREPAID HEALTH CARE ACT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 1821-76, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 723-76) recommending that S.B. No. 1328, SD 3, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and S.B. No. 1328, SD 3, entitled: "A BILL FOR AN ACT RELATING TO ODOMETERS", passed Second Reading and was referred to the Committee on Finance.

COMMITTEE REASSIGNMENTS

At this time, the Chair re-referred the following Senate bills and House resolution:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
1512	Committee on Agriculture
1854-76	Committee on Judiciary
2394-76	Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Housing
2703-76	Committee on Consumer Protection and Commerce
2909-76	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance

H.R. No.

304	Committee on Water, Land Use, Development, and Hawaiian Homes
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At 2:00 o'clock p.m., on motion by Representative Ushijima, seconded by Representative Ajifu and carried, the House of Representatives stood in recess until 5:00 o'clock p.m. this evening.

EVENING SESSION

The House of Representatives reconvened at 5:27 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 724-76) recommending that S.B. No. 1793-76, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and S.B. No. 1793-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL PROHIBITION AGAINST WATER POLLUTION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 725-76) recommending that S.B. No. 2140-76, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and S.B. No. 2140-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESTIMATE FOR MOTOR VEHICLE REPAIR", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 726-76) recommending that S.B. No. 1784-76, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and S.B. No. 1784-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 727-76) recommending that S.B. No. 1786-76, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the majority of the Committee was adopted and S.B. No. 1786-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION IN CASES FILED BY THE OFFICE OF CONSUMER PROTECTION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 728-76) recommending that S.B. No. 2933-76, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 2933-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII YOUTH CORRECTIONAL FACILITY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 729-76) recommending that S.B. No. 2527-76, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 2527-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 2140-76, SD 1, HD 1; S.B. No. 1784-76, SD 1, HD 1; S.B. No. 1786-76, SD 1, HD 1; S.B. No. 2933-76, SD 1; and S.B. No. 2527-76, SD 1, were made available to the members of the House at 5:27 o'clock p.m.

Representative Suwa, for the Committee

on Finance, presented a report (Stand. Com. Rep. No. 730-76) recommending that S.B. No. 1807-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 730-76 on S.B. No. 1807-76 was deferred until Monday, March 29, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1807-76 were made available to the members of the House at 5:27 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 731-76) recommending that S.B. No. 1831-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 731-76 on S.B. No. 1831-76 was deferred until Monday, March 29, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1831-76 were made available to the members of the House at 5:27 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 732-76) recommending that S.B. No. 2031-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 732-76 on S.B. No. 2031-76 was deferred until Monday, March 29, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2031-76 were made available to the members of the House at 5:27 o'clock p.m.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 733-76) recommending that S.B. No. 528, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 528, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES, RIGHTS OF ACCUSED AND COUNSEL AND OTHER SERVICES FOR INDIGENT CRIMINAL DEFENDANTS", passed Second Reading and was placed on the calendar for Third Reading

on Monday, March 29, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 734-76) recommending that S.B. No. 1853-76, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 1853-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

At 5:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:36 o'clock p.m.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 735-76) recommending that S.B. No. 251 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Sakima, seconded by Representative Ho and carried, the report of the Committee was adopted and S.B. No. 251, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RESEARCH, MORBIDITY AND MORTALITY INFORMATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 528, SD 1, HD 1; S.B. No. 1853-76, SD 1, HD 1; and S.B. No. 251, were made available to the members of the House at 5:27 o'clock p.m.

The Chair, at this time, made the following announcement:

"The Chair would like to remind all chairpersons to notify the lateral committee offices as to where you can be reached in the event that certain information must be gotten to you or in the event that the lateral committee chairpersons have any questions to ask."

At 5:37 o'clock p.m., on request by Representative Cobb, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:39 o'clock p.m.

ADJOURNMENT

At 5:40 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned to 11:00 o'clock a.m. on Monday, March 29, 1976.

FORTY-SEVENTH DAY

Monday, March 29, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Jim Swenson of the United Methodist Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie and Morioka, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Sixth Day.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, reading of the Journal was dispensed with and the Journal of the Forty-Sixth Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 194 to 196) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 194) returning House Bill No. 2216-76 which passed Third Reading in the Senate on March 25, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 195) returning House Bill No. 2632-76, HD 2, which passed Third Reading in the Senate on March 25, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 196) returning House Bill No. 2194-76, HD 1, which passed Third Reading in the Senate on March 25, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2194-76, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2194-76, HD 1, SD 1, were made available to the members of the House at 11:00 o'clock a.m.

At this time, Representative Ikeda

introduced thirty 4th, 5th and 6th grade students from Haihaione Elementary School. They are members of the Student Council and were accompanied by Mrs G. Oden, advisor; Mrs. Carol Chung, counselor; and Mrs. Lila Lee, vice-principal.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 485 to 496) and concurrent resolutions (H.C.R. Nos. 91 to 95) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
485	Committee on Consumer Protection and Commerce
486	Jointly to the Committees on Higher Education and Health
487	Committee on Agriculture
488	Committee on Water, Land Use, Development, and Hawaiian Homes
489	Committee on Agriculture, then to the Committee on Legislative Management
490	Committee on Energy and Transportation
491	Committee on Health
492	Committee on Education, then to the Committee on Legislative Management
493	Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Judiciary
494	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Culture and the Arts
495	Committee on Legislative Management
496	Committee on Judiciary, then to the Committee on Finance

H.C.R. Nos.

91	Jointly to the Committees
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- on Labor and Public Employment and Higher Education, then to the Committee on Finance
- 92 Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Legislative Management
- 93 Committee on Agriculture, then to the Committee on Legislative Management
- 94 Committee on Judiciary, then to the Committee on Finance
- 95 Committee on Legislative Management

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Ajifu and carried, the rules were suspended for the purpose of taking up bills on Third Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 708-76 on S.B. No. 1191, HD 2 (Deferred from March 25, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1191, HD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENTS BY ASSESSMENT AND THE FINANCING THEREOF", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Abercrombie and Morioka being excused.

Stand. Com. Rep. No. 709-76 on S.B. No. 2545-76 (Deferred from March 25, 1976):

On motion by Representative Blair, seconded by Representative Kondo and carried, the report of the Committee was adopted and S.B. No. 2545-76, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Abercrombie and Morioka being excused.

Stand. Com. Rep. No. 716-76 on S.B. No. 714, SD 1, HD 3 (Deferred

from March 25, 1976):

At 11:12 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:13 o'clock a.m., at which time Representative Ajifu requested that action on Stand. Com. Rep. No. 716-76 and S.B. No. 714, SD 1, HD 3, be deferred to the end of the day's calendar, and the Chair, noting that there were no objections, so ordered.

A minority report (Dissent to Stand. Com. Rep. No. 716-76) was received and placed on file.

Stand. Com. Rep. No. 730-76 on S.B. No. 1807-76 (Deferred from March 25, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1807-76, entitled: "A BILL FOR AN ACT RELATING TO THE CONVERSION OF CERTAIN EXEMPT POSITIONS WITHIN THE DEPARTMENT OF DEFENSE TO PERMANENT CIVIL SERVICE STATUS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Abercrombie and Morioka being excused.

Stand. Com. Rep. No. 731-76 on S.B. No. 1831-76 (Deferred from March 25, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1831-76, entitled: "A BILL FOR AN ACT RELATING TO VACATIONS OF PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Abercrombie and Morioka being excused.

Stand. Com. Rep. No. 732-76 on S.B. No. 2031-76 (Deferred from March 25, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2031-76, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS", having been read throughout, passed

Third Reading by a vote of 49 ayes, with Representatives Abercrombie and Morioka being excused.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 736-76) informing the House that House Resolution Nos. 477 to 496, House Concurrent Resolution Nos. 91 to 95, and Standing Committee Report Nos. 695-76 to 739-76, have been printed and distributed.

On motion by Representative Akizaki, seconded by Representative Kiyabu and carried, the report of the Committee was adopted.

Representatives Stanley and Lee, for the Committees on Public Assistance and Human Services and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 737-76) recommending that H.R. No. 415 be adopted.

On motion by Representative Stanley, seconded by Representative Takamine and carried, the report of the joint Committee was adopted and H.R. No. 415, entitled: "HOUSE RESOLUTION PROCLAIMING THE MONTH OF MARCH AS SOCIAL WORKER MONTH", was adopted.

Representative Stanley, for the majority of the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 738-76) recommending that H.C.R. No. 74, as amended in HD 1, be adopted.

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the majority of the Committee was adopted and H.C.R. No. 74, HD 1, entitled: "A CONCURRENT RESOLUTION RELATING TO UNITED STATES DEPARTMENT OF AGRICULTURE REFORM OF THE FOOD STAMP PROGRAM RULES AND REGULATIONS", was adopted, with Representatives Carroll, Larsen and Sutton voting no.

Representative Stanley, for the majority of the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 739-76) recommending that H.R. No. 421, as amended in HD 1, be adopted.

On motion by Representative Stanley, seconded by Representative Peters

and carried, the report of the majority of the Committee was adopted and H.R. No. 421, HD 1, entitled: "A RESOLUTION RELATING TO UNITED STATES DEPARTMENT OF AGRICULTURE REFORM OF THE FOOD STAMP PROGRAM RULES AND REGULATIONS", was adopted, with Representatives Carroll, Larsen and Sutton voting no.

INTRODUCTION OF RESOLUTIONS

At 11:16 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:21 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Abercrombie.

At this time, the Clerk asked: "Mr. Speaker, may we defer the 'Introduction of Resolutions' until the honorees have arrived?"

The Chair, noting that there were no objections, so ordered.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the following actions taken:

S.B. No. 243, SD 1

On motion by Representative Suwa, seconded by Representative Akizaki, S.B. No. 243, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF INCOME TAXES", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 2230-76, SD 1

On motion by Representative Suwa, seconded by Representative Akizaki, S.B. No. 2230-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX LAW", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 2572-76, SD 1

On motion by Representative Suwa, seconded by Representative Akizaki, S.B. No. 2572-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONEYS", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 497 to 499) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 497) honoring John W. Warner, Administrator, American Revolution Bicentennial Administration was jointly offered by Representatives Poepoe, Abercrombie, Ajifu, Akizaki, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Poepoe, seconded by Representative Garcia and carried, H.R. No. 497 was adopted.

Representative Poepoe then rose and stated:

"Mr. Speaker, we are very honored this morning to have Mr. Warner with us. He's the National Administrator of the American Revolution Bicentennial Administration.

He is returning from a very long swing through the South Seas to Guam, American Samoa and Sydney. He has promised all states that he will visit every single state before the 4th of July this year. He has quite a ways to go.

Accompanying him this morning, Mr. Speaker, is Mr. Kent Williams who is the Western Regional Director of the ARBA and Mr. Jonathan Seovich who is our Executive Director of the Hawaii Bicentennial Commission."

At this time, Representative Kamalii presented Mr. Warner with a lei and Representative Poepoe presented him with a certified copy of the resolution.

At 11:26 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for meeting our honored guests.

The House of Representatives reconvened at 11:32 o'clock a.m.

A resolution (H.R. No. 498) commending the students of Kaiser High School for their innovative 'American History

Day' Program was jointly offered by Representatives Ikeda, Abercrombie, Ajifu, Akizaki, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ikeda, seconded by Representative Lum and carried, H.R. No. 498 was adopted.

Representative Ikeda, at this time, introduced Mrs. Lily Hatanaka, advisor for the American History Day Committee, and Mrs. Cynthia Leong, vice-principal of Kaiser High School.

Representatives Lum and Larsen presented them with leis and Representative Ikeda presented them with a certified copy of the resolution.

At 11:36 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for meeting our honored guests.

The House of Representatives reconvened at 11:39 o'clock a.m.

A resolution (H.R. No. 499) commending the Kona Chapter of the Business and Professional Women was jointly offered by Representatives Inaba, Ajifu, Akizaki, Blair, Cayetano, Cobb, Fong, Hakoda, Ho, Kimura, Kiyabu, Lee, Lum, Lunasco, Machida, Medeiros, Naito, Oda, Roehrig, Sakima, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap, Yuen and Wakatsuki.

On motion by Representative Inaba, seconded by Representative Suwa and carried, H.R. No. 499 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 500 to 505) and concurrent resolutions (H.C.R. Nos. 96 and 97) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 30, 1976:

A resolution (H.R. No. 500) urging public discussion of the parliamentary form of government was jointly offered by Representatives Mizuguchi, Ajifu, Blair, Cayetano, Kawakami, Kiyabu, Lunasco, Oda, Sakima, Takamura and Yuen.

A resolution (H.R. No. 501) requesting

the Board of Regents and the University of Hawaii Professional Assembly to develop an equitable fee schedule for lecturers in the University of Hawaii system was jointly offered by Representatives Abercrombie and Kunimura.

A resolution (H.R. No. 502) requesting the City and County of Honolulu to purchase and implement use of special hill climbing buses was jointly offered by Representatives Wakatsuki and Uechi.

A resolution (H.R. No. 503) requesting the University of Hawaii-Manoa to study the feasibility of establishing seven-day class scheduling at the Manoa Campus was offered by Representative Abercrombie.

A resolution (H.R. No. 504) relating to transportation for handicapped students was offered by Representative Evans.

A resolution (H.R. No. 505) requesting the Secretary of Agriculture to take all possible steps to relieve the Hawaii Beef Cattle Industry from undue foreign competition was jointly offered by Representatives Larsen, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Clarke, Cobb, Evans, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kiyabu, Kunimura, Lum, Lunasco, Oda, Sutton, Suwa, Takamine and Uechi.

A concurrent resolution (H.C.R. No. 96) requesting the University of Hawaii-Manoa to study the feasibility of establishing seven-day class scheduling at the Manoa campus was offered by Representative Abercrombie.

A concurrent resolution (H.C.R. No. 97) requesting the Department of Land and Natural Resources to designate Hulopoe-Manele Bay, Lanai, a Marine Conservation District was jointly offered by Representatives Machida, Kondo, Abercrombie, Ajifu, Akizaki, Blair, Cayetano, Clarke, Fong, Garcia, Hakoda, Ho, Kamalii, Kihano, Kimura, Kiyabu, Kunimura, Lunasco, Medeiros, Mizuguchi, Oda, Peters, Sakima, Santos, Segawa, Shito, Sutton, Yamada, Yap and Wakatsuki.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the following actions taken:

S.B. No. 79, SD 1, HD 1

Representative Roehrig moved that S.B. No. 79, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

Representative Sutton then rose and said:

"Mr. Speaker, may I give my written remarks concerning S.B. No. 79, SD 1, HD 1, which, sir, was H.B. No. 99 in the 8th Legislature"

Representative Kimura rose on a point of order and asked:

"Mr. Speaker, is he for or against the bill?"

Representative Sutton replied:

"I said I want to give these remarks for the bill and then I define very carefully, for my brethren from the 15th District, that it was S.B. No. 79, HD 1, which was H.B. No. 99 in the 8th Legislature; and, sir, I had the pleasure of introducing it at that time, and I will give my remarks to the Clerk", which are as follows:

"Mr. Speaker, I rise to speak in favor of SB #79, SD 1, HD 1, Uniform Probate Code.

Mr. Speaker, I had the privilege of introducing the fully published Uniform Probate Code last year.

It is a great pleasure to see the basic concepts of this landmark legislation reach the stage of enactment into law.

It is the most comprehensive approach to the Law of Probate, the Law of Trusts, the Law of Guardianship and the whole concept of inheritance in the history of the State of Hawaii and the preceding Territory of Hawaii.

It will be of great assistance to the senior citizens who encouraged me in my efforts.

It will have great meaning to all citizens as it clarifies many parts of the law which were not clearly defined.

I thank my colleagues of the Republican Party for their encouragement in my behalf."

Representative Roehrig then rose and stated:

"Mr. Speaker, in favor of the bill, I would like to reserve my remarks until, hopefully, final passage of this measure because of the breadth of the bill. It is so comprehensive, I think that it would be appropriate to do it at one time and point out the salient features at that time.

There have been substantial changes made from the Senate version of the bill - there has been substance changes made in about forty legislative days of decision making - the last forty legislative days it's been worked on.

I think it is a very comprehensive refinement of a reworking of our Probate Law, Law of Guardianship, Trust Law and certain laws relating to banks and I will reserve extensive comments until, hopefully, the final passage.

Thank you."

The motion to pass S.B. No. 79, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE", on Third Reading was put by the Chair and carried by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 2080-76

On motion by Representative Roehrig, seconded by Representative Cobb, S.B. No. 2080-76, entitled: "A BILL FOR AN ACT RELATING TO RECORDS OF THE LIQUOR COMMISSION", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 2739-76, HD 1

On motion by Representative Roehrig, seconded by Representative Cobb, S.B. No. 2739-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION AGAINST THE PHYSICALLY HANDICAPPED", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 1832-76, SD 1, HD 1

At 11:43 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:44 o'clock a.m.

Representative Lee requested that action on S.B. No. 1832-76, SD 1, HD 1, be deferred to the end of the calendar, and the Chair, noting that there were no objections, so ordered.

Stand. Com. Rep. No. 698-76 on S.B. No. 1819-76

Representative Lee requested that action on Stand. Com. Rep. No. 698-76 and S.B. No. 1819-76 be deferred to the end of the calendar, and the Chair noting that there were no objections, so ordered.

S.B. No. 2654-76

Representative Stanley moved that S.B. No. 2654-76, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Stanley then rose and stated:

"Mr. Speaker, just a brief comment - that this bill repeals the statute. You know, we spend many hours passing new statutes and it is with particular pleasure that we repeal something that is no longer useful to the State of Hawaii."

The motion to pass S.B. No. 2654-76, entitled: "A BILL FOR AN ACT TO REPEAL ACT 176, SESSION LAWS OF HAWAII 1937, WHICH APPROPRIATED FUNDS FOR BEDS FOR INDIGENT MATERNITY PATIENTS", on Third Reading was put by the Chair and carried by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 1820-76

On motion by Representative Segawa, seconded by Representative Lee, S.B. No. 1820-76, entitled: "A BILL FOR AN ACT RELATING TO THE PREPAID HEALTH CARE ACT", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 2330-76

Representative Lee requested that action on S.B. No. 2330-76 be deferred to the end of the calendar, and the Chair, noting that there were no objections, so ordered.

S.B. No. 1830-76, HD 1

Representative Lee requested that action on S.B. No. 1830-76, HD 1, be deferred to the end of the calendar, and the Chair, noting that there were no objections, so ordered.

S.B. No. 1561, SD 1

On motion by Representative Roehrig, seconded by Representative Uechi, S.B. No. 1561, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSURE QUALIFICATIONS OF ATTORNEYS", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 2958-76, SD 1, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi, S.B. No. 2958-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPARATIVE NEGLIGENCE", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Morioka being excused.

S.B. No. 1169, SD 1

On motion by Representative Roehrig, seconded by Representative Uechi, S.B. No. 1169, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR TRAFFIC VIOLATIONS", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 2526-76, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi, S.B. No. 2526-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSENT TO ADOPTION", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 1758-76, SD 2, HD 1

Representative Shito requested that action on S.B. No. 1758-76, SD 2, HD 1, be deferred to the end of the day's calendar, and the Chair, noting that there were no objections, so ordered.

S.B. No. 1836-76

On motion by Representative Yamada, seconded by Representative Yap, S.B. No. 1836-76, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF REGULATORY AGENCIES", passed Third Reading by a vote of 48 ayes, with Representatives Carroll and Sutton voting no, and Representative Morioka being excused.

S.B. No. 1949-76, SD 1, HD 1

On motion by Representative Kawakami, seconded by Representative Ho, S.B. No. 1949-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POLICY PLANNING", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 1821-76, HD 1

On motion by Representative Segawa, seconded by Representative Lee, S.B. No. 1821-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREPAID HEALTH CARE ACT", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 1793-76, SD 1, HD 1

On motion by Representative Kawakami, seconded by Representative Ho, S.B. No. 1793-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL PROHIBITION AGAINST WATER POLLUTION", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 2140-76, SD 1, HD 1

On motion by Representative Yamada, seconded by Representative Yap, S.B. No. 2140-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESTIMATE FOR MOTOR VEHICLE REPAIR", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 1784-76, SD 2, HD 1

On motion by Representative Yamada, seconded by Representative Yap, S.B. No. 1784-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Morioka being excused.

S.B. No. 1786-76, SD 1, HD 1

On motion by Representative Yamada, seconded by Representative Yap, S.B. No. 1786-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION IN CASES FILED BY THE OFFICE OF CONSUMER PROTECTION", passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Carroll and Sutton voting no, and Representative Morioka being excused.

S.B. No. 2933-76, SD 1

On motion by Representative Roehrig, seconded by Representative Uechi, S.B. No. 2933-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE YOUTH CORRECTIONAL FACILITY", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 2527-76, SD 1

Representative Poepoe requested that action on S.B. No. 2527-76, SD 1, be deferred to the end of the calendar.

The Chair then asked: "Representative Roehrig?"

Representative Roehrig replied:

"Mr. Speaker, we have so many things for the end of the calendar, I'd rather dispose of it right now."

At 11:52 o'clock the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:37 o'clock p.m., at which time Representative Roehrig requested that action on S.B. No. 2527-76, SD 1, be deferred until the end of the calendar.

S.B. No. 528, SD 1, HD 1

Representative Roehrig moved that S.B. No. 528, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Lum then rose and asked:

"I would like to make a few comments in favor of this particular bill."

Upon being directed to "proceed",

Representative Lum stated:

"I realize that this bill will not really be financially felt until 1977 or considered financially viable until the next legislature meets; however, I hope that if this bill does go to conference, that they take into consideration one of the amendments that is being made to the concept here.

This bill will allow the prosecuting officer as well as the defender to pay for the cost of witnesses, or the cost of helping a defendant; however, when it comes to the counsel that is appointed by the courts or private counsel to defend the particular individual, there is a word in this particular bill that says, 'if funds are available, the cost of these items will be taken care of'. And, although I am not an attorney, I think there is a possibility that might be an unequal protection to those kinds of individuals.

So, I hope that this will be taken care of before it gets out of this Legislature - if it goes to conference. Otherwise, we should take care of it next year - whoever returns.

Thank you, Mr. Chairman."

The motion to pass S.B. No. 528, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES, RIGHTS OF ACCUSED AND COUNSEL AND OTHER SERVICES FOR INDIGENT CRIMINAL DEFENDANTS", on Third Reading was put by the Chair and carried by a vote of 49 ayes, with Representatives Morioka and Yap being excused.

S.B. No. 1853-76, SD 1, HD 1

Representative Roehrig moved that S.B. No. 1853-76, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Uechi.

At 12:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:42 o'clock p.m.

Representative Roehrig then rose and stated:

"Just briefly to speak in favor of this measure. During the recess a concern was brought to my attention by Representative Medeiros regarding the regulating of motor bikes on

bikeways, and I have taken the time to review the statewide traffic code and it appears in the traffic code that the counties have adequate authority, at the present time, to make reasonable restrictions relating to the use of bike paths, and that it can regulate not only speed but rights of ways, etc. on the bike paths.

However, the counties cannot prohibit motorized bicycles from using bike paths, and I have explained this to Representative Medeiros and, in consequence thereof, he has withdrawn his proposed amendment, and I state this for the record."

Representative Medeiros rose and asked:

"Would the Chairman of the Judiciary Committee clarify one point for me, please?"

The Chair asked:

"Representative Roehrig, will you yield?"

Representative Roehrig replied:

"I'll yield to his question, Mr. Speaker."

Representative Medeiros then asked:

"I'm sorry if I had misunderstood the Chairman when we discussed this during the recess. Am I to understand that the Chairman is saying that the counties do not have the power to prohibit the motor bikes to use the pathways but can only regulate how we should use the pathways?"

Representative Roehrig replied:

"That is correct. They can regulate how to use it, speed, the yielding of right of way as between bicycle and motorized bicycles. But the language of section c, that this seeks to amend, provides that when there are bike paths that all bicycles shall use the path and that includes the motorized bicycles."

Representative Medeiros then asked:

"So then, Mr. Speaker, we are really back with our same concern and I don't think the Police Department has enough personnel to regulate the wrongdoings that have been taking place now, geographically

speaking, in my area where my concern is.

At this time, Mr. Speaker, could I request a very short recess, please?"

At 12:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:44 o'clock p.m.

Representative Medeiros then rose and stated:

"Thank you, Mr. Speaker, I believe we have made our decision during the short recess we had."

Representative Lum then rose and asked:

"I wasn't about to get involved with this but I talked to the Chairman during the recess and I'm really confused now and I'm just wondering why, since we have the time, we can't also amend this particular bill to take care of the potential problem of having moped-run bicycles out of the bicycle lane?"

Therefore, Mr. Speaker, I would like to ask for this thing to be deferred to the end of the calendar so we can further discuss this with the Chairman of the Judiciary Committee."

Representative Roehrig then stated:

"Mr. Speaker, let's take a short recess and discuss it now. I thought Representative Lum understood what this bill did and I don't want to defer things to the end of the calendar. We have so many things deferred to the end of the calendar that I would prefer that we get it out of the way now."

Representative Kunimura then rose and stated:

"I have the same concerns - because what was discussed in the caucus is contrary to what is now known as fact on the floor of this House."

At 12:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:50 o'clock p.m., the Chair stated:

"The motion before the House is for the passage of S.B. No. 1853-76, SD 1, HD 1."

Representative Roehrig rose and stated:

"Speaking in favor of this measure - during the recess we had a further opportunity to review the statewide traffic code, and remarks that I made before recess regarding the counties and the City and County's powers in this area were in error.

The law provides in Section 291c - 145b that the various counties presently do have the power, by rule or ordinance, to restrict bicycle use on bicycle paths - so the proposed amendment by Representative Medeiros to sub-section c of that same sub-section would merely be redundant with the existing law. We discussed this, also, during the recess, so it looks like the concern is taken care of.

I think we recognize in various parts of the State that the counties are having different experiences with these motor peds that we define as bicycles, and we have just given year to feel its way, so to speak. And, it looks like we are going to have to take another look at this next session and see how well its been working.

Thank you."

Representative Abercrombie, speaking in favor of the bill, stated:

"I wouldn't want the impression to come across that this has not been a good thing for the State since I authored the bill originally and the House was agreeable to it and the Senate then, subsequently, last year.

On the whole, this experiment is giving an alternative system of transportation to people, especially where we have situations where there are hills throughout the City and County of Honolulu.

And, I hope it is working also in the neighbor islands. I wouldn't want the impression to go across that it is not working on the whole.

If there are those people who are abusing the privilege now, granted them to have the addition of a horse power and a half motor, I think that it is now well within the power of the counties to regulate that and perhaps even in some areas if there is sufficient abuse to restrict it.

But, on the whole, I think it is necessary to state for the record that there has been little in the way of abuse of this, and, in fact, that it has accomplished the purpose for which the bill was passed last year - which was to provide cheap, alternative transportation in the form of motorized bicycles for the overwhelming majority of a responsible population."

The motion to pass S.B. No. 1853-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLES", on Third Reading was put by the Chair and carried by a vote of 48 ayes to 1 no, with Representative Evans voting no, and Representatives Morioka and Yap being excused.

S.B. No. 251

On motion by Representative Segawa, seconded by Representative Naito, S.B. No. 251, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RESEARCH, MORBIDITY AND MORTALITY INFORMATION", passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Yap being excused.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

S.B. No. 1832-76, SD 1, HD 1:

On motion by Representative Lee, seconded by Representative Takamine, S.B. No. 1832-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Yap being excused.

Stand. Com. Rep. No. 698-76 (S.B. No. 1819-76):

On motion by Representative Lee, seconded by Representative Takamine, the report of the Committee was adopted and S.B. No. 1819-76, entitled: "A BILL FOR AN ACT RELATING TO WORKER'S COMPENSATION", passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Yap being excused.

S.B. No. 2330-76:

On motion by Representative Lee, seconded by Representative Takamine,

S.B. No. 2330-76, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Yap being excused.

S.B. No. 1830-76, HD 1:

On motion by Representative Lee, seconded by Representative Takamine, S.B. No. 1830-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INITIAL APPOINTMENTS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Yap being excused.

The Chair directed the Clerk to note that S.B. No. 1191, HD 2 had passed Third Reading at 11:11 o'clock a.m.; S.B. No. 2545-76 at 11:12 o'clock a.m.; S.B. No. 1807-76 at 11:13 o'clock a.m.; S.B. Nos. 1831-76 and 2031-76 at 11:14 o'clock a.m.; S.B. No. 243, SD 1, at 11:22 o'clock a.m.; S.B. Nos. 2230-76, SD 1, and 2572-76, SD 1, at 11:23 o'clock a.m.; S.B. Nos. 79, SD 1, HD 1, and 2080-76 at 11:42 o'clock a.m.; S.B. No. 2739-76, HD 1, at 11:43 o'clock a.m.; S.B. No. 2654-76 at 11:44 o'clock a.m.; S.B. No. 1820-76 at 11:45 o'clock a.m.; S.B. Nos. 1561-76, SD 1, and 2958-76, SD 1, HD 1, at 11:46 o'clock a.m.; S.B. Nos. 1169, SD 1, and 2526-76, HD 1, at 11:47 o'clock a.m.; S.B. Nos. 1836-76 and 1949-76, SD 1, HD 1, at 11:48 o'clock a.m.; S.B. Nos. 1821-76, HD 1, and 1793-76, SD 1, HD 1, at 11:49 o'clock a.m.; S.B. Nos. 2140-76, SD 1, HD 1, and 1784-76, SD 2, HD 1, at 11:50 o'clock a.m.; S.B. No. 1786-76, SD 1, HD 1, at 11:51 o'clock a.m.; S.B. No. 2933-76, SD 1, at 11:52 o'clock a.m.; S.B. No. 528, SD 1, HD 1, at 12:40 o'clock p.m.; S.B. No. 1853-76, SD 1, HD 1, at 12:53 o'clock p.m.; S.B. No. 251 at 12:54 o'clock p.m.; S.B. Nos. 1832-76, SD 1, HD 1, and 1819-76 at 12:55 o'clock p.m.; and S.B. Nos. 2330-76 and 1830-76, HD 1, at 12:56 o'clock p.m.

STANDING COMMITTEE REPORTS

Representatives Lee and Segawa, for the Committees on Labor and Public Employment and Health, presented a report (Stand. Com. Rep. No. 740-76) recommending that S.B. No. 2225-76, SD 2, as

amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Segawa and carried, the report of the joint Committee was adopted and S.B. No. 2225-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 2225-76, SD 2, HD 1, were made available to the members of the House at 12:25 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 741-76) recommending that S.B. No. 2519-76, SD 1, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 742-76) recommending that S.B. No. 1794-76, SD 1, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 743-76) recommending that S.B. No. 1824-76, SD 1, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 744-76) recommending that S.B. No. 2024-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 745-76) recommending that S.B. No. 2095-76, SD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 746-76) recommending that S.B. No. 1775-76, SD 1, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 747-76) recommending that S.B. No. 2467-76, SD 1, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 748-76) recommending that S.B. No. 2334-76, HD 1, pass Third Reading.

Representative Suwa, for the Commit-

tee on Finance, presented a report (Stand. Com. Rep. No. 749-76) recommending that S.B. No. 2139-76, SD 1, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 750-76) recommending that S.B. No. 2409-76, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 751-76) recommending that S.B. No. 2121-76, SD 1, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 752-76) recommending that S.B. No. 1667 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 753-76) recommending that S.B. No. 2107-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 754-76) recommending that S.B. No. 1328, SD 3, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 755-76) recommending that S.B. No. 849 pass Third Reading.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 756-76) recommending that S.B. No. 1862-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 741-76 on S.B. No. 2519-76, SD 1, HD 1; 742-76 on S.B. No. 1794-76, SD 1, HD 1; 743-76 on S.B. No. 1824-76, SD 1, HD 1; 744-76 on S.B. No. 2024-76; 745-76 on S.B. No. 2095-76, SD 1; 746-76 on S.B. No. 1775-76, SD 1, HD 1; 747-76 on S.B. No. 2467-76, SD 1, HD 1; 748-76 on S.B. No. 2334-76, HD 1; 749-76 on S.B. No. 2139-76, SD 1, HD 1; 750-76 on S.B. No. 2409-76, HD 2; 751-76 on S.B. No. 2121-76, SD 1, HD 2; 752-76 on S.B. No. 1667; 753-76 on S.B. No. 2107-76; 754-76 on S.B. No. 1328, SD 3; 755-76 on S.B. No. 849 and 756-76 on S.B. No. 1862-76 was deferred until tomorrow, March 30, 1976, and in accordance with

Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2519-76, SD 1, HD 1; S.B. No. 1794-76, SD 1, HD 1; S.B. No. 1824-76, SD 1, HD 1; S.B. No. 2024-76; S.B. No. 2095-76, SD 1; S.B. No. 1775-76, SD 1, HD 1; S.B. No. 2467-76, SD 1, HD 1; S.B. No. 2334-76, HD 1; S.B. No. 2139-76, SD 1, HD 1; S.B. No. 2409-76, HD 2; S.B. No. 2121-76, SD 1, HD 2; S.B. No. 1667; S.B. No. 2107-76; S.B. No. 1328, SD 3; S.B. No. 849 and S.B. No. 1862-76, were made available to the members of the House at 12:25 o'clock p.m.

Representatives Akizaki and Suwa, for the Committees on Legislative Management and Finance, presented a report (Stand. Com. Rep. No. 757-76) recommending that S.B. No. 2830-76, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Akizaki, seconded by Representative Suwa and carried, the report of the joint Committee was adopted and S.B. No. 2830-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF REVISOR OF STATUTES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 758-76) recommending that S.B. No. 2703-76, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Kondo and carried, the report of the Committee was adopted and S.B. No. 2703-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

Representatives Kawakami and Shito, for the majority of the Committees on Water, Land Use, Development, and Hawaiian Homes and Housing, presented a report (Stand. Com. Rep. No. 759-76) recommending that S.B. No. 2394-76, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the majority of the joint Committee was adopted and S.B. No. 2394-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 2830-76, SD 1, HD 1; S.B. No. 2703-76, SD 2, HD 1 and S.B. No. 2394-76, SD 1, HD 1, were made available to the members of the House at 12:25 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 760-76) recommending that S.B. No. 2333-76, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 761-76) recommending that S.B. No. 1899-76, SD 2, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 762-76) recommending that S.B. No. 2226-76, SD 1, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 763-76) recommending that S.B. No. 2321-76, SD 1, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 764-76) recommending that S.B. No. 2643-76, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 765-76) recommending that S.B. No. 2827-76, SD 1, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 766-76) recommending that S.B. No. 75, SD 2, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No.

767-76) recommending that S.B. No. 2294-76, SD 2, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 768-76) recommending that S.B. No. 2745-76, SD 1, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 769-76) recommending that S.B. No. 1187, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 760-76 on S.B. No. 2333-76, HD 1; 761-76 on S.B. No. 1899-76, SD 2, HD 1; 762-76 on S.B. No. 2226-76, SD 1, HD 1; 763-76 on S.B. No. 2321-76, SD 1, HD 1; 764-76 on S.B. No. 2643-76, HD 1; 765-76 on S.B. No. 2827-76, SD 1, HD 2; 766-76 on S.B. No. 75, SD 2, HD 2; 767-76 on S.B. No. 2294-76, SD 2, HD 2; 768-76 on S.B. No. 2745-76, SD 1, HD 2 and 769-76 on S.B. No. 1187, SD 2, HD 2 was deferred until tomorrow, March 30, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2333-76, HD 1; S.B. No. 1899-76, SD 2, HD 1; S.B. No. 2226-76, SD 1, HD 1; S.B. No. 2321-76, SD 1, HD 1; S.B. No. 2643-76, HD 1; S.B. No. 2827-76, SD 1, HD 2; S.B. No. 75, SD 2, HD 2; S.B. No. 2294-76, SD 2, HD 2; S.B. No. 2745-76, SD 1, HD 2 and S.B. No. 1187, SD 2, HD 2, were made available to the members of the House at 12:25 o'clock p.m.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 770-76) recommending that S.B. No. 1854-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 1854-76, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 771-76) recommending that S.B. No. 1512, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and S.B. No. 1512, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MARKETING ORDER REVOLVING FUND", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 772-76) recommending that S.B. No. 2797-76, SD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2797-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENTS AT WAIKIKI, OAHU", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

Representatives Yamada and Roehrig, for the Committees on Consumer Protection and Commerce and Judiciary, presented a report (Stand. Com. Rep. No. 773-76) recommending that S.B. No. 1998-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Kondo and carried, the report of the joint Committee was adopted and S.B. No. 1998-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF CONVICTED PERSONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

Representative Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 774-76) recommending that S.B. No. 2501-76, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Kondo and carried, the report of the majority of the Committee was adopted and S.B. No. 2501-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECONDHAND DEALERS", passed Second Reading and was placed on the calendar for Third

Reading tomorrow, March 30, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 775-76) recommending that S.B. No. 1838-76, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Kondo and carried, the report of the Committee was adopted and S.B. No. 1838-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

Representative Lee, for the majority of the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 776-76) recommending that S.B. No. 2326-76, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Lee moved that the report of the majority of the Committee be adopted and that S.B. No. 2326-76, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Takamine.

Representative Abercrombie then rose and asked:

"I wish to speak against this bill being placed on the calendar for Third Reading and passing Second Reading?"

The Chair asked:

"You're speaking against it being placed or against the bill?"

Representative Abercrombie answered:

"Speaking against it passing Second and being placed for Third Reading."

The Chair then directed Representative Abercrombie to "proceed".

Representative Abercrombie then stated:

"Mr. Speaker, I don't believe that this bill is anything less than class warfare. I don't believe that this bill has any basis other than a reaction of fear and a reaction of emotion under circumstances in which a small minority of people who have ostensibly

abused the unemployment insurance provisions of our employment security law by being utilized by forces who wish to put in jeopardy the overwhelming majority of working people - blue collar and white collar - in the State; put in jeopardy their capacity to be enabled to have unemployment compensation if and when they should lose their jobs.

I resent the manner in which this bill comes before the House. I feel that we have handled bills of a delicate nature - political nature - whatever kind of adjective you want to put on it in terms of public concern. We've done it in Judiciary; we've done it in Agriculture; we've done it in Education; we've done it in Higher Education; and yet, when it comes to this particular bill from Labor and Public Employment, we find that people are summoned to secret meetings; we find that lobbyists from labor; lobbyists from business are summoned to meetings which other members of the Legislature cannot attend; we find that these things are negotiated ostensibly between representatives of large interests, without any representative of the public being there; we find that members of the Committee are not invited to some of these meetings; we find that this bill is a mish-mash of proposals done in haste, done in an emotional sequence that scarcely bears credibility with the public.

I think this bill, as it is presented now, is a disgrace to the process under which we have operated - tried to operate under the majority. There's no doubt in my mind that the benefit provision section here is so undeserving of attention from the Democratic Party - the party that help bring into being the entire concept of unemployment insurance for those who are victims of circumstance. I want to say, Mr. Speaker, that there is no doubt in my mind that unless you're rich or unless you're dirt poor and already on welfare, that you better pray to God that you never lose your job or that you get sick if you lose your job because the provisions of this bill allow for a kind of bureaucratic handling that will turn you into a kind of cipher and prevent you from even existing as a human being in this State.

The entire concept under which this bill is being brought forward and the entire manner in which it has been handled to this point is such a disgrace to the Democratic

Party is to be scarcely fathomable to me.

If this passes Second Reading, I shall have detailed analysis, minute detailed analysis, of what is wrong with this bill and the manner in which it has been brought before us. And I will have amendments to make to it - I can assure you.

And I have every hope, I wish I had every expectation, but I have every hope that at the end of that the general public will understand that this bill is indeed a clarion call for the establishment of a unicameral legislature because that's just what's going to happen if we pass this bill on Second Reading for Third Reading and pass it - it's going to go into conference.

If we have decision-making and we have two houses that's supposed to decide on a bill in each House, then why in God's name are we going to shove something forward through Second Reading, shove it through Third Reading, all so it can go into conference, into that unicameral version that we have in our two Houses. If we are going to make decisions, let's make it here, right now.

And this bill is defective: it's defective in every level; it's defective in the way it was proposed; it's defective in the way it was put forward; it's defective in the way it was rammed through this morning; and it's defective right now and we should vote against it right now.

If we are going to deal with abuses in the unemployment insurance field, let's address those abuses in a rational, calm manner. Let's put forward a resolution and have a study and a report made to the Legislature that will address the specific abuses and not try to wreck the entire basis of the system of unemployment insurance compensation.

I don't care what kind of yahoos are operating out in the public. I don't care what kind of misinformation is being spread. I don't care what kind of emotionalism is being preyed upon by those who want to shove this bill through against the working people of the State. Now is the time we should stand against that kind of preying propaganda. We should vote 'no' right now."

Representative Poepoe, speaking

for the bill, stated:

"Mr. Speaker, I would just like to clarify one point - that the unemployment compensation laws of this State date back to the days of the Territory and started under Republican administration and Republican Legislatures."

The Chair then asked:

"Any further discussion?"

Representative Abercrombie rose and asked:

"May I respond to that?" Upon being directed to "proceed" by the Chair, Representative Abercrombie stated:

"I didn't intend, when I said, and I thought I made it quite clear as to what responsibility I feel the Democratic Party should be taking. I make no commentary whatsoever in terms of Republican Party backing or influence in terms of unemployment insurance. This is a situation which shame is being brought upon the party to which I belong to, I'm sorry to say."

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and S.B. No. 2326-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976, with Representatives Abercrombie, Ho and Sutton voting no.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 1854-76; 1512, SD 1; 2797-76, SD 2; 1998-76, HD 1; 2501-76, SD 2, HD 1; 1838-76, SD 2, HD 1; and 2326-76, SD 1, HD 1, were made available to the members of the House at 1:30 o'clock p.m.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 777-76) recommending that S.B. No. 110, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 777-76 on S.B. No. 110, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH", was deferred until tomorrow, March 30, 1976, and in accordance with Article III, Section 16, of the Consti-

tution of the State of Hawaii, printed copies of S.B. No. 110, SD 2, HD 1, were made available to the members of the House at 1:30 o'clock p.m.

At 1:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:47 o'clock p.m.

At 1:48 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives stood in recess until 8:30 o'clock p.m. this evening.

NIGHT SESSION

The House of Representatives reconvened at 8:52 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 778-76) recommending that S.B. No. 1780-76, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and S.B. No. 1780-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER SALES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 779-76) recommending that S.B. No. 1785-76, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and S.B. No. 1785-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL PENALTIES FOR VIOLATIONS OF INJUNCTIVE ORDERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

Representative Yamada, for the

Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 780-76) recommending that S.B. No. 1553, SD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and S.B. No. 1553, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII FOOD, DRUG, AND COSMETIC ACT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 1780-76, SD 1; 1785-76, SD 1; and 1553, SD 2, were made available to the members of the House at 3:10 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 781-76) recommending that S.B. No. 2603-76, SD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 782-76) recommending that S.B. No. 2884-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 783-76) recommending that S.B. No. 2932-76, SD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 784-76) recommending that S.B. No. 2028-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 785-76) recommending that S.B. No. 2235-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 786-76) recommending that S.B. No. 1801-76, SD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 787-76) recommending that S.B. No. 1809-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented

a report (Stand. Com. Rep. No. 788-76) recommending that S.B. No. 1825-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 789-76) recommending that S.B. No. 2267-76, SD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 790-76) recommending that S.B. No. 2105-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 791-76) recommending that S.B. No. 2027-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 781-76 on S.B. No. 2603-76, SD 1; 782-76 on S.B. No. 2884-76; 783-76 on S.B. No. 2932-76, SD 1; 784-76 on S.B. No. 2028-76; 785-76 on S.B. No. 2235-76; 786-76 on S.B. No. 1801-76, SD 1; 787-76 on S.B. No. 1809-76; 788-76 on S.B. No. 1825-76; 789-76 on S.B. No. 2267-76, SD 1; 790-76 on S.B. No. 2105-76; and 791-76 on S.B. No. 2027-76 was deferred until tomorrow, March 30, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2603-76, SD 1; S.B. No. 2884-76; S.B. No. 2932-76, SD 1; S.B. No. 2028-76; S.B. No. 2235-76; S.B. No. 1801-76, SD 1; S.B. No. 1809-76; S.B. No. 1825-76; S.B. No. 2267-76, SD 1; S.B. No. 2105-76; and S.B. No. 2027-76 were made available to the members of the House at 3:10 o'clock p.m.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 792-76) recommending that S.B. No. 525, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and S.B. No. 525, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CANCER CONTROL", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 525, SD 1, were made available to the members of the House at 3:10 o'clock p.m.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 793-76) recommending that S.B. No. 269, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 269, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE AND MOTOR SCOOTER PROTECTIVE DEVICES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 269, SD 1, HD 1, were made available to the members of the House at 3:45 o'clock p.m.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 794-76) recommending that S.B. No. 1855-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 794-76 on S.B. No. 1855-76 was deferred until tomorrow, March 30, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1855-76 were made available to the members of the House at 3:45 o'clock p.m.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 795-76) recommending that S.B. No. 1992-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Roehrig moved that report of the majority of the Committee be adopted and that S.B. No. 1992-76, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Ajifu requested that action on Stand. Com. Rep. No. 795-76 and S.B. No. 1992-76, HD 1, be deferred to the end of

the calendar.

At 8:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:05 o'clock p.m., the Vice-Speaker assumed the rostrum.

Representative Roehrig, upon being recognized, stated:

"Mr. Speaker, I would rather pass it on Second Reading - if there's going to be amendments, we can take them up on Third Reading."

At 9:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:08 o'clock p.m.

Representative Roehrig then stated:

"Mr. Speaker, in the spirit of comradeship, the Chairman of Judiciary has agreed to defer this bill till 9:30."

The Chair then stated:

"The Chair rules that this Standing Committee Report and this particular bill will be deferred till 9:30 for the purpose of allowing the Republicans time to have their amendments ready."

Representative Abercrombie, on a point of information, asked:

"Mr. Speaker, could you repeat the Standing Committee Report number and Bill number?"

The Chair replied:

"Stand. Com. 795-76 on S.B. No. 1992-76, HD 1, relating to reapportionment of Congressional Districts."

Representatives Segawa and Roehrig, for the Committees on Health and Judiciary, presented a report (Stand. Com. Rep. No. 796-76) recommending that S.B. No. 2709-76, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Segawa, the report of the joint Committee was adopted and S.B. No. 2709-76, SD 2, HD 1, passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 2709-76, SD 2, HD 1, were made available to the members of the House at 8:45 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Representative Suwa moved that the House reconsider its action taken on Stand. Com. Rep. No. 747-76 on S.B. No. 2467-76, SD 1, HD 1, seconded by Representative Akizaki.

Representative Suwa then stated:

"Mr. Speaker, so that the minority cannot say that we have 'carried', may I yield to the Minority Floor Leader for amendment?"

Representative Ajifu then rose and offered the following amendment:

"SECTION 1. Senate Bill 2467-76, SD 1, HD 1, is amended by amending line 1 on page 1 to read:

'SECTION 1. Chapter 246, Hawaii Revised Statutes, is amended .
...'"

Representative Ajifu moved that the amendment be adopted, seconded by Representative Suwa.

Representative Ajifu then explained the amendment as follows:

"This amendment amends Section 1, which presently states 'Chapter 235', which '235' should be deleted and '246' inserted."

At 9:12 o'clock p.m., upon the request of Representative Kondo, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:14 o'clock p.m.

The motion was put by the Chair and carried and the amendment was adopted.

By unanimous consent, further action on Stand. Com. Rep. No. 747-76 and S.B. No. 2467-76, SD 1, HD 1, as amended, was deferred until tomorrow, March 30, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of Stand. Com. Rep. No. 747-76 and S.B. No. 2467-76, SD 1, HD 2, were made available to the members of the House at 9:15

o'clock p.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 716-76 on S.B. No. 714, SD 1, HD 3:

Representative Shito moved that the report of the Committee be adopted and that S.B. No. 714, SD 1, HD 3, pass Third Reading, seconded by Representative Kawakami.

Representative Shito then offered the following amendment:

"SECTION 1. Senate Bill 714, SD 1, HD 3 is amended by amending line 22 on page 7 to read:

' (d) if, following a public hearing held pursuant to Chapter 91, the authority finds that:'"

Representative Shito moved that the amendment be adopted, seconded by Representative Kawakami.

Representative Shito then explained the amendment as follows:

"Mr. Speaker, this amendment relates to line 22, page 7. We are amending '(d) if, following a public hearing held pursuant to Chapter 91, the authority finds that'. This is to clarify the public hearing notice."

Representative Clarke then asked:

"Will the Chairman on Housing yield to a question, please?"

The Chair then asked:

"Representative Clarke, is this question relating to the amendment?"

Representative Clarke replied:

"Negative. I'll hold."

The motion was put by the Chair and carried and the amendment was adopted.

By unanimous consent, further action on Stand. Com. Rep. No. 716-76 and S.B. No. 714, SD 1, HD 3, as amended, was deferred until tomorrow, March 30, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of Stand. Com. Rep. No. 716-76 and S.B. No. 714, SD 1, HD 4, were made available to the members of the House at 9:15 o'clock

p.m.

At this time, Representative Clarke rose and said:

"Now, I ask the same question, Mr. Speaker."

The Chair then asked:

"Representative Shito, will you yield?"

Representative Shito replied:
"I will not."

Representative Clarke then stated:

"Therefore, I have an amendment to offer."

The Chair then asked:

"Mr. Clerk, has the amendment been distributed?"

Upon receiving a negative reply, the Chair declared a recess at 9:16 o'clock p.m., subject to the call of the Chair.

The House of Representatives reconvened at 9:21 o'clock p.m.

Representative Clarke then offered the following amendment:

"SECTION 1. Senate Bill 714, SD 1, HD 3, is amended by amending line 22 on page 8 to read:

'constitute the zoning for the district; provided, that such development plan shall, before becoming effective, be presented to the legislative body of each county in which it will be effective and such county legislative body may within forty-five days approve, modify or disapprove such development plan by a majority vote of its members; failure to disapprove of said development plan by the forty-sixth day after submission shall be deemed to constitute approval; provided that general . . .'"

Representative Clarke moved that the amendment be adopted, seconded by Representative Ajifu.

Representative Clarke then rose and stated:

"Mr. Speaker, I rise to speak in favor of this amendment."

Mr. Speaker, last year, the Legislature passed House Bill 677, which, after being signed by the Governor, became Act 189. This law declares

that all State planning should be comprehensive in nature, encompassing input from all sectors of government, the public, and industry. One of the factors stressed is 'close county-state cooperation'.

Senate Bill 714, Senate Draft 1, House Draft 3, in its current form, does not encourage 'close county-state cooperation'. In fact, whether or not county participation is required is at best ambiguous and this is why I asked the committee chairman to yield to a question.

This amendment would require the State and the Hawaii Housing Authority to receive City Council approval of development plans before any land readjustment projects can be undertaken.

Without this amendment, SB 714 would allow the HHA to circumvent county zoning and planning almost at will. County zoning would need to be followed only 'insofar as practical'.

Therefore, I urge all my colleagues in this honorable body to vote in favor of this amendment.

Thank you, Mr. Speaker."

Representative Shito, upon being recognized, stated:

"I rise to speak against this amendment."

Some of the things contained here in Senate Bill 714 - in there, I think we specifically spelled that they shall conform with all the county zoning and building codes. I think what this particular amendment is doing here is being redundant - is adding another layer of bureaucracy for this particular bill - so I ask all members to vote 'no' on this particular amendment."

The motion was put by the Chair and carried and the amendment failed by a Roll Call vote of 15 ayes to 33 noes, with Representatives Abercrombie, Akizaki, Blair, Cayetano, Cobb, Ho, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lee, Lunasco, Machida, Mizuguchi, Naito, Oda, Peters, Sakima, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Garcia voting no, and Representatives Morioka, Stanley and Wakatsuki being excused.

Representative Poepoe, on a point of information, asked:

"Earlier this morning we submitted a minority report on SB 714, SD 1, HD 3 - my question is how is this report entered in the Journal?"

The Chair replied:

"The report will be noted as a minority report in relation to Stand. Com. Rep. No. 716 on said bill. It will be attached and the report so noted in the Journal."

Representative Poepoe replied:

"That is acceptable. Let me add that we had two concerns from this side of the aisle concerning public hearings in land readjustments. The Chairman has amended the bill to meet that recommendation in the minority report."

Representative Larsen, upon being recognized, asked:

"Did I hear correctly that this bill will be brought up for Final Reading tomorrow night?"

The Chair answered: "That's correct. It has to wait 24 hours with the amendment."

Representative Larsen then thanked the Chair.

S.B. No. 1758-76, SD 2, HD 1:

Representative Shito moved that S.B. No. 1758-76, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cayetano.

Representative Shito then offered the following amendment:

"Amend by deleting in its entirety Section 7 thereof on lines 11 through 14 on page 61, reading as follows:

'SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000, or so much thereof as may be necessary, to establish a housing information system. The sum appropriated shall be expended by the Hawaii Housing Authority.' "

Representative Shito moved that the amendment be adopted, seconded by Representative Cayetano.

Representative Shito then stated:

"The amendment I offer here deletes Section 7 where we inadvertently left in the \$100,000 figure. This

was not supposed to be in; therefore, this amendment is offered at this time."

Representative Poepoe, on a point of order, stated:

"The amendment does not renumber the rest of the sections if Section 7 goes out."

At 9:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:31 o'clock p.m., Representative Poepoe stated:

"Mr. Speaker, I'll accept the explanation from the Chair."

The motion was put by the Chair and carried and the amendment was adopted.

By unanimous consent, further action on S.B. No. 1758-76, SD 2, HD 1, as amended, was deferred until tomorrow, March 30, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1758-76, SD 2, HD 2, were made available to the members of the House at 9:30 o'clock p.m.

At 9:32 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:24 o'clock p.m., the Speaker assumed the rostrum.

S.B. No. 2527-76, SD 1:

Representative Roehrig moved that S.B. No. 2527-76, SD 1, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then offered the following amendment:

"SECTION 1. S.B. No. 2527-76, SD 1 is amended as follows:

1. Lines 13 and 14 on page 12 are amended to read:

'(This section shall apply to any () minor () child () over the age of eighteen () who comes within section 571-11(1) or (2).)'

2. Line 5 on page 20 is amended to read:

'effected. When a (minor) child is found by the court to come within'

3. Lines 17 through 20 on page 20 are amended to read:

'or institution, in the Hawaii youth correctional facility, in a local public agency or institution (; or), in any private institution or agency authorized by the court to care for children (;), or (place him)

4. Lines 1 through 9 on page 23 are amended to read:

'custody shall (be subject to) obtain prior approval of the court in any case in which the agency intends to place the child (is to reside without) in residence outside the territorial jurisdiction of the court and (may be subject to prior approval in other) in such other cases as the court shall order.'"

Representative Roehrig moved that the amendment be adopted, seconded by Representative Uechi.

Representative Roehrig then explained the amendment as follows:

"It's pretty much housekeeping - cleaning up the language of the bill. It makes no substantive changes. This is a result of the work we did since recess this morning with the help of my staff and the minority attorney."

At 10:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:26 o'clock p.m.

Representative Abercrombie then rose and asked:

"I don't know if this is in order, but can the amendment be explained or is that what was intended by the Chairman?"

Representative Roehrig replied:

"Mr. Speaker, the amendment, as I stated here, is really housekeeping - just to make the language, particularly on lines 1 to 9 on page 23, a little clearer and easier to read than it was in the original Senate Bill. This is the principle change being made on this amendment."

The motion was put by the Chair and carried and the amendment

was adopted.

By unanimous consent, further action on S.B. No. 2527-76, SD 1, as amended, was deferred until tomorrow, March 30, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2527-76, SD 1, HD 1, were made available to the members of the House at 10:25 o'clock p.m.

Stand. Com. Rep. No. 795-76 on S.B. No. 1992-76, HD 1:

Representative Roehrig moved that the report of the majority of the Committee be adopted and that S.B. No. 1992-76, HD 1, having been read through-out, pass Third Reading, seconded by Representative Uechi.

Representative Poepoe then offered the following amendment:

"SECTION 1. Senate Bill 1992-76, HD 1, is amended by amending lines 9 through 14 on page one to read:

'through the eighteenth representative districts (, and precincts three to six of the nineteenth representative district, excepting that portion of the third and fourth precincts of the nineteenth representative district bounded by Waimano Home Road, Komo Mai Drive, the Waimano-Waiiau boundary and Noelani Street,) and twenty-sixth representative districts, and precinct seven of the twenty-fifth representative district, one representative to the Congress of the'

SECTION 2. Senate Bill 1992-76, HD 1, is amended by amending lines 4 through 9 on page 2 to read:

'. . . The sixth and (the twentieth through the twenty-seventh representative districts, precincts one and two of the nineteenth representative district and that portion of precincts three and four of the nineteenth representative district bounded by Waimano Home Road, Komo Mai Drive, the Waimano-Waiiau boundary and Noelani Street,) nineteenth through twenty-fourth and twenty-seventh representative districts, and precincts one to six of the twenty-fifth representative district, one representative. . . ."

Representative Poepoe moved that the amendment be adopted, seconded by Representative Ajifu.

Representative Poepoe, speaking in favor of the amendment, stated:

"Mr. Speaker, the State Legislature should not discriminate in favor of any political party or candidate in reapportioning Hawaii's congressional districts. Yet, that is what happens if we adopt House Draft 1 of Senate Bill 1992.

Reapportionment is necessary. There's no question of that. However, it should not be used as a blatant display of entrenched democratic power that is obvious favor to a Democratic candidate as opposed to any Republican candidate.

We, on this side of the aisle, only ask that a fair plan be submitted, and that is what my amendment does. It is the fairest distribution of voter balance to the First and Second Congressional Districts.

This plan received bi-partisan support in the Senate and I ask for similar support in this House."

Representative Roehrig then rose to speak against the amendment, stating:

"I think that it is pertinent that we understand some of the background of reapportionment in the State and those members who may have participated in the Constitutional Convention, I would welcome their input on this as well.

In doing our homework on this particular matter, we went back and took a look at what the Legislature did in 1969 in adopting House Bill No. 6, which was our first apportionment of the First and Second Congressional Districts. As you will recall, at that time, Mr. Speaker, we reapportioned, or apportioned, to comply principally with the case of *Westbury vs. Sanders* that 376 U.S. page 1 - a 1964 case which dictated that Congressional districts be drawn so as nearly as practicable, each representative should cast a vote on behalf of the same number of people. In attempting to do this, the Legislature set up, in effect, one compact and contiguous First Congressional District which is almost exclusively urban in nature. And, secondly, a Second District made up of the more suburban and rural and agricultural communities of Oahu and the generally rural and agricultural islands of Hawaii, Maui, Molokai, Lanai, Kauai and Niihau.

Based on this particular precedent which we have set, in light of the philosophy of homogeneity that

has been articulated in all of the one man one vote cases, there is only apparently one logical way that we can expand the urban representative district of the State of Hawaii without discriminating against the urban voters of the greater Honolulu area and that is to move the so-called Ewa boundaries of the First Representative District in an Ewa or Waianae direction. This is the only way, as I say, homogeneity of the First District can be maintained and heterogeneity avoided. If we were to extend the Makapuu boundary into Waimanalo and into Lanikai and part of Kailua such as the Senate had suggested and as the Minority Leader has suggested this evening, we would in effect submerge the more suburban area of Waimanalo, which is principally and very importantly an agricultural area of the State of Hawaii, into the more urban district of greater Honolulu.

As the Speaker can recall, we recently had some discussion regarding the importance of the State agricultural lands in the Waimanalo area, which at the present time are located in the rural Second Congressional District. The Senate plan and the proposed plan before us this evening discriminates against, as I said, those who are in the urban area and if the Senate plan were adopted may find themselves disenfranchised. The plan that the House has adopted, I am speaking against the amendment, discriminates against no persons. It is apolitical. It, in effect, tries not to balance the political interest of the State. That is not the test in the cases of reapportionment. The test is homogeneity and in this regard, I'm rather surprised that the editor of the Honolulu Advertiser failed to recognize this and chose instead to inflame the passions of the readers rather than their logic and make any sense to due process of law. Our afternoon daily has commented on this particular reapportionment plan and it purports to maintain a separate editorial policy, at least with its morning partner, and it calls the House plan a 'steal' because it purportedly adds more Democratic voters to the First District than it does Republicans.

I think that it's well to bear in mind - we don't even know at this point who is running in the First District except for the one Republican whose name is mentioned in the editorial - we don't know who the Democratic candidate is and I think we really have to decide aren't

we really stealing from the urban voters if we legislate for reapportionment, taking into account personalities and political parties? We should not reapportion in a fashion only to hedge your bets for an announced candidate. If we do so, there is no end in sight. By the way, did you notice how cleverly the editorial page writer for the Star Bulletin coincidentally put an article about the unicameral legislature below the reapportionment article? I'm sure this wasn't intended as any type of arm-twisting, but the coincidence is there. In the end, I think Hawaii's voters really vote for the man, Mr. Speaker."

Representative Sutton, on a point of order, stated:

"We are not reading newspapers here. We are talking about a subject of reapportionment. We've gotten way off the subject, sir."

The Chair then stated:

"Representative Roehrig, with that in mind, will you continue."

Representative Roehrig continued, saying:

"In the end, Mr. Speaker, Hawaii's voters seem to vote for the man - witness the past that Senator Hiram Fong has been in the U.S. Senate since statehood and he represents the whole State, including a lot of very strong Democratic areas, and we come down to the basic features that we've got to maintain here - that is to try and make the deviations between the districts as small as possible. Now, the House plan has a deviation of 54 votes - that's almost perfect. The so-called Senate plan, or the plan that the Minority Leader is presenting this evening, has a deviation of some 267 votes. It may very well be that because of the deviation some questions about its constitutionality could probably be raised. And I think if we are legislating"

Representative Sutton then rose on a point of order, stating:

"When we're talking deviation of 267 over 144,000, would we give this gentleman a chance to see that is a percentage of .0016. . . ."

The Chair then stated:

"Chair rules you out of order,

Representative Sutton. Proceed."

Representative Roehrig continued, stating:

"Mr. Speaker, in the final analysis, the House version of this matter maintains a homogenous voting population and avoids any submergence of one socio-economic group into a district in which another socio-economic group predominates. And as such, I would suggest, Mr. Speaker, that the amendment offered by the Minority Leader is certainly a step backward from trying to legislate on the basis of voter fairness rather than some kind of political compromise. Thank you."

Representative Sutton, speaking in favor of the amendment, stated:

"Mr. Speaker, as you are familiar, it's not only Westberry vs. Sanders; it's also Wells vs. Rockefeller; and Kirkpatrick vs. Preisler. The Supreme Court of the United States of America really didn't have in mind an archipelago in a series of islands as we have. We have the most unique situation, Mr. Speaker, as you well know, of any of the states - we're an island State - and, therefore, when we speak of these various questions that were brought up, these opinions coming from the Judiciary Committee, they're not opinions of the United States Supreme Court. Supreme Court enunciated a concept of one man one vote.

We held a Constitutional Convention; and, as I look around this room, I see various people who were in that Constitutional Convention; and our first subject was to reapportion the Legislature; and there we did not look at any of the criterion just mentioned now. We looked at the basic criteria of appropriate districts from a geographic point of view - going from Mokapu and back into Waimanalo does not in any way, shape or manner violate any of the concepts that we used at the Constitutional Convention. Dr. Schmidt, in fact, told us that we had the right to make a Congressional reapportionment or to give it to the Legislature, and the Legislature in House Bill No. 6 in 1969 did adopt.

If you will look at the minutes and go into the history of that, Mr. Speaker, you will find that there was none of this concept that we had to have an urban and then have a rural. There was nothing of that nature at all. That criterion was completely brought out of thin air. What the basic concept is is not to have a deviation that exceeds a percentage in points. We do have

a present deviation - nobody denies that; but, the amendment offered by the Minority Leader will give us a deviation that is only a fraction of 1 percent, and a very small fraction, and would have, therefore, a definite acceptability by the U.S. Supreme Court standards. And he did allow the people of a more contiguous area to be part of a Congressional District and, therefore, be more appropriately represented.

If you will recall, look at our freeways - our freeways are, and you probably know them only too well because as you come over Red Hill, you must come in an awful block every morning; and, therefore, it's highly appropriate that we look at our roads, and our roads that lead from town lead through Waimanalo past Mokapu and we have a geographical. . .

Now, the Supreme Court has talked in terms of geography, and they did not have in mind this archipelago. No sir. But, they did have in mind that we have appropriate representation, and, therefore, I say, Mr. Speaker, that I would like to see you and my colleagues vote for the amendment of the Minority Leader."

The Chair then stated:

"One correction, Representative Sutton. The Chair does not go over Red Hill every morning."

Representative Kunimura then rose to speak against the amendment, stating:

"Mr. Speaker, as a member who served in the 1968 Constitutional Convention, I would like to share with the man who is wearing the red coat in the second row that, yes, deviation on both plans would meet the criteria set forth by the Supreme Court of the United States. But if you take Waimanalo, which is located on this island, you got to also take a look at the very serious aspect of trying to maintain as close as possible the homogenous relationship of people.

Now, our plan - Judiciary Committee plan - before this House this evening, offers this House and the Legislature of the State of Hawaii a very good commonality of even streets - streets running from one end of the Pearl City area - and divides homogenous communities because we can't put them all into the First District.

But at least when we took into consideration the division of the State of Hawaii and its representation in the Congress of the United States, I hope that the man in the red coat noticed that no neighbor island was attached to the First District. The reason for this is because from Hawaii Kai all the way up, as to population and dividing Hawaii as close as possible to zero deviation, brought about urban and downtown people that have one common interest; and agricultural districts of Hawaii, Maui and Kauai were put together with, as much as possible, agricultural districts of Oahu.

Now, you got to take into consideration, Mr. Speaker, that this plan before this House tried to preserve this; and I know that if anyone goes to court challenging this proposed plan, will be turned down by the U.S. District Court all the way up to the Supreme Court. But I'm fearful that if we should take the Senate reapportionment that we may be hauled into court and struck down and we may have this come back again.

If anybody feels they are being cheated, like the newspaper article tried to incite the people of Honolulu, then it's their editorial policy. If they see negative, they're going to be negative. But we got to do as House of Representatives of this State of Hawaii what is right; and if it just happens that the new district will be turned into the First Congressional District - if it was a strong Republican district, then we would have to swallow it. I don't know what it is. Okay? I cannot go into the ballot box and see how they vote and so I think we are just chasing ghosts around here."

Representative Larsen then rose and asked:

"I would like to make some comments in favor of the amendment."

Upon being directed to "proceed", Representative Larsen stated:

"The previous speakers on the other side of the aisle have tried to make something fair and honest and lovable and appreciative out of a flagrant political ploy. Now, I like to call a spade a spade. Let's just face it, it's just a political maneuver.

The thing I can't understand is

why we, in this House, have decided the Senate doesn't know what they are doing. If we are going to the Supreme Court, they must have lawyers in the Senate that could decide what to do and what not to do.

I think they have taken a fairer, even stand, one way or the other, for their own reason. But if they can accept it, I don't buy this illogical supposition that this is a fair plan - we're reducing a deviation of 54 versus 270 votes. It's statistically insignificant in those numbers, Mr. Speaker, and I would advance to you that the whole thing is a political ploy and there's no sense calling it anything besides that."

Representative Kunimura, upon being recognized, stated:

"I've heard in this House many times, by the minority as well as the majority, that the Senate is not always right. And this is one time I disagree with the Senate and I will not go along for compromising the rights of the people from a less urban area in Waimanalo and be put in with urbanites from Oahu."

Representative Roehrig then rose and stated:

"Just a few more comments in opposition to this amendment.

Mr. Takushi, who has worked on the question of reapportionment for the administration, he did mention to us that Dr. Schmidt felt that the logical extension of the district was in a Leeward direction on Oahu because of the fact that the urban center of Oahu is slowly shifting towards Leeward Oahu, because of the residential development there. And, I think that is pertinent in light of Representative Sutton's remarks.

I would also state, in one final matter, I am a little disappointed that the representative from the Waialae-Kahala area said that this is plain flagrant gerrymandering. The comment was made after the Senate suggested their particular plan - a comment was made by some of the minority members of the Senate Judiciary Committee in jest, and they thought it was very amusing that they had got just exactly the plan that they wanted.

And, I would suggest that if we are going to adopt a plan which

is a political compromise so as to take care of some of the interest of a former senator in a situation where that particular senator is running for Congress, and it is done as a sentimental gesture to a departing senator, that we are engaged in the most flagrant kind of gerrymandering. The kind of gerrymandering that will not stand muster if this matter goes before the Federal District Court here in Honolulu.

So, to those who want to talk about gerrymandering, I would suggest that they first review the criteria for reapportionment. The criteria is to try to get homogenous blocks of voters. And you will find, as Representative Kunimura has so ably pointed out, that the only way that that logically can be done without reference to political party or personalities or incumbents or challengers, whatever, is to move the boundary of the First Representative District in a Leeward direction.

Thank you."

Representative Poepoe, speaking in favor of the amendment, stated:

"Let the record reflect also that three plans were considered by the State administration and one plan delved even further into Kailua than my amendment does. This was considered proper voter balancing and met the criteria established for reapportioning congressional districts."

Representative Sutton then rose and stated:

"Just by way of rebuttal. First of all, I would like to have the gentleman from Kauai recollect that at the Constitutional Convention it was our original intention to give Kauai half a vote. Maybe that would have been better.

Now, in response to the gentleman from Hawaii, Hilo. I recognize that people from the other islands have difficulty in seeing what we see on this island, and that is that we are homogenous and have a character that is contiguous when we encompass the area that extends beyond Makapuu, goes into Waimanalo and part of Lanikai. These people work in the city; they commute in our city; they are people who are hired in the city. There are some farms in Waimanalo, but that is the very distinct minority and what the Congress of the United States had originally intended when

they gave us statehood was that we would show as a State the maturity not to engage in what, as my good colleague from Waialae-Kahala has stated, and that is gerrymandering. Gerrymandering is something they thought was way way below us and that we would not so do. And, so, they gave us statehood. And now that we've gotten statehood, I think we have a trust - a fiduciary trust, Mr. Speaker. And I think we should execute that trust, that you and I know a good trustee does, in the fiduciary principles.

Thank you."

Representative Garcia, upon being recognized, stated:

"Rise to speak against the amendment - just a short addendum.

It seems very curious to me that Republicans would charge that this would be handicapping a Republican candidate's bid for Congressional office. It would seem to me that in any electoral process it's the ability of the candidate to communicate a message, and that message is based on his ability to determine what is considered to be important in terms of issues. If the Republicans are trying to tell the Democrats that the election of a Congressional candidate is going to be based on district boundaries, then I say they have no business running for election in the first place.

The issue before us then is trying to balance out a reapportionment plan that's fair. The proposed redistricting plan offered by the Minority Leader carries a deviation much more than what we would have under the original plan. The difference under our bill is only 54 votes.

The issue, Mr. Speaker, is not one of simply transferring voters as stated in the newspaper editorial. That is too simplistic. In fact, the idea of taking a little portion of the eastern end of the First Congressional District like Waimanalo and a little portion of the western end of the district to balance things off, as suggested by the minority party, between Republican and Democratic voters, is even a far more political scheme than what we are proposing in the original draft. For this reason, I believe that we should vote 'no' on the amendment."

At this time, Representative Ajifu

requested a Roll Call vote.

The motion to adopt the amendment was put by the Chair and the Clerk was directed to take the Roll Call vote.

Upon completing the tally, the Clerk stated:

"Mr. Speaker, it's 15 ayes, 35 noes, 1 excused."

The Chair then stated:

"Said amendment fails."

Representative Kihano, upon being recognized, stated:

"Mr. Speaker, I think we missed one vote here Representative Cobb. I think he voted 'Kanalua'."

The Chair then called: "Representative Cobb?" "Record an aye vote for Representative Cobb."

The amendment failed to carry by a Roll Call vote of 16 ayes to 34 noes, with Representatives Abercrombie, Akizaki, Blair, Cayetano, Garcia, Ho, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lee, Lunasco, Machida, Mizuguchi, Naito, Oda, Peters, Roehrig, Sakima, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki voting no, and Representative Morioka being excused.

Representative Lum, on a point of information, asked:

"Will the Chairman of the Committee let me know what happens if this particular bill should die in conference, or it should not pass, what will be the consequence?"

The Chair then asked:

"Representative Roehrig, will you yield?"

Representative Roehrig replied:

"Mr. Speaker, the question is a very complex one. My crystal ball is not too clear to anticipate all of the matters which may come up between the House and the Senate, assuming that the Senate disagrees with the House amendments to this bill. So beyond that, I wouldn't be able to answer Representative Lum, although I think the question he asked is certainly pertinent."

Representative Lum then asked:

"I guess, Mr. Speaker, what I'm trying to ask here is, if we do not pass an amendment to the existing lines, whether, in fact, there is another alternative available like the courts, or would the existing lines be used for the next election?"

Representative Roehrig answered:

"Mr. Speaker, in answer to that question, the present districts are so malapportioned, that is, there are too many voters at the present time. There are 9,910 voters too many in the Second Representative District at the present time, and the deviation is so great it is more than 6 percent. The deviation is so great that it is probably unconstitutional per se at the present time. So unless we do reapportion during this session of the Legislature, I would assume there would be a contest that is, in the courts before the elections are over this year."

Representative Lum then made the following motion, stating:

"I move to postpone this bill indefinitely."

Representative Ajifu, upon being recognized, stated:

"Second the motion."

Representative Cobb, on a point of order, stated:

"A motion for indefinite postponement would require two-thirds vote."

Representative Lum then rose, and upon being recognized, stated:

"I believe I'm entitled to some comments on this particular motion. The reason why I questioned the Chairman of the Committee is because I think the fair place to reapportion this particular State of Hawaii is in the courts."

Prior to stepping into the House of Representatives, I remember"

Representative Roehrig, on a point of order, stated:

"I believe that we have passed this on Second Reading and, at the present time, this matter is to be on the members desk for twenty-four hours and I have some grave doubts as to whether or not, at

the present time, any further motions regarding this particular bill are in order."

The Chair then stated:

"I believe, Representative Roehrig, the motion has not been voted on yet."

Representative Roehrig then stated:

"It hasn't been voted on. I stand corrected, Mr. Speaker."

Representative Lum then continued, saying:

"Mr. Speaker, as I was saying, the proper place to probably redistrict the lines is in the courts, being that there are so many alternatives being discussed about the legislature - not only to try to gerrymander maybe a possible Republican candidate, but also to gerrymander a possible Democrat candidate."

I hate to see us get hung up in this particular area and have this bill come out with a taint of political dealings on it. So, therefore, I am proposing this motion to postpone indefinitely - to kill the bill - and then put it in the courts."

Representative Abercrombie then rose on a point of information and asked:

"Can the maker of the motion refer me to the page in the rules and the language to which he is referring in making the motion?"

At 11:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:04 o'clock p.m.

The motion to postpone action on S.B. No. 1992-76, HD 1, indefinitely was put by the Chair and died.

The main motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and S.B. No. 1992-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 1992-76, HD 1, were made available to the members at 7:35

o'clock p.m.

At 11:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:54 o'clock p.m.

Representative Abercrombie, at this time, asked:

"Point of information, Mr. Speaker. Is S.B. No. 1874-76, SD 1, HD 1, has that been moved and seconded?"

The Chair replied:

"Not as yet."

At 11:55 o'clock p.m., upon the request of Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:57 o'clock p.m.

STANDING COMMITTEE REPORT

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 797-76) recommending that S.B. No. 1874-76, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, Stand. Com. Rep. No. 797-76 and S.B. No. 1874-76, SD 1, HD 1, were recommitted to the Committee on Finance.

ADJOURNMENT

At 12:00 o'clock midnight, on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned to 12:00 o'clock noon tomorrow, Tuesday, March 30, 1976.