

FORTY-EIGHTH DAY

Tuesday, March 30, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 12:00 o'clock noon, with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Stanley Kain, Executive Director of the Council of Churches, after which the Roll was called showing all members present with the exception of Representatives Blair, Ho, Kondo, Kunimura, Lee, Naito, Peters, Roehrig, Takamura, Uechi and Yamada, who were excused.

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

By unanimous consent, approval of the Journal of the House of Representatives of the Forty-Seventh Day was deferred until tomorrow, March 31, 1976.

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 122) transmitting copies of the State's C.I.P. Status Report - Bond Fund Summary, prepared by the Department of Planning and Economic Development with the cooperation of the Department of Accounting and General Services, was read by the Clerk and was placed on file.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 12 and 13) were read by the Clerk and were disposed of as follows:

A communication from Mark Au, Chairman, State Student Conference, Department of Education (Dept. Com. No. 12) transmitting copies of the proceedings of the 1976 State Student Conference to the House of Representatives of the Eighth State Legislature, was placed on file.

A communication from Wayne Minami, Director, Department of Regulatory Agencies (Dept. Com. No. 13) acknowledging receipt of a copy of House Resolution No. 186, which was adopted by

the Eighth State Legislature, was placed on file.

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 197) transmitting Senate Concurrent Resolution No. 59, requesting the Congress of the United States to enact legislation to cancel the indebtedness of the states to the federal account in the Unemployment Compensation Trust Fund for advances to pay unemployment benefits, which was adopted by the Senate on March 29, 1976, was placed on file.

By unanimous consent, action on S.C.R. No. 59 was deferred until tomorrow, March 31, 1976.

The Chair directed the Clerk to note the presence of Representatives Blair, Ho, Kondo, Kunimura, Lee, Naito, Peters, Roehrig, Takamura, Uechi and Yamada.

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

Representative Sakima introduced 112 fourth grade students from Kalihi-waena School. They were accompanied by their teachers, Miss Ishimoto, Mrs. Ma, Mrs. Nowaki and Mrs. Trask.

Representative Kihano introduced Mr. Derrick Takeuchi and Miss Gayle Aoki, both graduates of Stanford University, who are on their way home to California after spending a year in Japan studying Japanese history.

Representative Ikeda introduced 30 sixth grade students from Wailupe Elementary School. They were accompanied by their teachers, Mrs. Kiyoko Chun and a parent, Mrs. Okasako.

Representative Ajifu introduced a former colleague who was the Minority Floor Leader for many sessions, Mr. Joseph Garcia, Jr.

Representative Uechi introduced 50 students in the Political Science Class at Moanalua High School. They were accompanied by their teachers, Miss Molly Matsuoka and Mrs. Wong.

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. 506 to 508) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 506) expressing the appreciation and aloha of the State to Shoichi Awaya, of Waialua High and Intermediate School, Oahu was jointly offered by Representatives Lunasco, 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, 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 Lunasco, seconded by Representative Oda and carried, H.R. No. 506 was adopted.

At 12:17 o'clock p.m., on request by Representative Lunasco, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:18 o'clock p.m., Representative Lunasco introduced Mr. Shoichi Awaya to the members of the House, stating:

"I have known him for many years. In fact, when I attended Waialua High School, Shoichi played an important part in making me what I am today.

Today, it gives me great pleasure in introducing to this body, Shoichi Awaya."

A resolution (H.R. No. 507) extending congratulations and best wishes to Edwin Subia for receipt of the National Gold Key Award at the Hawaii Regional Scholastic Art Exhibit was jointly

offered by Representatives Lunasco, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, 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 Lunasco, seconded by Representative Oda and carried, H.R. No. 507 was adopted.

At this time, Representative Lunasco introduced to the members of the House, the honoree, Edwin Subia.

A resolution (H.R. No. 508) commending Waialua High School on its PIP Program was jointly offered by Representatives Lunasco, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Machida, 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 Lunasco, seconded by Representative Oda and carried, H.R. No. 508 was adopted.

Representative Lunasco then stated:

"Mr. Speaker, at this time, it gives me great pleasure to introduce to you and the members of this House, one of the most successful PIP (Pre-Industrial Preparation Program) in the State; in fact, the most successful program, and they are also used as resources throughout the State. This team travelled to Kauai, as well as to the other islands, to implement the present PIP Program that is in Waialua High School and getting other schools started in our State."

Representative Lunasco then introduced the following to the members of the House: Mr. Gordon Kuwada, Principal of Waialua High School; Mr. Theodore Nagata, a boyhood friend and campaign manager for Representative Lunasco, who is the team leader for the PIP; Shigeke

Miyake, the English teacher; Phillipe Dangaran, the Science teacher; and James Yamada, Counselor.

At 12:30 o'clock p.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 12:41 o'clock p.m.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 500 to 505) and concurrent resolutions (H.C.R. Nos. 96 and 97) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
500	Committee on Judiciary
501	Jointly to the Committees on Labor and Public Employment and Higher Education, then to the Committee on Finance
502	Committee on Energy and Transportation
503	Committee on Higher Education, then to the Committee on Finance
504	Committee on Public Assistance and Human Services, then to the Committee on Higher Education
505	Committee on Agriculture

H.C.R. Nos.

96	Committee on Higher Education, then to the Committee on Finance
97	Committee on Water, Land Use, Development, and Hawaiian Homes

COMMITTEE REASSIGNMENT

H.R. No. 281 was re-referred jointly to the Committees on Labor and Public Employment and Public Assistance and Human Services, then to the Committee on Legislative Management.

At this time, Representative Poepoe

rose on a point of personal privilege and stated:

"I rise to a point of personal privilege.

Mr. Speaker, last night, this House accepted an amendment to a bill presented by the minority. That marks a milestone in this chamber as far as I am concerned and I am spending my tenth year in this House.

I want you to know, the Chairman of the Finance to know, that we look with kind regard on that item; that in the future, when certain requests come from people who treat us fairly, we will look kindly on those requests from this side of the aisle."

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. 741-76 on S.B. No. 2519-76, SD 1, HD 1 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2519-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 742-76 on S.B. No. 1794-76, SD 1, HD 1 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 743-76 on S.B. No. 1824-76, SD 1, HD 1 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 744-76 on S.B. No. 2024-76 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 745-76 on S.B. No. 2095-76, SD 1 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 746-76 on S.B. No. 1775-76, SD 1, HD 1 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1775-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID LEGAL SERVICES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 748-76 on S.B. No. 2334-76, HD 1 (Deferred from March 29, 1976):

Representative Suwa moved that the report of the Committee be adopted and S.B. No. 2334-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Stanley then rose and stated:

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

I would briefly state, for the record, that this piece of legislation is necessary to carry out the intent of the bill passed last year which is to see that spouses provide for their children, and it seeks to empower the Department of Social Services and Housing to have investigators who can seek out the necessary specific information needed to trace down absent spouses.

The bill is so written so as not to be overly punitive to public assistance clients and quite carefully limits the powers of the investigators and preserves the dignity of the people involved.

Thank you."

Representative Lee then rose and stated:

"Mr. Speaker, I would like to rise to speak in favor of this bill, if I may, to make a comment.

There is no intention to allow these investigators to broaden their power in order to investigate frauds."

The motion was put by the Chair and carried, and the report of the 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", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 749-76 on S.B. No. 2139-76, SD 1, HD 1 (Deferred from March 29, 1976):

Representative Suwa moved that the report of the Committee be adopted and S.B. No. 2139-76, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Abercrombie then

rose, stating:

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

Directed by the Chair to "proceed", Representative Abercrombie stated:

"Mr. Speaker, I want to speak in favor of the bill because I think it does address the problems that we have in the tourist industry and I want to point out that the bill in no way, shape or form is written in such a manner as to preclude the taxing of tourists.

What the bill says is that the tourist industry shall receive equitable treatment. I have never known an instance in which the tourist industry didn't receive at least equitable treatment. In fact, they have been pampered to death in the State, much to the detriment to the State in terms of the revenues it should be receiving and that the language is quite clear; to reiterate, the language is quite clear that taxing of tourists in terms of hotel room tax is perfectly within the purview of the law as written if this is passed.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2339-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERIM TOURISM POLICY ACT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 750-76 on S.B. No. 2409-76, HD 2 (Deferred from March 29, 1976):

Representative Suwa moved that the report of the Committee be adopted and S.B. No. 2409-76, HD 2, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Sutton then rose, stating:

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

Directed by the Chair to "proceed", Representative Sutton stated:

"Mr. Speaker, we have long called the police of Honolulu,

Honolulu's finest, and I think that we all know that we have one of the finest police force in the nation. It certainly is appropriate that we give them the protection of knowing that if they are totally disabled, that they will be appropriately taken care of.

It is rather strange, sir, that we are now bringing the policemen up to the level of the sewer workers. I think we should have brought the policemen first but I am glad to see that we are doing it now.

Thank you."

Representative Cobb then rose and upon being recognized by the Chair, stated:

"Just a brief note of thanks to the Chairman of the Committee for recognizing the benefit need of policemen. I think it has been a time coming, but I am glad to see it now and I just wanted to express my personal thanks on behalf of the number of officers who have seen me on this particular measure, that it is just simple justice to have this echo the earlier comments, perhaps, should have been done some time ago."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2409-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICE-CONNECTED TOTAL DISABILITY RETIREMENT FOR POLICE OFFICERS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 751-76 on S.B. No. 2121-76, SD 1, HD 2 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2121-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR MEDICAL AND OTHER PROFESSIONAL HEALTH CARE SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 752-76 on S.B. No. 1667 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 753-76 on S.B. No. 2107-76 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2107-76, entitled: "A BILL FOR AN ACT RELATING TO LAW CLERKS FOR JUSTICE OF THE SUPREME COURT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 754-76 on S.B. No. 1328, SD 3 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 755-76 on S.B. No. 849 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 756-76 on S.B. No. 1862-76 (Deferred from March 29, 1976):

Representative Roehrig moved that the report of the Committee be adopted and S.B. No. 1862-76, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Lum then rose and upon being recognized by the Chair, stated:

"Mr. Speaker, I would like to speak in favor of this particular measure. In doing so, I would like to clarify some of the misquotes and assumptions made by certain articles about me, about a bill related to sexual orientation.

This particular bill, I think, strives to make clear that the privileges of the University of Hawaii are available to all persons with regard to race, color, sex and national origin. And, for the record again, as I have done on House Bill 20, the Criminal Code, I vote aye."

The motion was put by the Chair and carried, and 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", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 760-76 on S.B. No. 2333-76, HD 1 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 761-76 on S.B. No. 1899-76, SD 2, HD 1 (Deferred from March 29, 1976):

Representative Suwa moved that the report of the Committee be adopted and S.B. No. 1899-76, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Takamura then rose and stated:

"Mr. Speaker, I have some remarks that I would like to enter into the Journal, and also, at this time, I would like to take this opportunity just to mention the fact that this bill was a result of about two years of intensive investigations, study and research and I would like to take this opportunity to thank the workers in the Legislative Reference Bureau, the Majority Research Office, my staff and the members of the Committee for all the cooperation and time they put in. Thank you."

The Chair responded:

"If there is no objection, the remarks supporting the particular measure of Representative Takamura will be received and inserted into the Journal."

The following is the remarks of Representative Takamura:

"Mr. Speaker, I rise to speak in support of Senate Bill No. 1899-76, SD 2, HD 1.

The purpose of this bill is to improve the delivery of programs and services for the State's children and youth.

This bill is the result of two years' intensive investigation and research. When the House Committee on Youth and Elderly Affairs was created last session, the members began as their first task to familiarize themselves with the State's structure for meeting the needs of children and young people. As a result of this familiarizing process, our Committee discovered grave problems whose origins and solutions could not be unearthed in the short, frantic time allotted for session. For this reason, the Committee on Youth and Elderly Affairs submitted, and the legislature passed, Act 195, Session Laws of 1975, requesting the Office of the Legislative Reference Bureau to do a thorough analysis of the operation of the State's Commission on Children and Youth.

The Legislative Reference Bureau's assessment produced two principal findings:

1. That the Commission on Children and Youth has been deficient in carrying out its lawful mandate to establish and coordinate

a statewide planning and systems development program;

2. That a major revamping of the Commission's organization, systems and processes is a clear necessity if legislative goals for children and youth programs are to be fulfilled.

According to the report, 'unless and until a sound mechanism based upon clear lines of responsibility, authority and accountability, with adequate resource support, is instituted, there appears little assurance that resources being committed to children and youth will be utilized effectively and efficiently. Moreover, the apparent legislative desire for a viable, action-oriented program may likewise continue unfulfilled'.

The office established in Senate Bill No. 1899-76, SD 2, HD 1, incorporates recommendations of the Legislative Reference Bureau, modified in accordance with suggestions submitted in testimony at public hearings. It creates a new body which profits from the mistakes of the old one and is, therefore, able to move effectively to get the job done.

The new office is administratively located in the Office of the Governor to ensure maximum potential for comprehensive statewide coordination; Senate Bill No. 1899-76, SD 2, HD 1, clearly establishes that this office is operational rather than advisory--for although the office is not to provide direct services to children and youth, it has a clear mandate to provide leadership and direction at a statewide level.

The new office is headed by a full-time director who is clearly granted complete authority as well as direct responsibility for carrying out the agency's statutory duties, thus ensuring accountability.

The director is assisted by the Advisory Council composed of representatives from State agencies dealing with children and youth, the several counties, private citizens and private children and youth service organizations. This arrangement builds in a mechanism for public input by spelling out an active role for representatives of those groups most involved with children and youth; at the same time, by restricting the Council to an advisory role, it solves the present Commission's problems of lack of quorum and untimeliness

of decisions.

Every facet of this bill has been drafted so as to harmonize the particular needs of the several counties, as articulated by county spokespersons, with those of the State as a whole. The regular Council membership of 14 includes a minimum of 6 neighbor island mayoral nominations; the form to be followed by the local county committees has been deliberately omitted in order to allow each county to retain maximum authority in the development and implementation of its own programs. Lastly, this policy has been explicitly stated in Section 581-31 of the bill.

The office's functions encompass all services and programs for children and youth, including such important areas as the development of early childhood and child care programs. For this reason, although the office is ultimately to be coordinated with the State's Juvenile Justice Coordinating Council, soon to be created by executive order, it was decided it was important to get the office with broader responsibilities underway and allow the two to work out the details of their relationship at a later date, subject to legislative approval.

For this reason, Senate Bill No. 1899-76 mandates that a joint agreement of cooperation be arrived at by the Advisory Council for Children and Youth and the Juvenile Justice Coordinating Council when the Juvenile Justice Coordinating Council is established. Should these two bodies decide that cooperation can best be effected by incorporation of the Juvenile Justice Coordinating Council into the office, this is not precluded. Whatever agreement is arrived at is subject to legislative review and approval.

The tasks originally assigned to the Commission on Children and Youth can no longer be ignored if we are serious about our commitment to the children of Hawaii. Testimony submitted by the agencies and groups most directly involved in working with children and youth, such as the Commission itself; the Department of Education; the Oahu Committee on Children and Youth; the Hawaii Medical Association; the Hawaii Council for Exceptional Children; the

Hawaii Association for the Education of Young Children; the State Commission on the Status of Women; Palama Settlement; and the Hawaii Chapters of the National Association of Social Workers, concur that there is an urgent need for the planning, coordination and leadership this office is to provide.

For years, the State has lacked an effectual body to fulfill this important role--years in which our children have been the losers. I urge the members of the House to take the first step towards creating a new, strong office of children and youth which can take the strong strides necessary to provide the leadership needed to deliver the programs and services our State has the capacity to provide by voting in favor of this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1899-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF AN OFFICE OF CHILDREN AND YOUTH", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 762-76 on S.B. No. 2226-76, SD 1, HD 1 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 763-76 on S.B. No. 2321-76, SD 1, HD 1 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2321-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Cobb voting no, and Representative Morioka being excused.

Stand. Com. Rep. No. 764-76
on S.B. No. 2643-76, HD 1 (Deferred
from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2643-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 765-76
on S.B. No. 2827-76, SD 1, HD 2 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2827-76, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPAIR AND MAINTENANCE OF STATE PROPERTIES AND FACILITIES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 766-76
on S.B. No. 75, SD 2, HD 2 (Deferred from March 29, 1976):

Representative Suwa moved that the report of the Committee be adopted and S.B. No. 75, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Sutton then rose and stated:

"Mr. Speaker, it is long overdue that we should overhaul our parole system and I am speaking in favor of this particular bill because it will give a full-time paid chairman and two part-time paid members.

I have worked very closely with the Parole Board in the past and have felt that while we are passing this bill, we should certainly show our aloha to those who gave of their time, their energy, and their full devotion to a job that was a thankless job. Now, the individual who is the chairman will be paid some \$26-odd thousand and even then, in my opinion, and I am the one that brought

the law suit against the pay raise, feel that he is a little bit under paid.

Thank you, sir."

Representative Roehrig then rose and stated:

"Mr. Speaker, I would like to speak just briefly in favor of this measure.

The full-time Parole Board has been part of the measure that your majority party has considered in its program for a number of years. We feel that it is a necessary and integral part of the Corrections Master Plan concept of trying to improve the criminal justice system in regards to the questions of sentencing and parole and rehabilitation of offenders. And, it is with some pleasure that I see the bill is going to pass Third Reading in the House and I welcome every member to vote 'aye' on this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 75, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 767-76
on S.B. No. 2294-76, SD 2, HD 2 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2294-76, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE HEALTH PLANNING", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 768-76
on S.B. No. 2745-76, SD 1, HD 2 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2745-76, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A STATE EMPLOYMENT PROGRAM", having been read throughout, passed Third Reading by a vote of 50 ayes, with

Representative Morioka being excused.

Stand. Com. Rep. No. 769-76 on S.B. No. 1187, SD 2, HD 2 (Deferred from March 29, 1976):

Representative Suwa moved that the report of the Committee be adopted and S.B. No. 1187, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

At this time, Representative Poepoe rose and asked:

"Will the Chairman of Finance yield to a question?"

The Chair asked: "Representative Suwa, will you yield?"

Representative Suwa answered: "Yes, I will."

Representative Poepoe then inquired:

"Mr. Speaker, the title of this bill is, 'A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ESTABLISHMENT OF THE HAWAII DENTAL EDUCATION PLAN'. My question is--are there any appropriations in this bill?"

Representative Suwa answered:

"Mr. Speaker, the appropriation has been left out because the bill has been established at a late date and we have some checking to do in certain areas, so the appropriation is left out. But, as long as the Conference Committee takes care of that gray line area which is the appropriation for this program, I think the title will suffice."

Representative Poepoe then stated:

"Mr. Speaker, I rise to a point of order."

I question whether this bill can pass with the title of appropriations in there and the bill is blank."

Representative Suwa then replied:

"The Chairman, at this time, feels that the establishment of the Hawaii Dental Plan will need enabling legislation so, at the proper time, the appropriation can

be established in Conference Committee."

Representative Poepoe then asked:

"Then, shouldn't the title of this bill be changed in Committee?"

The Chair then stated:

"I believe that the Chairperson's answer was sufficient; that the final passage of the bill is not before us. It is passage on Third Reading to be sent over to the Senate."

Representative Poepoe then said:

"Mr. Speaker, I will register an opposition, but I will not appeal the ruling of the Chair. Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1187, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ESTABLISHMENT OF THE HAWAII DENTAL EDUCATION PLAN", having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Evans and Kamalii voting no, and Representative Morioka being excused.

The Chair directed the Clerk to note that S.B. Nos. 2519-76 and 1794-76 had passed Third Reading at 12:43 o'clock p.m.; S.B. Nos. 1824-76 and 2024-76 at 12:44 o'clock p.m.; S.B. Nos. 2095-76 and 1775-76 at 12:45 o'clock p.m.; S.B. No. 2334-76 at 12:47 o'clock p.m.; S.B. No. 2139-76 at 12:48 o'clock p.m.; S.B. Nos. 2409-76, 2121-76 and 1667 at 12:50 o'clock p.m.; S.B. Nos. 2107-76 and 1328 at 12:51 o'clock p.m.; S.B. No. 849 at 12:52 o'clock p.m.; S.B. No. 1862-76 at 12:53 o'clock p.m.; S.B. No. 2333-76 at 12:54 o'clock p.m.; S.B. Nos. 1899-76 and 2226-76 at 12:55 o'clock p.m.; S.B. Nos. 2321-76, 2643-76 and 2827-76 at 12:56 o'clock p.m.; S.B. Nos. 75 and 2294-76 at 12:59 o'clock p.m.; S.B. No. 2745-76 at 1:00 o'clock p.m. and S.B. No. 1187 at 1:02 o'clock p.m.

STANDING COMMITTEE REPORT

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 798-76) informing the House that House Resolution Nos. 497 to 505, House Concurrent Resolution

Nos. 96 and 97, and Standing Committee Report Nos. 740-76 to 797-76, have been printed and distributed.

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

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 509 to 514) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 31, 1976:

A resolution (H.R. No. 509) endorsing National College "Pitch In" Week: 5th to 9th April, 1976 was jointly offered by Representatives Takamura, Akizaki, Blair, Evans, Kawakami, Kiyabu, Kondo, Kunimura, Lum, Naito, Sakima, Shito, Stanley, Suwa, Ushijima and Yap.

A resolution (H.R. No. 510) requesting a study of the public financing of elections was offered by Representative Roehrig.

A resolution (H.R. No. 511) requesting Hawaii movie theaters to ban movies with violence from persons under 18 years of age was jointly offered by Representatives Carroll, Abercrombie and Roehrig.

A resolution (H.R. No. 512) supporting the streamlining of Hawaii government was jointly offered by Representatives Carroll, Abercrombie, Cayetano, Cobb, Larsen and Poepoe.

A resolution (H.R. No. 513) requesting the Hawaii Natural Energy Institute to study the feasibility of utilizing a wave motor device to harness ocean wave energy for Hawaii was jointly offered by Representatives Carroll, Cayetano, Cobb, Hakoda and Roehrig.

A resolution (H.R. No. 514) requesting Hawaii television stations to ban violence before 11:00 p.m. was jointly offered by Representatives Carroll, Abercrombie, Clarke, Cobb, Evans, Hakoda, Ikeda, Larsen, Medeiros, Poepoe, Roehrig and Santos.

The following resolutions (H.R. Nos. 515 to 518) were read by the Clerk and were disposed of

as follows:

A resolution (H.R. No. 515) congratulating the 1975 Waipahu Girls' Volleyball team as State Champions was jointly offered by Representatives Kihano, Shito, Abercrombie, Akizaki, Blair, Cayetano, Garcia, Ho, Inaba, Kamalii, Kawakami, Kimura, Kiyabu, Kondo, Kunimura, Lee, Lum, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Peters, Sakima, Santos, Segawa, Stanley, Suwa, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

On motion by Representative Kihano, seconded by Representative Shito and carried, H.R. No. 515 was adopted.

A resolution (H.R. No. 516) in recognition of the efforts of Project R.I.S.E. was jointly offered by Representatives Shito and Kihano.

On motion by Representative Kihano, seconded by Representative Shito and carried, H.R. No. 516 was adopted.

A resolution (H.R. No. 517) extending best wishes to the participants of the 6th Annual Maui District Music Festival was jointly offered by Representatives Santos, Kondo, Machida, Amaral, Evans, Hakoda, Ikeda, Kamalii, Kawakami, Kiyabu, Naito, Sakima and Yuen.

On motion by Representative Santos, seconded by Representative Kondo and carried, H.R. No. 517 was adopted.

A resolution (H.R. No. 518) congratulating the winners of the 54th Annual Kamehameha Schools Song Contest was jointly offered by Representatives Poepoe, Kimura, Abercrombie, Ajifu, Akizaki, Amaral, 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, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Poepoe, seconded by Representative Kimura and carried, H.R. No. 518 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 519 and 520) and concurrent resolutions

(H.C.R. Nos. 98 and 99) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 31, 1976:

A resolution (H.R. No. 519) requesting an examination of the University of Hawaii's policy regarding student travel necessary to fulfill academic program requirements was jointly offered by Representatives Sakima, Blair, Evans, Ikeda, Kunimura, Larsen, Takamura and Yuen.

A resolution (H.R. No. 520) requesting a review of the community service and research programs of the University of Hawaii was jointly offered by Representatives Sakima, Blair, Evans, Hakoda, Ikeda, Kunimura, Larsen, Takamura and Yuen.

A concurrent resolution (H.C.R. No. 98) requesting the Department of Health to establish a policy guaranteeing any patient resident of Kalaupapa to remain at the Settlement for as long as he may choose was jointly offered by Representatives Kondo, Santos, Abercrombie, Akizaki, Blair, Cobb, Garcia, Ho, Inaba, Kawakami, Kihano, Kiyabu, Kunimura, Lunasco, Machida, Mizuguchi, Naito, Oda, Peters, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

A concurrent resolution (H.C.R. No. 99) requesting the Legislative Auditor to undertake a study of tenure was jointly offered by Representatives Sakima, Blair, Evans, Hakoda, Ikeda, Kunimura, Larsen, Takamura and Yuen.

THIRD READING

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

S.B. No. 2225-76, SD 2, HD 1:

On motion by Representative Lee, seconded by Representative Segawa, S.B. No. 2225-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 2830-76, SD 1, HD 1:

On motion by Representative Akizaki, seconded by Representative Suwa, S.B. No. 2830-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF REVISOR OF STATUTES", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Ikeda voting no, and Representative Morioka being excused.

S.B. No. 2703-76, SD 2, HD 1:

On motion by Representative Yamada, seconded by Representative Yap, S.B. No. 2703-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Ikeda, Kamalii and Santos voting no, and Representative Morioka being excused.

S.B. No. 2394-76, SD 1, HD 1:

On motion by Representative Kawakami, seconded by Representative Shito, S.B. No. 2394-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT", passed Third Reading by a vote of 38 ayes to 12 noes, with Representatives Abercrombie, Ajifu, Amaral, Carroll, Evans, Ikeda, Kamalii, Larsen, Medeiros, Poepoe, Santos and Sutton voting no, and Representative Morioka being excused.

The Chair directed the Clerk to note that S.B. Nos. 2225-76, 2830-76 and 2703-76 had passed Third Reading at 1:05 o'clock p.m. and S.B. No. 2394-76 had passed Third Reading at 1:06 o'clock p.m.

At 1:07 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:25 o'clock p.m.

S.B. No. 1854-76:

On motion by Representative Roehrig, seconded by Representative Uechi, S.B. No. 1854-76, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

S.B. No. 1512, SD 1:

On motion by Representative Uechi, seconded by Representative Inaba, S.B. No. 1512, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MARKETING ORDER REVOLVING FUND", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Kunimura voting no, and Representative Morioka being excused.

S.B. No. 2797-76, SD 2:

Representative Suwa moved that S.B. No. 2797-76, SD 2, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Abercrombie then rose, stating:

"Mr. Speaker, I rise to speak against the bill."

The Chair said: "Proceed."

Representative Abercrombie then stated:

"My contention is that the improvements in Waikiki are proceeding at a pace wherein if you go to Waikiki, you will see constantly-- since I have been elected, I try to pay particular attention to it-- constant improvement works going on. In cooperation between the State and the City and County, they go on at such a pace the best I am able to determine so as to minimize the congestion in Waikiki; that is to say, any more congestion that already is in Waikiki. I think that the situation brought about there is just another circumstance in which the tourist industry and the hotel industry are asking for special favors when they are unwilling to contribute in any way, shape, or form, in terms of a hotel room tax and I am sure that when such a tax finally passes, as I know that it will, that the Waikiki Improvement Association and the others that are always bellyaching about the lack of improvements in Waikiki, will take roughly 24 hours to be down here with a \$100 million or so of improvements that it would like to see paid for out of the tax."

Representative Carroll then rose and stated:

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

Mr. Speaker, in 1971, the \$9 million which is about to lapse was appropriated. Waikiki District traditionally is the biggest income producer in the entire State and the one area of the State that is gone the least cared for.

I think that it is about time that the real improvements which are needed are gotten on with. The type of 'improvements' which were mentioned by the previous speaker are simply band-aid treatment to symptomatology of a very sick area. I ask that everyone vote 'aye' on this.

I would like to remind the House that, like the green turtle bill of some fame of 1971, which slowly but surely is moving along, I ask that this be passed now, finally.

Thank you."

Representative Kamalii was then recognized by the Chair and she stated:

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

The Representative from Manoa seems to think that this is for the tourist industry and for the hotels, but I must remind him that there are 13,127 voters in Waikiki in residence who have waited long and patiently while the administration in this building and the administration in the City and County squabbled over who was going to get the credit while the residents of Waikiki have suffered.

At long last, I can see that the improvements of the sewers, the widening of Kuhio Avenue, the parks that we have long been waiting for are now going to be a reality.

Thank you to this honorable body and I urge all of you to vote aye."

Representative Abercrombie then rose and stated:

"Mr. Speaker, if anybody has gone in the residences of Waikiki, it has been the rapacious nature of the hotel and the rest of the tourist industry which has consistently put its own interest before those of the residents."

The motion was put by the Chair and carried, and S.B. No. 2797-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENTS AT WAIKIKI, OAHU", having been read throughout, passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Abercrombie, Cayetano, Ho, Oda, Roehrig and Takamura voting no, and Representative Morioka being excused.

S.B. No. 1998-76, HD 1:

On motion by Representative Yamada, seconded by Representative Roehrig, S.B. No. 1998-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF CONVICTED PERSONS", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Ikeda voting no, and Representative Morioka being excused.

S.B. No. 2501-76, SD 2, HD 1:

Representative Yamada moved that S.B. No. 2501-76, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Sutton then rose, stating:

"Mr. Speaker, I rise to speak against this bill. You, as an attorney, will have your sensibilities absolutely shocked by language such as appeared in this bill--'shall be presumed to be receiving stolen property and shall be punishable for theft on the Penal Code if they don't have proper record and if they don't ascertain due diligence, to ascertain that the person selling or delivering the same has the legal right.'

Mr. Speaker, you are an excellent attorney, and I have seen you in Court, and I know you would be shocked by this presumption. Absolutely shocked, and I think you are going to vote with me against this."

The Chair replied: "The Chair appreciates your remarks but does not agree with your vote."

The motion was put by the Chair and S.B. No. 2501-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECONDHAND DEALERS", having been read

throughout, passed Third Reading by a vote of 43 ayes to 7 noes, with Representatives Abercrombie, Carroll, Clarke, Ho, Peters, Sutton and Takamura voting no, and Representative Morioka being excused.

S.B. No. 1838-76, SD 2, HD 1:

On motion by Representative Yamada, seconded by Representative Yap 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 Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

The Chair directed the Clerk to note that S.B. Nos. 1854-76 and 1512 had passed Third Reading at 2:26 o'clock p.m.; S.B. Nos. 2797-76 and 1998-76 at 2:30 o'clock p.m.; S.B. No. 2501-76 at 2:33 o'clock p.m. and S.B. No. 1838-76 at 2:35 o'clock p.m.

At 2:35 o'clock p.m., on request by Representative Medeiros, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:36 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 777-76 on S.B. No. 110-76, SD 2, HD 1 (Deferred from March 29, 1976):

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 110, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH", passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Amaral, Carroll, Kamalii, Larsen, Santos and Sutton voting no, and Representative Morioka being excused.

The Chair directed the Clerk to note that S.B. No. 110 had passed Third Reading at 2:37 o'clock p.m.

At 2:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:50 o'clock p.m.

THIRD READING

The following bill, which was on the calendar for Third Reading, was read throughout, and the following action taken:

S.B. No. 2326-76, SD 1, HD 1:

Representative Lee moved that S.B. No. 2326-76, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Lee then rose and spoke in favor of the bill, as follows:

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

Mr. Speaker, this bill relates to our State's unemployment insurance program. The purpose of this program is to provide some income for people out of work. It was established in 1937 and is administered by the Unemployment Insurance Division of the Department of Labor and Industrial Relations.

Within the past five years, Mr. Speaker, high rates of unemployment in the State have increased the cost of Hawaii's unemployment insurance program to the point where benefits paid to the unemployed exceed contributions to the Unemployment Trust Fund.

In 1974, for example, benefits paid out were \$35.3 million while contributions and interest paid into the Trust Fund amounted to only \$27.6 million, resulting in a deficit of \$7.7 million. As of the end of this month, the State will have borrowed \$13 million from the Federal Loan Fund in order to meet unemployment benefit payments for this year.

Mr. Speaker, I think the time has come for us to make some hard decisions. Our economy is in trouble. Our nation's experts can't even agree if inflationary trends are turning the corner, if at all. In the meantime, high unemployment is still with us. And whatever happens at the national level, it will take a while for us to see its effects on our local unemployment problems. In the meantime, our existing unemployment insurance programs will not be able to take care of all contingencies and all economic conditions.

So, Mr. Speaker, I would now like to say a few words as far as the proposed amendments to this bill. This particular draft, House Draft 1, along with. . ."

At this point, Representative Ho rose on a point of order.

The Chair asked Representative Ho to "state your point."

Representative Ho answered:

"The speaker is talking about amendments. Our amendments have not been offered yet."

The Chair then said:

"The speaker is speaking on House Draft 1. Proceed, Representative Lee."

Representative Lee continued, saying:

"One point has to do with the definition of 'week of employment'. I am not going to explain the present law. I will just take time to explain the change in this particular draft. House Draft 1 defines 'week of employment' to mean that a person must work a minimum of two days or four hours.

Another change has to do with disqualification period. This particular draft changes disqualification provisions as follows: These claimants must work an additional five consecutive weeks in order to be eligible, as long as they do not terminate employment again under the above conditions.

Another change has to do with fraud; and this particular draft again increases the penalty period for fraud to two years following the determination of fraud. And at this stage, Mr. Speaker, I would like to deviate and put on record this particular statement relating to fraud which is on Page 13 of our House Draft 1. These are the words I would like to have inserted in the record:

"There appears to be some clarification needed in regards to the section dealing with fraud. The individual receiving benefits shall be disqualified from benefits starting from the week in which the department makes the determination of fraud to the end of that calendar month. And, Mr. Speaker, for 24 months immediately following such determination. The main point is that, as far as fraud

provisions are concerned, the total is not to be construed as 48 months but only 24 months plus whatever few weeks in the month that the fraud determination was made.

Now, Mr. Speaker, another change has to do with the taxable wage base. It would raise the taxable wage base to equal the statewide average annual wage or a taxable wage of 100 percent instead of the present 90 percent of the statewide average annual wage. This will increase the employers' contribution to the trust fund.

Another major change has to do with governmental employer contributions. It would require government employers; that is, the State government and the County governments to pay in advance and the key word, the key expression, is 'in advance' to the trust fund the same as private employers. As far as the State portion is concerned and I would add lib, involves \$2.5 million per year.

Another major change has to do with non-charge benefits. This particular bill, as amended, tightens up and improves methods of record-keeping for employers under the Unemployment Trust Fund. And, of course, on the other side of the equation, as far as input where the money is coming from, Senate Bill 2326-76, Senate Draft 1, as it came over from the Senate and this House Draft concurs with that change, would increase the 3 percent payment rate which is the maximum all employers are now paying under the experience schedule to a flat 3.5 percent rate for all employers for one year and the point is for one year, effective January 1, 1977, based on the experience of 1976. So, this will mean an additional \$68.2 million for the fund.

And, I think, as far as this particular full thrust of this bill, the main point that everybody wants--both labor, management, the general public and we legislators--is to have this \$68.2 million in order to keep this fund solvent. So we all have something in common.

Now, another change in this bill, as amended, is the reporting

of job hiring and separations. It would require employers to report to the department on hiring and separation of employees to prevent fraud. In other words, data would be available before claimants come in to make their claims.

So, in conclusion, Mr. Speaker, there is no argument that the State's unemployment insurance program should be operated and administered for the welfare of the workers of Hawaii. But in order for it to operate efficiently and effectively, and for that matter, if I may add, be solvent now, especially during these times of high unemployment and adverse economic conditions, these amendments to the program are being recommended.

So, Mr. Speaker, the issue before us today does not involve labor versus business. This is too narrow a view to take. To argue that it is labor versus business prevents us from seeing the larger problem. It only serves to cloud the issue, and unfairly pits employer against employee. These proposed changes are based on the premise of fiscal responsibility and equity in unemployment benefits. And again, if I may add, to keep the fund solvent.

So, Mr. Speaker, our unemployment trust fund is in trouble and has been for awhile. Therefore, the issue is one of maintaining the solvency of the fund, while still maintaining our employment programs' viability and effectiveness.

The bill calls for striking a balance between the needs and interests of both the employees and the employers in Hawaii. We need to make sure that benefit payments are going to only those who are truly attached to our labor force, and at the same time, we need to increase the financing of these benefit payments so that the State's unemployment fund will have adequate reserves to meet benefit payments. It's important for us to remember that only employer contributions constitute the revenues for this fund, and that the 3.5 percent increase in employer payments to the fund is for only one year. Actually, a net difference of 5 percent and I may add again, Mr. Speaker, for the records, employees do not contribute. . . never contributed to this fund.

So, Mr. Speaker, this bill calls for all of us to look beyond the over simplified arguments of whether this bill favors one party over another.

It calls for all of us to consider the responsibilities we, as legislators, have in trying to find equitable solutions to a problem having statewide and national impact. Inflationary trends and unemployment trends throughout the country cannot be ignored, Mr. Speaker.

This bill calls for a hard decision for all of us, and by all of us, but I am confident, Mr. Speaker, that the members of this honorable body have the strength, the resolve, and the responsibility to see the real issues we are grappling with. For these reasons, Mr. Speaker, I urge my colleagues to vote favorably on Senate Bill 2326, Senate Draft 1, House Draft 1.

And, instead of the usual thank you, I'd like to thank every member of the Committee for being such a good workhorse, and even my good friend there who did have a moment of being a good showman, and certainly all members of this House because I know, as the saying goes, the pressure has been coming in and I try not to make it too tough on you. Only I had to leave for Kuilima this past three days, you know--none of you folks had to. So, of course, a special aloha to Representative Sutton, Representative Abercrombie and I think now Representative Ho has to get that little special aloha for his amendments to come, and certainly my vice-chairman and compadre, Representative Takamine."

Representative Abercrombie then rose on a point of order.

Directed by the Chair to "state your point", Representative Abercrombie stated:

"If the Chairman of the Labor and Public Employment Committee has been at the Kuilima for the past three days, that means he has voluntarily left his job, and, therefore, has to be suspended from any unemployment benefits."

The Chair then asked: "Any further discussions?" and Representatives Sutton and Abercrombie both rose at the same time.

The Chair asked: "Representative Abercrombie, will you yield?"

Representative Abercrombie answered: "Yes, I will."

Representative Sutton then stated:

"Mr. Speaker, I rise to speak against this bill.

I think that our previous speaker has mentioned everybody but the small businessman. The small businessman, under this bill, will pay 3.5 percent of the gross proceeds of his payroll and I think there are too many here that recognize the position of this small businessman and I think we have neglected to include him in our counsels. He has to work on a low percentage basis. We have a basic concept that 10 percent is what a small businessman must make; subtract this 3.5 percent from that 10 percent and he is left with 6.5 percent; subtract his 4 percent gross that he pays on every transaction and as you and I know, Mr. Speaker, this does pyramid, but we will just call it 4 percent for subtraction purposes, leaving him a profit of 2.5 percent. Then, he goes to one of our financial institutions and he borrows money that is in excess of, say, 10 percent, and you can see right off the bat what is causing all our unemployment here in Hawaii. We should be attacking the problem, Mr. Speaker, of hiring people; not trying to saddle the small businessman with a load which becomes increasingly greater.

Now, Mr. Speaker, in England, they did this, and today they are on the verge of bankruptcy. Mr. Speaker, they are in such a terrible strait because they did not recognize the basic concept that it is not the responsibility of every small businessman to take care of the unemployed. Basically speaking, it is our responsibility--the State of Hawaii.

We can work other mechanisms rather than saying that this particular fund comes out of the pockets of the small businessman; that he must pay this ahead of everything; that this is the cream on top of the milk that must immediately be skimmed off.

Now, Mr. Speaker, we have seen a change occur in this Committee and I will not go into procedures because I do respect the basic fact that you've asked us on this floor not to indulge in anything concerning Committee procedures, but I would like to bring to your attention, Mr. Speaker, the basic proposition that there was an amendment of a Senate Bill that changed this from a qualifica-

tion of 20 hours to 2 days--2 days of work or 4 hours--whichever exceeds.

Now, Mr. Speaker, let me just give you an example of what could happen. I have a friend and he says to me, 'I want to get on the unemployment roll. You just put me on your payroll for 4 hours, 2 days, for 5 weeks and he will qualify. This is what we call in Hawaii, aikane business, and this happens, Mr. Speaker, and you and I know it. You and I are attorneys and we know the facts of life and we know these things will happen.

Now, Mr. Speaker. . ."

The Chair stated:

"The Chair requests that you refrain from referring to the Chair as an attorney."

Representative Sutton continued, stating:

"Mr. Speaker, I am from a missionary family. We came over here to do good and we did very well and, Mr. Speaker. . ."

Representative Peters, at this point, rose, stating:

"I feel aggrieved, Mr. Speaker. I rise to a point of personal privilege.

Would the speaker mind clarifying his remark relative to the missionaries making out in the State of Hawaii?"

The Chair then stated:

"Shall we proceed with the subject at hand?"

Representative Sutton continued, stating:

"Mr. Speaker, let me proceed with these very serious facts. One of the most unbelievably difficult problems that we have with high unemployment is how to properly take care of the unemployed, and I think we all can see that this is a problem that has no more serious consequences of any bill that comes before us and, believe me, I am heartily in favor of taking care of that man who, through no fault of his own, has lost his job and I recognize that he must continue to feed his family; he must continue to pay his bills; and I recognize the problem.

The only thing is that we have attacked this problem from the point of view that we are going to saddle the small businessmen to pay all of these things. You see, the large businessmen and there are some in the audience here; I have seen them in the Committee of Mr. Lee and these large businessmen have a much higher cushion. But the small businessman, wanting to hire more people, finds himself in a position if he puts one man on the payroll for \$1.00 an hour, he ends up with a cost to him of \$1.50 and this is what we should reverse.

It is a trend we should reverse ere we fall in the same ways as our friends in England which is another island, an island separated as far from the shores of commerce where they have enormous expenses as we do of bringing goods in; where anybody who undertakes to go into small business has the same risks of a time interval who finds himself with inventories that he must accumulate six months ahead of time."

Representative Cobb: "Point of order, Mr. Speaker."

Chair: "Representative Cobb, state your point."

Representative Cobb then stated:

"Mr. Speaker, the unemployment laws of England are not subject to amendment by this House. Therefore, the remarks should be confined to the situation in Hawaii."

The Chair then stated:

"Representative Sutton, will you proceed by making relevance to what you are stating to the bill at hand."

Representative Sutton replied:

"Yes, sir. Not all corn have cobs, sir."

Mr. Speaker, let us address ourselves to this one amendment--that is all we need to do. And we have a brilliant Senate over here; they are not coming up for election and they are motivated by a higher philosophy than we are so let us just send it in to Committee and have that Committee change that back to 20 hours. Just get rid of that one thing, Mr. Chairman. . . Mr. Speaker--excuse me, I call you your honor also.

Mr. Speaker, this is the basic

thing that we wish to eliminate. It is the idea that that person can get in accumulation to qualify and then go up to \$112 a week by a prior qualification by average wage in the quarter and can then receive the amounts that come out of the pocket of the small businessman.

Let us change that qualification so that it is back to 20 hours and then I am with each and every one of you 100 percent.

Thank you so much and aloha."

Representative Garcia then rose and stated:

"Mr. Speaker, I rise to speak briefly in favor of this particular bill and to answer a few of the objections brought out by the Representative from across the aisle.

Primarily, one of the things that I want to clear for the House of Representatives and for the members of the audience is that the Administration's financing proposals that were originally in the bill does have merit. But before we can substitute a new financing system as proposed by the administration, I think what we have to do is study it so that we can come out with a comprehensive package that the legislature will have to investigate next year.

Meanwhile, the solvency of the fund is one of the most important things that have to be looked at for this coming year and that is the reason why we have come up with the idea of the uniform 3.5 percent rate that we proposed for the calendar year 1977. This particular provision is to be considered only as an emergency measure to restore the fund to a minimum degree of solvency and that this emergency legislation expires at the end of 1977.

And it is because of this particular reason, because of the time element involved, this particular bill should be adopted. Thank you."

Representative Abercrombie then rose, stating:

"I have an amendment to offer to this bill. May I ask for a short recess while it is being distributed?"

At 3:10 o'clock p.m., the Chair

declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:14 o'clock p.m. and Representative Abercrombie offered the following amendment to S.B. No. 2326-76, SD 1, HD 1:

"SECTION 1. Senate Bill 2326-76, SD 1, HD 1, is amended by amending line 10 on page 7 to read:

'SECTION 2. Section 383-29. Hawaii Revised Statutes is amended by amending subsection (a) to read:

'Sec. 383-29 Eligibility for benefits. (a) an unemployed individual shall be eligible to receive benefits with respect to any week only if the Department of Labor and Industrial Relations finds that:

(1) Claim. He has made a claim for benefits with respect to such week in accordance with such regulations as the department may prescribe.

(2) Registration. He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the department may prescribe, except that the department may, by regulation, waive or alter either or both of the requirements of this paragraph as to individuals attached to regular jobs and as to such other types of cases of situations with respect to which it finds that compliance with such requirements would be oppressive, or would be inconsistent with the purpose of this chapter; provided that no such regulation shall conflict with section 383-21.

(3) Availability. He is able to work and is available for work; provided, that no claimant, including a claimant temporarily employed by the state who is otherwise eligible for benefits, shall be considered ineligible with respect to any week of unemployment or any day of any week of unemployment for failure to comply with this paragraph if such failure is due to an illness or disability, as evidenced by a physician's certificate (, which occurs during an uninterrupted period of unemployment with respect to which benefits are claimed and no work which would have been suitable prior to the beginning of such illness and disability has been offered the claimant).

(4) Waiting period. He has

been unemployed for a waiting period of one week within his benefit year, provided that no individual shall be required to serve a waiting week if the first week of his unemployment occurring within a benefit year is immediately preceded by a week of unemployment in the preceeding benefit year for which benefits are payable. Notwithstanding any provisions of this section to the contrary, an individual shall be eligible to receive benefits for the waiting period of one week if he is entitled to benefits for each of the twelve consecutive weeks following his waiting period. No week shall be counted as a waiting period:

(A) If benefits have been paid with respect thereto;

(B) Unless the individual was eligible for benefits with respect thereto as provided in this section and section 383-30, except for the requirements of this paragraph (4).

(5) Wages for insured work; weeks of employment.

(A) In the case of an individual who has established a benefit year prior to January 3, 1965, he has been paid wages for insured work during his base period in an amount equal to at least the amount appearing in column C of the schedule in section 383-22 on the line on which, in column B of the schedule, appears his weekly benefit amount.

(B) In the case of an individual who has established a benefit year after January 2, 1965, but prior to January 2, 1966, he has had during his base period a total of fourteen or more weeks of employment as defined in section 383-1(19) and has been paid wages for insured work during his base period in an amount equal to at least the amount appearing in column C of the schedule in section 383-22 on the line on which in column B of the schedule, appears his weekly benefit amount.

(C) In the case of an individual whose benefit year begins on or after January 2, 1966, he has had during his base period a total of fourteen or more weeks of employment as defined in section 383-1(19) and has been paid wages for insured work during his base

period in an amount equal to at least thirty times his weekly benefit amount as determined under section 383-22(b).

(D) For the purposes of this paragraph (5), wages and weeks of employment shall be counted for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the dates on which the employing unit by which such wages or other remuneration as provided in section 383-1(19) were paid has satisfied the conditions of section 383-1(9) with respect to becoming an employer.' "

Representative Abercrombie moved that the amendment be adopted, seconded by Representative Ho.

Representative Abercrombie then rose to speak in favor of the amendment, stating:

"May I direct the attention of the members of this body to page 7, line 10. The object of this amendment is to add another section, Section 2, and I would like to read it in part to you.

The reason for bringing this to your attention, and before I do so, Mr. Speaker and members. . ."

Representative Lum then rose, stating:

"Mr. Speaker, point of order."

Directed by the Chair to "state your point", Representative Lum stated:

"I have an amendment here that is to H.B. 2636-76, SD 1, HD 1. Is that a typographical error?"

The Chair answered:

"That is a typographical error."

Representative Abercrombie then stated:

"Yes, it is. You will see the amendment part as S.B. 2326, SD 1, HD 1.

The reason for the introduction of this amendment, and I hope that it will be carefully considered, is that the bill is seriously defective as it now is. It is one thing to present to the House the necessity for passing some kind of legislation in respect of unemployment insurance. It

is quite another thing to pass any kind of bill out under the general net of addressing problems of unemployment insurance.

I think we have to be especially careful because of the reasons that the Chairman of the Committee cited--high inflationary periods with high unemployment that some of the most learned economists are unable to come to grips with; the situation in which the economy is in trouble in the State of Hawaii. I think I indicated at another time in respect of another bill which passed, our serious unemployment situation--the worst that its ever been since statehood. And so, if you will look under this circumstance, I want to indicate that this is not capricious in the least; that this is a very real problem being addressed here, and this speaks about availability, one of the entire thrusts of the motivation for this bill, ostensibly, is to make sure that we tighten up, that we make more strict, the situation as regards availability and who is really entitled to have unemployment insurance. While it is just as necessary when the tightening-up process comes, that we do not capriciously and arbitrarily prevent people from obtaining benefits to which they are entitled.

So, if you will look, Mr. Speaker and members, down under Section 383-29, 'Eligibility for Benefits', you will see, first, 'Claim' and what is necessary, and 'Registration' and what is necessary there and then we go to 'Availability' and the reason for the introduction of this amendment then becomes clear.

Right now, a person who is on unemployment insurance and who is entitled to it; who has established a claim and who has registered validly with the department, is caught in a terrible cache 22 situation and it is as follows. You must be able to work and available for work, provided, that no claimant, and this is where we get into the cache 22 part of it, including a claimant temporarily employed by the State who is otherwise eligible for benefits--this is the additional language--shall be considered ineligible with respect to any week of unemployment or any day of any week of unemployment for failure to comply with this paragraph if such failure is due to an illness or disability as evidenced by a physician's certificate.

The reason I have put this amendment is that, currently, if you should be in a situation, say, as a substitute teacher, or working as a waiter or waitress part-time, perhaps working a split-shift situation which you may be called or not called on a given day and you become ill in any given work week, supposing you become sick on Friday--there has been a lot of flu lately, for example--and you desire to take care of yourself and not to become more sick so that you are not available for work on Friday so that you can recover over the weekend and be prepared for work the following week. If you are honest, if you are honest, you will then proceed to get the shaft from the Unemployment Division.

If you report for that week that you are available for work and able to work for the first four days but you are unavailable on the fifth day due to the fact that you were ill, your benefits will be denied you for the entire week under the present statute. I want to let that sink in. Your benefits will be denied you for that entire week even though you were ready and available.

Now, I inquired of the Unemployment Insurance Division people as to where the rationale for this was--either in law or in regulation--in rules. They were unable to provide me with any substantiation for this rule or I should say, this custom, this policy, other than the fact that someone who is now retired did it that way before so they kept on doing it. There is no substantiation in law that I can discover; there was no substantiation in rules and regulations that I can discover to account for this, so what I am saying here, and I am including here about State employees because let's get to the case of the substitute teacher as opposed to the waiter and waitress in private industry--if someone is a substitute teacher and available and able to work for the four days and becomes sick on Friday, that person also will be denied the benefit. If you get a physician's certificate to show that you were ill and, of course, you will have to go in all likelihood if you don't have Kaiser or HMSA, something like that, because you are not working regularly and have to go to a private physician, it will cost you a small fortune to go even if you just have a sore throat, feel you have the flu, and want to just get into bed and take care

of yourself over the weekend and recover. Even if you get a physician's certificate and present it and presumably the law then would say you were, therefore, eligible.

The Department of Labor and the the Unemployment Insurance Division now takes that as proof that you were unavailable and the reason they know you're unavailable is you presented them a certificate from the physician that said you were sick. It is cache 22. You are damned if you do and damned if you don't. Now, I think that needs correcting. I don't think we can pass a bill out that has . . . makes any pretense to a claim of tightening up the situation involved with unemployment insurance and ignore such a gross violation of common regard, if not common courtesy, towards those people who find themselves in a situation which unemployment has occurred.

Now, I ask everyone to pay close attention then to that particular situation and to which the amendment addresses itself any week or any day--any day of any week--of unemployment. This is so that we can address the circumstances under which people, through no fault of their own, and in compliance with reasonable expectations of law, that is to say, certifying it with a physician, will not be disenabled from having come to them what is rightly due them, and I am sure, as a lawyer, some of the Representatives who have spoken on matters of law before would agree that that is certainly unfair treatment under the law and an abuse of the law.

For those reasons, Mr. Speaker, I would ask that this particular amendment be voted favorably upon, and that particular section thus added to the bill in order that it may carry out what it purports to do which is to tighten up the Unemployment Insurance Law."

Representative Blair was then recognized by the Chair and he stated:

"Mr. Speaker, I rise to speak against the amendment, but before doing so, I would like to ask the movant to yield to a couple of questions."

The Chair asked: "Representative Abercrombie, will you yield?"

Having received an affirmative answer, Representative Blair asked:

"Representative Abercrombie, is it true that if this bill is amended, that it would die due to the deadlines involved?"

Representative Abercrombie answered:

"Is the speaker asking me about the merit of the amendment or is he asking you a procedural question about the bill?"

Representative Blair then said: "I will address the question to the Speaker."

The Chair asked:

Representative Blair, the question is if. . ."

Representative Blair answered:

"If this bill is amended as proposed by the movant, will the bill fail to meet the deadline and, therefore, die?"

The Chair replied:

"That is correct. In effect, the bill will be dead for the session."

Representative Blair then stated:

"Okay, then I rise to speak against the amendment. I think what we are faced with here is, in fact, people speaking against the bill, and the amendment form is simply a fraud and an attempt to prolong this entire session and make it as onerous as possible for everyone and I think it would be a more honest approach if he would simply speak against the bill based on 15 points rather than introducing 15 amendments.

Thank you."

Representative Abercrombie then rose on a point of personal privilege and asked by the Chair to "state your point", Representative Abercrombie went on to say:

"I have amendments here on my desk which I may or may not introduce. I don't think that the previous speaker has any right to say how many amendments I will or will not introduce. That's the first part. Am I correct?"

Directed by the Chair to "proceed", Representative Abercrombie then stated:

"Secondly, we are speaking about honesty. It seems to me that I not only have every right, but I have a duty and obligation as a legislator to present such amendments as such times as are made available to me by the rules of this House in order that I might address what I consider to be deficiencies in the bill. If I can convince in the presentation of this amendment or amendments to follow, a majority of the people in this House that, in fact, the bill is so defective or that the amendment is so necessary as to cause them to vote for it.

Again, I have not only the right, but the duty and obligation to do so. If the effect of that is to kill a defective or bad bill, then so be it. That is the circumstance with which everyone has to come to grips. If the previous speaker's idea is that any legislation must move, any kind of legislation, no matter how bad it is, no matter how bad it may hurt someone, no matter how the poor may be deprived, no matter how those on welfare might be, no matter how much the elderly are hurt, then it's entirely his privilege, but I fail to see where. . ."

The Chair interrupted: "Representative Abercrombie?"

Representative Abercrombie answered: "Yes, sir."

The Chair then stated:

"Representative Blair merely asked a question of the effect of an amended bill; the effect of adopting an amendment. That's the question. Will you please proceed?"

Representative Abercrombie continued, stating:

"Excuse me, Mr. Speaker, I think he brought up the question of honesty and fraud being perpetrated on the House. And what I am saying is that, under the rules of our House, I not only have the right but the duty and obligation to carry forth, as I am at the moment."

The Chair then stated:

"You made your point. Let's move on with the vote of the amendment."

Upon being recognized by the Chair, Representative Lee then stated:

"I rise, Mr. Speaker, to speak against the amendment simply by asking the members of this House to vote it down. Thank you."

The motion to adopt the amendment was put by the Chair and failed to carry by voice vote.

At this time, Representative Abercrombie rose and stated that he had another amendment to offer and requested a recess to distribute copies of the amendment.

At 3:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:29 o'clock p.m.

Representative Abercrombie then offered the following amendment to S.B. No. 2326-76, SD 1, HD 1:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 13 on page 7 to read:

'left his work voluntarily without good cause and for not less than (two) three or more than (seven) eight consecutive weeks of unemployment which immediately follow such week, as determined according to the circumstances in each case.

(2) Discharge or suspension for misconduct. For the week' "

Representative Abercrombie moved that the amendment be adopted, seconded by Representative Ho.

Representative Abercrombie then rose and asked:

"Mr. Speaker, may I make a request of you?"

Chair answered:

"Proceed with your request."

Representative Abercrombie then asked:

"Thank you. If it is. . .I am reconsidering rather, if you don't mind, the idea of the amendments. Perhaps, it would edify the members if they did have a copy of all the amendments instead of asking for a recess for me deciding whether to present them so why don't I just give you all the amendments now and have

them distributed to the members and save time?"

At 3:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:45 o'clock p.m.

Representative Abercrombie then rose and upon being recognized by the Chair, stated:

"Thank you, Mr. Speaker.

May I direct your attention then to Section 1; in this particular instance, to line 13 on page 7, where you will find that the phrase, 'and for not less than 2 or more than 7 consecutive weeks of unemployment' which immediately follow 'such week as determined according to the circumstances in each case' was deleted and then there is new language.

If you will observe the amendment, I have restored. . . that is to say, I have left out the new language and in place of the word 'two', I have put in the word 'three', and in place of the word 'seven', put 'eight' consecutive weeks of unemployment, which immediately follow 'such cases as determined according to the circumstances in each case'.

Now, the reason that I have done this is that, having been afforded the opportunity to listen in on some of the discussion in the Labor and Public Employment Committee, it seemed to me that one of the principal thrusts involved in the situation involving voluntary separation was that there was not a sufficient amount of time which, for lack of a better word in the various discussions I heard, was called punishment. Some kind of retribution was being sought against those who ostensibly left their jobs under the term 'voluntary separation'. Now, for myself, I have great difficulty in understanding exactly what it is that constitutes voluntary separation.

I might point out one of the inspirations that I have in these instance is in Chapter 8 of the Bible in Hosea where it says, 'Set the trumpet to thy mouth; He shall come as an eagle against the House of the Lord because they have transgressed my covenant and trespassed

against the House of the Lord because they have transgressed my covenant and trespassed against my law. Israel hath cast off the thing that is good; the enemy shall pursue Him.' And I might say that I think that's exactly what the situation is here. It is one thing to speak liberally of voluntary separation. It is quite another thing to then get into the situation of punishment and retribution for what may, in my mind, constitute perfectly reasonable grounds. It becomes a matter of opinion.

And, Mr. Speaker, I might point out that that matter of opinion is not going to be adjudicated in a court of law. It is going to move into an administrative procedure, and I might say that, in this respect, that there have been cries raised on this floor concerning the increasing movement towards situations in which peoples' livelihoods, their very destinies in terms of their careers, with jobs, and another phase of their lives are going to be subject to administrative procedures in bureaucratic institutions. This whole proliferation, if you will, of bureaucratic institutions in the age of giant government, giant business and so-called giant labor, if labor was a giant, I think, as it is made out to be by the newspapers and some others in the State, we wouldn't be facing this despicable bill right now. But instead, because labor, whether organized or unorganized, is unable to make this kind of pressure stick, we are faced with this kind of an amendment.

Now, what I am saying here is that if you move to three or to eight weeks, between three and eight weeks, we are really talking about, at the far end of the spectrum, two months--two months punishment, if you will--for those who desire such a thing; for those who have supposedly voluntarily separated themselves from their employment. I am thinking here, Mr. Speaker, of the vast numbers of people who are not in organized labor units within this State, who do not have an advocate for them in the form of a qualified business agent and the backing of a great number of people who have joined together collectively to protect themselves in terms of their wages and conditions of employment. I am thinking here of those people who do not have those privileges. Should they have their privileges, they might find themselves in a grievance procedure with the union

lawyer to assist them. But under present circumstances, they find themselves at the tender mercy of the people in the Department of Labor, Unemployment Insurance Division. Therefore, Mr. Speaker, it seems to me perfectly reasonable that, with that in mind, that we strike some kind of medium, some kind of balance, and that's what I think the bill fails to do and that's why I'm bringing forward the amendments at this time.

If we take the eight week period--two months--two months in which one is disallowed from receiving unemployment benefits, the rent, the food, all the circumstances that come about where monetary considerations are involved, that is a long, long time. People are not even put jail; it's considered a long time, I should say. Being put into jail for thirty days or forty days, sixty days, in effect, this is what we will be doing--locking someone up for two months' period. Therefore, I ask that this amendment be passed and that a roll call vote be taken on the amendment when it comes for a vote."

The Chair then said:

"Roll call has been requested. Mr. Clerk, call the roll."

Representative Ajifu, at this point, rose, stating:

"Mr. Speaker, could you ask for the number of people that would want a roll call please?"

The Chair then said:

"All those in favor of a roll call vote, raise your hand."

"Lack of sufficient numbers for a roll call vote. All those in favor, say 'aye'."

Representative Abercrombie rose, stating:

"Mr. Speaker, I appeal that ruling. I counted more than you did apparently."

The Chair again asked:

"All those in favor of a roll call vote, raise your hand."

The Clerk then stated:

"I count four, Mr. Speaker."

The Chair then said: "Insufficient number" and put the motion to adopt the amendment to a vote and the amendment failed to carry by voice vote.

Representative Abercrombie then rose, stating:

"Mr. Speaker, I have another amendment to offer. I believe it is being distributed, Mr. Speaker."

The following is the amendment offered by Representative Abercrombie:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 8 on page 8 to read:

'misconduct connected with his work and for not less than (two) three or more than (seven) eight consecutive weeks of unemployment which immediately follow such a week, as determined in each case in accordance with the seriousness of the misconduct.

(3) Failure to apply for work, etc. (If) For the "

Representative Abercrombie moved that the amendment be adopted, seconded by Representative Ho.

Representative Abercrombie then rose to speak in favor of the amendment, stating:

"Thank you, Mr. Speaker.

Mr. Speaker, if we move on to page 8, line 8, we will see a situation here called 'discharge or suspension from misconduct.' It is under subsection (2). For the week in which he has been discharged or suspended from misconduct with his work and there is a bracketing situation and you see the two figures there, 2 and 7 consecutive weeks of employment and pernicious language following it that the five weeks consecutive employment must be undertaken, et cetera.

Now here we have a circumstance where we have discharge from misconduct and as we learned in the caucus which was open to the public today, as opposed to some of the circumstances under which this language was drawn up, that what constitutes a discharge from misconduct is up to the Department of Labor, Unemployment Insurance Division. Once again, the citizen is forced into

a circumstance in which he or she must put their destiny on the line within the confines of the rules and regulations concerning misconduct, and in this particular instance, of discharge or suspension. Now, we haven't been able to determine what suspension is at all and I will address that in a later circumstance. But just addressing myself right now to this situation of discharge for misconduct, again, I would make a point to the body assembled here that if we move the number of weeks involved from three to eight, that we will have accomplished the purpose for which the original language was set. If it is now the feeling of those in the House that that time period was more appropriate to earlier circumstances, to times in which there was perhaps less abuse as envisioned by the remarks of the head of the Department of Labor today and in remarks by the Chairman of the Labor and Public Employment Committee, that there is more abuse, although I am unable to discover any hard statistics to back this up other than a feeling. If this is in fact the case, then, why not up the amount of time so that you can have the purposes for which the original language was set out accomplished.

Now, it is difficult for me to understand how eight weeks of the eight weeks of punishment on the so-called misconduct, and God knows what that's going to mean if and when this bill should pass, unamended, will take. Don't forget, if we do not pass the amendment to this, we are moving into a situation in which you're going to have this five consecutive weeks employment routine and it seems to me that it's antithetical to what the law was drawn up in the first place to accomplish.

When you have a situation in which the jobless rate has hit 9.3 percent, and I'm quoting now from a story in the HONOLULU ADVERTISER of March 25, 1976, Section A-1: 'Hawaii's unemployment rate surged to 9.3 percent last month, setting a new 27 year high. Nationwide, the jobless rate was 7.6 percent. The State Labor Director said 34,300 persons were without work in February, an increase of 1,300 from the previous month.' He said that the situation, I am quoting now,

'remain grim for the rest of the year. We don't expect any immediate improvement; we will be burdened with high unemployment all this year.' Now, if that's the circumstance, what I'm trying to get across here is, is that the idea that you will be able to cite somebody for misconduct or threaten them with the idea of misconduct, thus depriving them, not of only their job, but of the opportunity to collect unemployment benefits can be used by unscrupulous employers to coerce their employees, when you know that the unemployment situation is as high as it is. I think it is immoral to give people the opportunity to take advantage of that circumstance. The highest unemployment that we've had in the State in 27 years and yet we put that kind of a weapon with not the slightest regard for how we could turn around and tighten up the procedures whereby we could hold employers to account. Instead, we hold the employees to account in a time when they are least able to defend themselves.

It is under these circumstances that the amendment such as I am suggesting should be passed. It is not an act of mere compassion; it's an act of rationality and so I ask that this amendment be passed.

Thank you."

The motion to adopt the amendment was put by the Chair and failed to carry by voice vote.

At 4:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:05 o'clock p.m., the Vice Speaker assumed the rostrum.

Representative Abercrombie was recognized and he stated:

"Thank you, Mr. Vice Speaker. I believe I had, when we had the recess, that I had indicated I had another amendment to present, did I not?"

The Chair replied:

"That is correct. The amendment has been distributed; will you make a motion?"

Representative Abercrombie offered the following amendment to S.B. No. 2326-76, SD 1, HD 1:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 7 on page 9 to read:

'suitable work when offered him. Such ineligibility shall continue for the week in which the failure occurred and for not less than (two) three or more than (seven) eight consecutive weeks of unemployment which immediately follow such week, as determined according to the circumstances in each case.

(A) In determining whether or not any work is suitable ' "

Representative Abercrombie moved that the amendment be adopted, seconded by Representative Ho.

Representative Abercrombie then spoke in favor of the amendment, stating:

"Thank you, Mr. Vice Speaker.

Mr. Vice Speaker, I am again referring to one of my favorite prophets, chapter 7, Hosea: 'When I would have healed Israel, then the iniquity of Ephraim was discovered and the wickedness of Sumaria, for they commit falsehood and the thief cometh in and the troop of robbers spoileth without and they consider not in their hearts that I remember all their wickedness and now their own doings have beset them about. They are before my face; they make the King glad with their wickedness and the princes with their lies.'

When we come to the situation on page 9, line 7, 'suitable work when offered'--again, we move into the situation of the three to eight weeks. I cannot understand how rational people can think that under such circumstances of a penalty of up to eight consecutive weeks of benefit denial that when we come under such a circumstance as suitable work; when people have various physical conditions that may not be that apparent; when they have psychological and emotional circumstances that they want to deal with--it's not just simply a question to take somebody and say, hey, there's work available down there; go down and start moving a wheelbarrow with cement on it, whatever it is, like that. It's not people

turning down that kind of thing or it's people attempting to take or possibility of getting jobs they might not get otherwise if they take a different job.

Suitability for work provision, it seems to me, is amply taken care of with the eight week provision that is in this amendment and, therefore, I would ask that the amendment be passed."

The motion to adopt the amendment was put by the Chair and failed to carry by voice vote.

At this time, Representative Takamine rose, stating:

"Mr. Speaker, I rise to speak in favor of Senate Bill 2326-76, SD 1, HD 1. However, Mr. Speaker, I must stress the fact that I will vote for Senate Bill 2326-76, SD 1, HD 1, despite very strong reservations. This is why, Mr. Speaker, you will note that I signed Standing Committee Report No. 776-76 with reservations. Therefore, Mr. Speaker, I would like to explain my reasons.

First, Mr. Speaker, this is not the same bill that came over from the Senate. Your Committee on Labor and Public Employment has made a significant change to Section 1 of this bill.

Working people, not free-loaders, workers who earn their living as professional musicians, letter carriers, mail handlers, postal workers, and all crafts within the U.S. postal service, lecturers within the University-Community College system, fishermen, substitute teachers, housekeepers, hotel workers, working mothers whose jobs help meet the cost of raising a family, and many construction workers, who would have been excluded from the Senate version are now protected - they will not lose their coverage.

Also, other working men and women such as pineapple workers, supermarket employees, who could be denied benefits now or in the near future, need not be afraid that they will lose their coverage by this legislation especially in times of personal economic crisis. But, all representatives of labor and all who are presently covered must be more vigilant. We, who are legislators, must also insure that people out of work do not become the pawns for expedient economic policy-making especially if the present

crisis worsens.

My concern on Section 2 remains. Section 2 has to do with disqualification from benefits. In this category are workers discharged from their job for cause or suspended for cause. It includes workers who are considered to have voluntarily separated from work and those who are considered to have refused suitable work.

Under the current Unemployment Insurance Law, they are disqualified up to 8 weeks. This bill, if not changed in conference, will automatically eliminate these workers from coverage until they requalify by working five consecutive weeks.

In 1974, there were 8,917 voluntary quits and 71% or 6,293 of them were denied benefits. There were 5,240 discharged for misconduct and 31% or 1,610 were denied benefits.

There were 4,363 refusal of suitable work cases and 775 of them were denied benefits. Out of a total of 18,520 cases, 47% or 8,678 were denied benefits. There were 42,696 other issues for causes such as not able to work; not available or seeking work; failure to meet a reporting requirement; earned disqualifying or deductible income and 46% or 19,667 were denied benefits.

Out of 61,216 cases, 46% to 47% were denied benefits and under this bill, they would have to requalify by working 5 additional weeks.

Mr. Speaker, the labor department figures show that if Senate Bill 2326-76, SD 1, HD 1 was our law in 1974, 88% or 24,780 cases could not have qualified under a 5 consecutive weeks requalification provision.

In addition to the above facts about the impact of Section 2 as I've tried to illustrate, there is only one word which can best describe this section. It is the word "Indefinite."

Section 2, in effect, declares that U. I. benefits shall be denied indefinitely to any person, who for the conditions cited such as being suspended or a voluntary quit - without good cause - unless he is willing to accept some kind of employment for five weeks and is then either laid-off or voluntarily

resigns with good cause. Otherwise, he faces two consequences:

One - Indefinite disqualification again, or

Two - Trying to find suitable employment for five weeks.

The vicious cycle continues indefinitely.

Mr. Speaker, I personally wonder what chance a person with today's economy and job opportunities, already saddled by being jobless and being forced to requalify, really has to actually requalify with gainful, suitable work.

Today, the situation of unemployment is much worse than it was in 1974. We also know by looking at the statistics that it will be much worse next year and the year after. Nine thousand people came to Hawaii last year as immigrants and 39,000 came in as in-migrants.

The Department of Planning and Economic Development and labor department figures show that our economy is generating only 2,500 jobs a year. But to take care of our own growth, we need 6,500 jobs per year for high school graduates, community college and University of Hawaii graduates. If we are going to take care of the immigrants and in-migrants, we need 13,000 new jobs per year on an accelerated basis.

Mr. Speaker, how many of the approximately 25,000 people that will be affected are people who leave work for good reason but whose employers are able to convince the labor department to the contrary, and those who refuse the offer of jobs others may think are suitable but actually are not.

Mr. Speaker, these are conditions which could result in blacklisting of workers, creating a core of unemployables, encouraging sweat shops and speedups: of workers intimidated, discriminated against but afraid to assert their rights. Mr. Speaker, these conditions will be especially tough on workers not covered by union contracts.

In closing, Mr. Speaker, I will vote for the bill for the reasons I've previously cited while underscoring my grave concerns.

I wish also to share how I and

many view this bill and its importance to Hawaii's depressed economy and its impact on working people.

Today, Mr. Speaker, would have been the sixty-fourth birthday of John A. Burns, a man of justice, hope and great compassion.

It is my sincere wish that in the conference discussions on this bill, the conferees will keep in mind that the resulting measure must provide justice, hope and compassion for those who are the beneficiaries under the Employment Security Law; namely, the jobless of Hawaii Nei.

Thank you, Mr. Speaker."

At this point, Representative Abercrombie rose on a point of information and asked by the Chair to "state your point", Representative Abercrombie asked:

"Mr. Speaker, the reference made by the last speaker to the Conference Committee--I would like a ruling whether, under our House Rules, as amended this year, under House Rule No. 7, whether the section known as Section 2 of the bill before us would be subject to conference and the reason I'm raising the question is on the following basis.

Quoting now 14.5 of our Rules: "The authority of a conference committee shall be limited solely to resolving differences between the House and the Senate versions of a bill or resolution. Accordingly, a conference committee shall not:

(1) Amend those provisions of a bill or resolution which are identical in both the Senate and House versions of the bill or resolution; provided, however, such identical provisions may be amended to conform to all other provisions of the bill or resolution; "

Mr. Vice Speaker, my question is, as I read the Senate bill and the House bill, I believe the sections around the five week language are identical and, therefore, would not be subject to conference. Is that correct?"

At 4:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:25 o'clock

p.m., the Speaker resumed the rostrum.

At this time, Representative Abercrombie, upon being recognized, stated:

"Thank you. When you were off the rostrum, I asked the Vice Speaker. . . Let me ask you, did you hear the question I asked the Vice Speaker or should I repeat it?"

The Chair replied:

"The Chair heard the question and the Chair will not rule at this time. The rule speaks for itself."

Representative Abercrombie then said:

"The rule may speak for itself but I wonder if you could speak for yourself on the matter."

The Chair answered:

"The Chair will be ready to rule on it if and when the particular issue is at hand. It is not. The question before the House is the passage of Senate Bill 2326-76, Senate Draft 1, House Draft 1. If you have any amendment, will you proceed Representative Abercrombie."

Representative Abercrombie then stated:

"Mr. Speaker, the previous speaker urged the passage of the bill on the basis that. . . Let me start all over again. When one stands up to attempt to get fellow members to vote aye or nay on a bill and you cite various arguments to them for it which may sway them, it's important that the members understand whether or not those arguments are correct arguments.

And the reason that I ask the question and would ask you to reconsider what you just said about reserving judgment for the moment is that the previous speaker indicated one of the reasons he would vote for the bill himself and urge others to do so is that certain matters could be taken up in the conference, and I made reference to the section--to the five week section--and then cited the rules that we passed as indicating that would not be possible to do and, therefore, the speaker and those who are persuaded by his logic might want to change their minds. It is very important that

we know the answer now before the vote is taken."

The Chair replied:

"Representative Abercrombie, the Chair has already answered your question. The Chair is not prepared to rule on that particular subject at this time. It is not relevant."

Representative Roehrig then rose and upon being recognized, stated:

"I would just rise on a point of information."

I think that in the discussion we had during the recess, it was pointed out that even if the House bill and the Senate bill are identical so as generally not to allow any kind of amendments, we still have the avenue available that if a majority of the members of the House or Senate should agree to open up a particular part of a bill, that avenue has been retained in the procedures that we've had traditionally in the House."

Representative Blair rose and upon being recognized by the Chair, stated:

"Mr. Speaker, if it is in order, at this time I would like to move the previous question."

The motion was seconded by Representative Kihano.

At 4:31 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:35 o'clock p.m., Representative Blair withdrew his motion for the previous question and Representative Kihano withdrew his second.

Representative Abercrombie then rose and upon being recognized by the Chair, stated:

"Mr. Speaker, I indicated before that it might be more convenient for the members to have all the amendments before them and they are all in order. Might I, at this time then, make a suggestion that we consider the rest of the amendments at one time if I can address them?"

The Chair directed Representative Abercrombie to "proceed."

The following amendments (Amendments Nos. 5 to 15) were offered by Representative Abercrombie to Senate Bill No. 2326-76, SD 1, HD 1:

Amendment No. 5:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 3 on page 13 to read:

'department makes the determination and for not more than fifty-one weeks immediately following such week; provided, that no disqualification shall be imposed if proceedings have' "

Amendment No. 6:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 6 on page 8 to read:

'(2) Discharge for misconduct. For the week in which he has been discharged for' "

Amendment No. 7:

"SECTION 1. Senate Bill 2326-76, SD 1, HD 1, is amended by amending line 18 on page 15 to read:

'pay to the director of labor and industrial'

SECTION 2. Senate Bill 2326-76, SD 1, HD 1 is amended by amending line 21 on page 15 to read:

'paid to individuals based on wages paid by governmental employers. If benefits paid an individual are based on wages' "

Amendment No. 8:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 19 on page 7 to read:

'separation occurred, earned the equivalent of one and one-half times the weekly benefit amount to which he is entitled, or been employed for at least five consecutive weeks of employment, whichever occurs first. For the' "

Amendment No. 9:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 14 on page 8 to read:

'discharge or suspension occurred, earned the equivalent of one and one-half times the weekly benefit amount to which he is entitled, or been employed for at least five consecutive weeks of employment, whichever occurs first.' "

Amendment No. 10:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 14 on page 9 to read:

'failure occurred, earned the equivalent of one and one-half times the weekly benefit amount to which he is entitled, or been employed for at least five consecutive weeks of employment, whichever occurs first. For the purposes' "

Amendment No. 11:

"SECTION 1. Senate Bill 2326-76, SD 1, HD 1, is amended by amending line 4 on page 8 to read:

'for one or more employers subject to this chapter.' "

Amendment No. 12:

"SECTION 1. Senate Bill 2326-76, SD 1, HD 1, is amended by amending line 18 on page 20 to read:

'contributions.

(g) Any benefit overpaid to a claimant as a result' "

Amendment No. 13:

"SECTION 1. Senate Bill 2326-76, SD 1, HD 1, is amended by amending line 8 on page 18 to read:

'(b) Benefits, as hereinafter provided in this subsection, paid to an individual during the benefit year shall not be charged to the account of any of his base period employers from whose employment the individual became separated

during the base period or the three-month period immediately preceding the benefit year under one of the following circumstances:

(1) Left his work voluntarily without good cause, or

(2) Was discharged for misconduct connected with his work, or

(3) Left his work voluntarily for good cause not attributable to the employer. Such nonchargeable benefits shall be an amount which shall bear the same ratio to the total benefits paid to the individual as the base period wages paid to the individual during any continuous period of employment ending with a separation in the base period or three-month period under circumstances (1), (2), or (3) enumerated above bear to the total amount of base period wages paid to the individual.

(c) Benefits paid to an individual, who, during' "

Amendment No. 14:

"SECTION 1. Senate Bill 2326-76, SD 1, HD 1, is amended by amending line 15 on page 22 to read:

'If any employer fails to report with respect to the separation of an individual or the remuneration which he paid to the individual within five working days after' "

Amendment No. 15:

"SECTION 1. Senate Bill 2326-76, SD 1, HD 1, is amended by amending line 9 on page 23 to read:

SECTION 8. Section 383-104, Hawaii Revised Statutes, is amended to read:

'Sec. 383-104 State employment service. The provisions of the Wagner-Peyser Act, as amended, are accepted by this State and the Department of Labor and Industrial Relations is designated and constituted the agency of this State for the purpose of the Act. The Department shall establish and maintain free employment offices in such number and in such places as may be necessary for the proper administration of this chapter and for the purposes of performing such functions as are within the purview of the Wagner-Peyser Act. The Department shall establish and maintain a centralized listing of all job openings

within the State. The Department shall maintain such regular communication as may be necessary with all employers within the State as defined in Section 383-1(9) for the purpose of obtaining information with respect to such job openings. The Department shall provide free public access to these listings throughout the State. For the purpose of establishing and maintaining free public employment offices and promoting the use of their facilities, the Department may enter into agreements with the Railroad Retirement Board, or any other agency of the United States, or of this or any other state charged with the administration of any law whose purposes are reasonably related to the purposes of this chapter, and as a part of such agreements may accept moneys, services, or quarters as a contribution to the maintenance of the State system of public employment offices or as reimbursement for services performed. All moneys received for such purposes shall be deposited with the Director of Finance of the State and shall be expended subject to regulations of the Federal government and subject to appropriation, budgeting, and accounting requirements of the State'

SECTION 9. Material to be repealed is bracketed. New"

Representative Abercrombie moved that Amendments 5 to 15 be adopted, seconded by Representative Ho.

The Chair, at this time, stated:

"Representative Abercrombie, will you try to make it concise?"

Representative Abercrombie answered:

"Mr. Speaker, I can be concise when the feeling strikes me as opposed to expansive."

Representative Abercrombie then spoke in favor of the amendments, stating:

"Mr. Speaker, the reasons that all these amendments are before you, and I think that my point has been made and if the public and the members would examine the rest of the amendments, all of them are substantial; none

of them are put before the body merely to take up their time. On the contrary. When we are about to pass something I believe is momentous, as this bill is, in terms of where it puts the philosophy of the body, that it is extremely important that we do consider and consider with caution and consider with regard, all the various items that are noted in the amendments that I have presented.

I refer to the first one--delete 'suspension'. Those who were at the open caucus know how shaky the suspension situation is. It adds the word 'suspension' to the misconduct situation. I put it to you, Mr. Speaker and to the members here, that this puts into jeopardy every working man and woman in the State, especially those who do not have the protection of a union. It will incite and will not only allow, but it will encourage unscrupulous people to take advantage of the suspension situation, to hold it over their heads to threaten them.

You know, I'm not doing this just to take up the time. I am doing it because it is so vital that we understand what we are doing here. It's not important just to pass something. What's important is to do the right thing. It's not important to just come out with a bill and say, oh yeah, we'll do that next year or we'll let some administrator deal with that or get yourself a lawyer. That's why these things are before us; that's why I'm bringing them out. It's necessary; it's right that we consider them in that light. It's not just for rhetorical reasons; it's our bound and duty. If you go to the next one, it eliminates requirements that governmental employers pay in the fund in advance. Sure, I understand why you want to do that, but at the same time, this is a real consideration of the interest that is lost under those circumstances and that should have been addressed and it wasn't addressed.

Now, you can move to the next one--make voluntary quits work 1 1/2 times the weekly benefits to qualify. Now that's something of substance and it should have been dealt with, not rammed through, not run through, or that's okay, let's not worry about that part. This deals directly with the five weeks' situation.

If, in fact, you are able, Mr. Speaker, to have a conference committee on some of these items, I would

urge those who are on that conference committee--those who have such great faith in the unicameral legislature called the conference committee--to take up what I am suggesting here; that if separation occurs, that you earn your equivalent of 1 1/2 times the weekly benefit amount which you are entitled or been employed at least five consecutive weeks of employment, whichever occurs first. Now, that's fair. If the idea is that someone voluntarily separates, or the misconduct, or the suitability of work, or all the rest of the jive that we are going to inflict upon people; if the idea is to make them earn something more in order to prove their worthiness to gain unemployment benefits, then why not let them work for the cash--one and a half times the weekly benefit. I think that is a fair number because let me explain the circumstances under which this occurs.

When you lose your job, under the voluntary separation especially, what happens is, the unemployment office, after you register, refers you often to like the Manpower, the Temporary Power people, work people, and so on. And you go out and generally those jobs are at minimum wages and they are for one day or two days; maybe they're moving, maybe it's filing; there's all kinds of things that happen and it's generally at the minimum wage. See, you might work one day or the two days kind of thing; maybe you get lucky and get the five, so what I am saying is that at the minimum wage, if your benefit was, at say, 96 bucks a week--kind of something like that--you would have to put in about 85 to 90 hours that way and accumulate that. You might do it in a week; you might do it in two; you might take five; it might take six. The point is not to settle with the five consecutive weeks kind of situation which is subject to all kinds of sideline running and end sweeps.

I think Representative Sutton mentioned before the way in which this kind of thing can be abused--this five week thing. I can see it already. Anybody who is sharp enough or skillful enough or unscrupulous enough to be taking advantage of the unemployment laws now for their own gain is going to take advantage of this one. What's going to happen is the guys who

are honest; the ones that don't have the wherewithals in terms of their experience, their expertise and manipulating the laws or understanding the ins and outs of it--they're the ones that are going to get the shaft on this. The guy in between, the taxi driver, the woman working in the beauty parlor, the waiter, the waitress, all the people who may not have the union protection especially to turn to--they're the ones that are going to get caught in this scheme.

So, if that's the case, if this bill passes, I urge you to take up the idea of earning 1 1/2 times whatever figure you want to get of the weekly benefit in order to qualify instead of selling them with this five weeks situation.

And if you will look at 9 and 10, they both refer to the same situation in the other categories, as well as the voluntary separation part.

Then in No. 11, what it really needs--I can't understand this one at all. As I said in the caucus, I have some familiarity with the English language but right here you have a situation in which we say, one or more employers are not subject to the bill. It's on page 8, line 4, and this goes for the other sections where the five hour weeks, where they say, 'the individual who has performed services and employment for not less than two days or four hours for one or more employers, whether or not such employers are subject to this chapter. Now what the hell does that mean? Whether or not the employers are subject to the chapter, the employees are subject to the chapter. But we don't know if the employers are subject to the chapter or not. So we look back at No. 9 under 'Definitions', I believe it is--yes--what employer means. I'm trying to find out whether the employers are subject to the chapter and there it says under Section B--this is on page 4--'for the effective period of its election, pursuant to Section 383-77, any other employing unit which has elected to become subject to this chapter. Well, does that mean they have to be elected to be subject to the chapter or do they not? What exactly does it mean? I wasn't able to get any answers on that. I asked members on the Committee and they didn't know what I was talking about; didn't know what the chapter was--383-77.

You take a look at it, it has all kinds of ramifications about who can elect to be in it and who doesn't, who is and who isn't involved in it. What does language like that mean? I know the average guy in here who is going to vote for this can't even say right now what it means. We are going to pass it anyway, why take it up in conference. That's what we will be doing--playing with the lives of people in a conference.

You take 12, this amendment deletes the proposed section which restrict interstate travel. What about the big deals about the tax. Our source of aid can't restrict interstate travel, control population--no, no, you can't do that--unconstitutional. But, boy, we are doing it right now. Don't let anybody a dime in another state and come over here or you would have to split like a lot of island people do. Their incomes come from a couple of places or they go up to the mainland and earn some money. Maybe while they are up there, they are going to school, or whatever, and come back--no, no, we are not going to do that. That's different. When you're working, that's different.

When you want to try and control a population; you want to try and keep this place a decent place to live; all of a sudden, somebody is beating me on the head with the Constitution.

You take No. 13 here. The bill, as written, will encourage employers to challenge the claims. This thing isn't going to do anything to change that. Line 8 on page 18--you move to page 18. This ostensibly is going to cut down on abuse of the situation where you left your work voluntarily or was discharged with conduct, or left voluntarily with good cause, not attributable to the employer. That's not going to change anything. What's for the employer to lose to challenge everything; to challenge every person that comes up. It won't change at all. It is not going to encourage any kind of abuse on the employer's side; it's only the employees that are victimized.

Then another situation where we deal with the five day deadline for reporting the hiring and termination. My amendment would have

retained requirement that the employer provide information requested by the Department of Labor within five working days. That's all. I think it is unreasonable to ask people, especially the small businessman, to get involved in all this kind of reporting business. What kind of forms are they going to use? When do they have to go in? Do they have to depend on the mail system? What if it doesn't arrive on time? Who are they going to deal with down at the Unemployment Insurance Division?

It's easy to say our computers are going to handle it. The computers in this State--are you kidding? A State agency? They can't even pay people on time. You go out to work at Leeward or up at the University, State, working with it, you get paid two months late--two months late. Right now, they have pay in advance. What for? Why can't we just take the computers we ostensibly have up here and charge it to a different account right now in the State? Why is it so difficult? You move gold in Fort Knox easier than you can get a bill paid in this State.

So why the hell should small business, or business in general, be settled with this kind of a routine. All it's going to create is more paper and more backup and you know who's going to get hurt by it? It's going to be the claimant again or the small businessman. Either one that is going to try and make the push--they'll be the ones that are going to be held up. They won't be able to have their earnings on time.

And then this one, the last one here that I would have addressed at more length and which I hope to the next time when I come back here that the Department should establish. . ."

At this point, Representative Poepoe interrupted:

"Point of order, Mr. Speaker."

Directed by the Chair to "state your point", Representative Poepoe stated:

"That is a presumption. It should be stricken from the record."

The Chair then said: "Proceed, Representative Abercrombie."

Representative Abercrombie continued,

stating:

"Hear this word that the Lord has spoken against you, o' children of Israel; against the whole family which I brought out from the land of Egypt, saying, you only have, I know, of all the families on Earth; therefore, will I punish you for all your inequities?"

"And that is my thrust. Therefore, I am going to be rewarded, not just in Heaven, but here, so.
.."

The Chair interrupted: "Conjectural."

Representative Abercrombie continued, saying:

"So is the assumption that the conference is going to solve any of these problems.

Mr. Speaker, the requirement that I would have here that I've added in one of my last. . . would have been my last amendment, and then I would go back to the first one which I have neglected to address, would be that the Department should establish and maintain a centralized listing of all job openings within the State. The Department shall need such regular communications as may be necessary with all employers in the State as defined in Section 383-1, Subsection 9, for the purpose of obtaining information with respect to such job openings. The Department shall provide free public access to these listings throughout the State.

Now, if you really mean it in this bill, this could be onerous too for the State to put together and although it might be useful to the business people involved, there is no sense in passing a bill like this with the provisions in it unless you have something like this attached to it. Otherwise, how are people supposed to be able to comply with all the provisions? Some kind of central listing system with the State is essential and it is not now required.

And what I would have addressed earlier was the 51 weeks situation; to put somebody into the box for two years, it seems to me, on a situation where there is administrative decision, not a judicial decision, as to what constitutes

fraud, seems to me, going way outside the bounds of what is reasonable with people that may or may not have the capacity to verbally or with the written language or emotionally or psychologically to be able to face up to an administrative hearing. They could get scared. It's tough to go to Traffic Court, let alone appear in an administrative hearing, and have to defend yourself against people that are more articulate than you may be or have full knowledge of the law to manipulate and use it against you. That is a scary situation; it's scary in here. Imagine how scary it is going to be down at an administrative hearing to put somebody into the box for two years is simply unreasonable; it's cruel and unusual punishment in that respect.

So, with those comments in mind, Mr. Speaker, I would like to ask that those amendments be voted through in total."

The motion to adopt the amendments was put by the Chair and failed to carry by voice vote.

Representative Ho then rose and upon being recognized by the Chair, stated:

"Mr. Speaker, I would like to speak against Senate Bill 2326-76, SD 1, HD 1."

Directed by the Chair to "proceed", Representative Ho stated:

"Mr. Speaker, before I begin, I have 8 amendments which I would like to enter into the Journal as part of my speech instead of belaboring this honorable body with amendments one by one."

The Chair replied: "If there is no objection, so ordered."

Representative Ho then entered into the Journal the following amendments (Amendments Nos. 1 to 8):

Amendment No. 1:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 2 on page 13 to read:

'the week in which the department makes the determination and for not more than the fifty-one weeks immediately following such week; provided, that no disqualification shall be' "

Amendment No. 2:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 17 of page 7 to read:

'in each case.

(2) Discharge' "

Amendment No. 3:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 12 on page 8 to read:

'seriousness of the misconduct.

(3) Failure to apply for work, etc.' "

Amendment No. 4:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 1 on page 9 to read:

'(3) Failure to apply for work, etc. If he has failed, without good cause, either' "

Amendment No. 5:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 7 on page 9 to read:

'suitable work when offered him. Such ineligibility shall continue for the week in which the failure occurred and for not less than two or more than seven consecutive weeks of unemployment which immediately follow such week, as determined according to the circumstances in each case.

(A) In determining whether or not any work is suitable' "

Amendment No. 6:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 8 of page 8 to read:

'misconduct connected with his work and for not less than two or more than seven consecutive weeks of unemployment which

immediately follow such week, as determined in each case in accordance with the seriousness of the misconduct.

(3) Failure to apply for work, etc.' "

Amendment No. 7:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 2 of page 7 to read:

'in employment for one or more employers subject to this chapter or with respect to which' "

Amendment No. 8:

"SECTION 1. Senate Bill No. 2326-76, SD 1, HD 1 is amended by amending line 6 of page 8 to read:

'(2) Discharge for misconduct. For the week in which he has been discharged for misconduct connected with his work' "

Representative Ho then spoke against the passage of the bill, stating:

"Mr. Speaker, the reason that I am speaking against this bill is what the administration or this bill is trying to do is to clean house or like someone referred to as lots of newspaper articles saying, 'well this guy quit his job to collect unemployment so he can sail around the world' and various other reasons, but are we really addressing on this bill the few that is going to get away with it even if we pass this bill as is. They're still going to get away with it but who suffers in between?

Like the previous speaker spoke on various amendments that he had, I don't think we really fully are addressing the issues. We have addressed part of it and Section 1 but, yet, if the bill wasn't there, we wouldn't have any issues. It wouldn't have to be addressed. I think what we basically are trying to address is mainly in Section II or Part 2.

I am sorry that the Labor Committee didn't take any action on Part II. I am sorry also that this bill had to come up at the last day as either a do or die.

Mr. Speaker, I have to learn politics in this very short two years that I have been in office, but if we are to pass something meaningful, let's do it meaningfully. If we are going to give, like a fisherman says, 'a nibble to a fish', I don't think we are really resolving the seriousness of the issues.

I never have been in labor. My concern is to the people of the State of Hawaii, especially those who are not in labor and have no avenue to turn to and yet they have to go down to the unemployment office and you have only one individual or few individuals who comes out and makes the decision for them.

I think and I feel that knowing that it is going to pass irregardless of what objections I have or the previous speaker's against this matter; and if it does pass, I just hope that this body and the body in the Senate will come to an agreement so we can take up Part II of this bill.

Thank you."

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

"Mr. Speaker, I want to speak against the bill.

Mr. Speaker, I put in the various amendments with the hope that they would improve the bill. The bill could be moved next year because of the circumstances that the previous speaker mentioned. But I want to say now that, for the record, and for whatever it may do in terms of setting in the minds of those who may go into conference on it, to do what should be addressed; but to wait for a conference situation now to remove it from us in the House and to have passed the bill on the basis that it will go to conference, as opposed to what we generally want, is an argument for one thing and one thing only, and that is a unicameral legislature and I hope that everybody who has been paying any attention to the affairs of the two-house legislature will take this bill and place it up on the wall in front of them when the Constitutional Convention comes before them and remember it as a prime example of what happens when irresponsibility

can take place in a two-house legislature.

Second, Mr. Speaker, I think that the statistics cited by Representative Takamine and cited somewhat haphazardly by the Department of Labor in the caucus room and cited more specifically to the Labor and Public Employment Committee indicating that over 70 percent of those people who left under so-called voluntary suspension were denied benefits, indicates that this so-called problem of voluntary suspension or people just leaving for a lark is not a realistic one, and more than 70 percent have been denied; and when they move to the misconduct situation in which only 30 percent are found to be in a situation in which it is condoned by the Department, namely, 70 percent of the people, seven out of ten were found to have good cause for leaving after the misconduct, it seems to me that it indicates that it is the employers who are abusing the situation of the discharge for misconduct. No question in my mind and on the not suitable of the figures, 18 percent. 18 percent more than 80 percent of the people don't even have an argument about whether the work is suitable and take it and yet we pass this bill as if it were some urgent measure that had to come forward. I think that what is going to happen is that there is going to be more people on welfare. As a result, when they don't have the money, wait until the landlords don't get their rent; wait till the markets start going down, the little stores around town, the pharmacies, the shoe store, the gas stations, when they don't start getting their bills paid. Sure, we'll have a situation which you can say, hell we nailed down; we'll see who gets nailed; we'll see who gets hurt in the economy. It's going to be the situation in which the taxpayers are going to have to come in and pick it up at the other end. We are going to have Peter to pay Paul and I want to say, in addition, that I think it is the immigrants who are going to get hurt by this too. I think it is the people who do not have a good command of the English language and the intricacies of the bureaucratic system who are going to be hurt by it. They won't know how to deal with it; they won't even know how to make appeals and will be discouraged. The great mass that will be hidden away from all of us and we won't have the chance to feel sorry for them because we aren't going to even see them. We may see them

on the front page someday if some guy takes a gun and walks into the market and goes and gets his food that way for his family.

We think that's out of line--9.3 unemployment and climbing higher. I don't think it is out of line for the following reasons. You wait and see, that 9.3 unemployment isn't going to be just across the board. That's going to start hitting the kids between 18 and 25, 26, and unemployment is going to climb in that group just like in every city across the land, every city across the mainland. That's going to be the hard-core unemployed because they are graduating from our high schools now unable to read and write. They can't make change. You take your kid and put him in a gas station and maybe he can fix an engine because he's worked with that all his life and you send him out to the pumps and try and make change if he sells a quart of oil and he can't do it and he is going to be fired, and that is happening right now. You talk to the guys running the gas stations and some of these other business and they will tell you that that's what's happening. We've got kids all over the streets. Kids, I keep saying kids. We have illiterate adults all over the street. They are not in unions; they are not in apprenticeship programs; we are not providing a way for them. We haven't been dealing adequately with this point and they are going to be the hard-core unemployed and that's where we are going to get our trouble from. Mark my words and this bill is going to add to that situation; it's not going to do anything to alleviate it.

In the end, all that can be appealed to is the conscience of the people in this body not to vote out bad legislation or legislation that they have grave reservations about in the hopes, maybe, that something can happen. I believe it is our obligation and duty to vote 'no' when you're not certain that you can, in all good conscience, vote for such legislation.

If there is a need to address this, it should be addressed in the interim and a committee come back with a full report to the House so that it can be dealt with in a rational basis next year.

Thank you."

Representative Larsen rose, stating:

"Mr. Speaker, I rise to speak in favor of this bill and I would like to indicate some of my concerns about this measure."

Directed by the Chair to "proceed", Representative Larsen stated:

"Thank you, Mr. Speaker. We have had some very good discussion here about the problems in the bill and I would like to point out some of the things that I feel are serious omissions and pieces of the bill that will cause problems in the future.

Now, whether this measure gets to conference or not, I will leave up to the majority party. Hopefully, it will get to conference and I hope some of these problems that are in the bill will be addressed and corrected before it becomes law.

To begin with, the newly amended definition of work week, 2 days or 4 hours. That doesn't have much to do with work. We talked about working for two weeks, but that is not actually what will happen. When the work week required the 20 hours, it had definite substance in it. However, serious problems for many workers who are only partially employed would be created by this mandatory 20 hour work week. Therefore, I agree that the provision is improved by being reduced, but I would have preferred an 8 or 10 hour work week stipulation in the bill.

The problem develops further when one realizes that two days or four-hour work week is really a fiction because working for two weeks is not bad; it's working for an hour or half an hour a day, two days a week. Any aikane of yours can have you come in to his office and sweep up for an hour or fold letters for half an hour and you qualify for work week. So, it's really a fiction.

Another work week definition was 20 hours. This would have been a hardship on the people to require that they go back to work for five 20-hour weeks. To me, this was a false assumption that we are forcing a situation on the State where it was not possible to qualify for work.

I believe the five week work requirement was unrealistic in the labor market

that had 9.3 percent unemployment, had very little chance for any short term improvement in this 9.3 percent unemployment. However, when we come down to the two days or four hour work identification, this is really a fiction, as I mentioned. It would just be a means of finding a way on to the UI rolls.

I believe and I have expressed my opinion in Committee meetings that the Representative from Hamakua had an excellent amendment to this bill. I am sorry it was not put into it. I believe the idea of having an 8 or 10 week mandatory period of being off the payroll, call it a meaningful deterrent for those who plan to float in and out of the job market in order to qualify for the UI benefit. I think this would have been a very serious need and a requirement in the bill.

The current law is too lenient and the two days, four hour thing is really meaningless for anyone who is trying to get around this provision.

Secondly, I would also favor the experience rating taking effect immediately. I realize there is a problem insofar as the 3 1/2 percent meeting the funding requirements but it does cause a serious problem to the small businessman in the State and I would push for getting back on to an experienced rating as soon as possible to relieve these individuals who are carrying the burden for those industries that have heavy unemployment.

Thirdly, ultimately, not this year, maybe not next year, ultimately, I would like to see the UI funding shared on some percentage basis by both the employer and employee. I think this would put it logically into the function of having the employees now who claim they're contributing, have them contribute, and I would like to see this percentage sharing based on experience so those employees who are in industries where they don't go off work, don't pay a very high percentage, and those where they do, they would pay a bigger percentage of their employment their wages to go into this fund which would have a carrying effect and ease the burden on the small businessmen again.

I believe these would be very

good stipulations and I hope that it would be considered when this bill goes into conference committee. I hope it is not the small caucuses that we have been having over the last two or three weeks. I hope it is a big caucus and I hope that we have a chance to hear the different provisions.

Now, fourthly, we are talking about fairness and so forth on the people that are subject to this unemployment bill. Well, I think that is a fiction because we all talk about fairness but, in reality, it is based on power and power is what's behind this bill and behind the whole thing. If it was fair, Mr. Speaker, I submit to you that 30 percent of the measures coming out of the legislature would be Republican measures. Ergo, we are not really talking about fairness.

Thank you."

The motion was put by the Chair and roll call having been requested, S.B. No. 2326-76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", having been read throughout, passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Abercrombie, Cayetano and Ho voting no, and Representatives Morioka and Sutton being excused.

The Chair directed the Clerk to note that S.B. No. 2326-76 had passed Third Reading at 5:10 o'clock p.m.

At 5:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:40 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 781 on S.B. No. 2603-76, SD 1 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2603-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE COUNCIL OF HOUSING AND CONSTRUCTION INDUSTRY", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Sutton being excused.

Stand. Com. Rep. No. 782 on S.B. No. 2884-76 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Sutton being excused.

Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1 (Deferred from March 29, 1976):

Representative Suwa moved that action on Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1, be deferred until tomorrow, March 31, 1976, and the Chair, noting that there were no objections, so ordered.

Stand. Com. Rep. No. 784-76 on S.B. No. 2028-76 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Sutton being excused.

Stand. Com. Rep. No. 785-76 on S.B. No. 2235-76 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Sutton being excused.

Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1 (Deferred from March 29, 1976):

Representative Suwa moved that action on Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1, be deferred until tomorrow, March 31, 1976, and the Chair, noting that there were no objections, so ordered.

Stand. Com. Rep. No. 787-76 on S.B. No. 1809-76 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1809-76, entitled: "A BILL FOR AN ACT RELATING TO AGENTS OF PRIVATE SCHOOLS AND CORRESPONDENCE SCHOOLS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Sutton being excused.

Stand. Com. Rep. No. 788-76 on S.B. No. 1825-76 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Sutton being excused.

At 5:43 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 5:44 o'clock p.m.

Stand. Com. Rep. No. 789-76 on S.B. No. 2267-76, SD 1 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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 DEVELOPMENTAL RATES FOR FACILITIES USED BY GENERAL

AVIATION ACTIVITIES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Sutton being excused.

Stand. Com. Rep. No. 790-76 on S.B. No. 2105-76 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki 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", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Sutton being excused.

Stand. Com. Rep. No. 791-76 on S.B. No. 2027-76 (Deferred from March 29, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2027-76, entitled: "A BILL FOR AN ACT RELATING TO REALLOCATION", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Sutton being excused.

The Chir directed the Clerk to note that S.B. Nos. 2603-76 and 2884-76 had passed Third Reading at 5:41 o'clock p.m.; S.B. Nos. 2028-76 and 2235-76 at 5:42 o'clock p.m.; S.B. No. 1809-76 at 5:43 o'clock p.m.; S.B. Nos. 1825-76 and 2267-76 at 5:44 o'clock p.m. and S.B. Nos. 2105-76 and 2027-76 at 5:45 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:

S.B. No. 1780-76, SD 1:

On motion by Representative Yamada, seconded by Representative Yap, S.B. No. 1780-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER SALES", passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Sutton being excused.

S.B. No. 1785-76, SD 1:

On motion by Representative Yamada, seconded by Representative Yap, S.B. No. 1785-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL PENALTIES FOR VIOLATIONS OF INJUNCTIVE ORDERS", passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Amaral, Carroll, Larsen, Lum and Sutton voting no, and Representative Morioka being excused.

S.B. No. 1553, SD 2:

Representative Yamada moved that S.B. No. 1553, SD 2, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Carroll then rose, stating:

"Just briefly on this particular measure. I have been trying for a number of years to have this kind of law passed and I think it has taken five or six years since the first of these was introduced and I think it reflects very well upon this body that we are going to finally put one out.

I urge everyone to vote aye."

At 5:47 o'clock p.m., on request by Representative Poepoe, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 5:48 o'clock p.m., Representative Poepoe was recognized by the Chair and he stated:

"Mr. Speaker, we had an amendment to offer on this bill concerning the exemption of the 4 percent general excise tax on food and drugs. If it is permissible under the title, since we've gone through a long session and in the interest of time, we are not going to submit the amendment and force a vote, but I ask that the body permit me to submit the amendment in form and the address that I had into the record."

The Chair responded:

"If there is no objection, so ordered."

The following is the amendment to S.B. No. 1553, SD 2, offered by Representative Poepoe:

"SECTION 1. Senate Bill 1553, SD 2 is amended by adding a new

section to be appropriately designated and to read:

'SECTION Hawaii Revised Statutes chapter 328 is amended by adding a new part to be appropriately designated and to read as follows:

PART FOOD AND DRUG TAXES

Sec. 328- . Exemption from general excise tax. Notwithstanding any other law to the contrary, all food and drugs shall be exempt from general excise or receipt taxes.' "

The following is the remarks of Representative Poepoe in support of the amendment:

"This marks the third time this year that five Republicans have proposed tax relief for Hawaii on food and drug.

Mr. Speaker, we're going to kill you with kindness and we're going to keep repeating this issue until you capitulate.

The 4 percent general excise tax is a regressive tax that is most harsh on lower income families. Over the last 30 months, inflation has pushed the cost of food up by more than 20 percent. For families purchasing some \$250 of food per month 2 1/2 years ago, they're now paying \$300 for the same foods. A repeal of the 4 percent excise tax would return about \$12 to each family, or nearly \$150 annually.

This is the type of tax relief that the people of Hawaii need--\$150 per year. They don't need rhetoric nor political promises to do a better job next year nor the small but progressive steps exhibited in other legislation that this House has passed. They need substantial tax relief to make ends meet.

You would do well to favorably consider this amendment."

The motion to pass S.B. No. 1553, SD 2 on Third Reading was put by the Chair and carried, and S.B. No. 1553, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII FOOD, DRUG, AND COSMETIC ACT", having been read throughout, passed Third Reading by a vote of 49

ayes, with Representatives Morioka and Sutton being excused.

S.B. No. 525, SD 1:

On motion by Representative Segawa, seconded by Representative Naito, S.B. No. 525, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CANCER CONTROL", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Cayetano voting no, and Representatives Morioka and Sutton being excused.

S.B. No. 269, SD 1, HD 1:

Representative Garcia moved that S.B. No. 269, SD 1, HD 1, be recommitted to the Committee on Energy and Transportation, seconded by Representative Cayetano.

At this point, Representative Lum rose, stating:

"Point of order."

Representative Poepoe was then recognized by the Chair and he stated:

"May we have an explanation for the move, please?"

Representative Garcia then rose and stated:

"Has the proper motion and second been recognized, Mr. Speaker?"

At 5:51 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:53 o'clock p.m.

Representative Ajifu then rose, stating:

"Point of order, Mr. Speaker."

Directed by the Chair to "state your point", Representative Ajifu stated:

"We object to the consideration of that question. We would like to have a roll call vote on that motion."

At 5:52 o'clock p.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:55 o'clock p.m.

Representative Garcia then rose and stated:

"The reason why I made the motion to recommit this particular bill is because I believe that there is a technical default in both the Committee Report and the bill itself.

The Committee made a decision that there should be mentioned a drop-dead clause regarding the mandatory use of motorcycle helmets should the President veto the measure or item veto the section relating to helmets. Therefore, the particular Committee Report and the bill itself does not have any mention of that particular technical decision. Therefore, I am making the motion to recommit and the Journal to reflect that particular motion."

Representative Lum was recognized and he asked:

"Would the chairman of the Committee yield to a question?"

The Chair asked: "Representative Cayetano, will you yield?"

Representative Cayetano answered: "I will yield."

Representative Lum then asked:

"If this bill is recommitted, does that mean that the concept is dead for the session?"

Representative Cayetano replied:

"For the session? That is correct."

Representative Lum then spoke against the recommitment, stating:

"Mr. Speaker, I rise to speak against the recommitment.

We have a Governor; he has the power to veto. We have another chamber on the other side; they have the power to disagree. We have heard of different issues being worked so that the other body, if there is disagreement here, will be put into conference.

Some of the concerns that have been expressed by the Vice Speaker are valid concerns and if they are not just trying to play games with this bill, then I would say the proper thing to do is to vote this bill through; have the Governor turn around and veto if the standing

of the bill is not proper at the time that the Governor has it before him.

There were requests made today to have us go along with the recommitment, that some of us feel that the motorcyclists of the community have been put through some undue hardship because they have been forced to wear helmets and they worked very hard for this bill.

I think it is imperative that we at least give them a chance to have their needs taken care of. I hope that the people who have been following this bill through realize that the kind of play that is being played here is not exactly all forward and true."

Representative Garcia then stated:

"I rise to speak in favor of the motion.

Mr. Speaker, there is no question in my mind, both philosophically and principally, that I don't believe motorcyclists should be required to wear helmets. However, because of the technical defaults that I had mentioned earlier and, secondly and even more important, because this particular bill has not been signed by the President.

I believe that we should wait another year and take this up, this particular subject up, and I, for one, will try to do everything possible along with the other Representatives who believe in this to see that a bill such as this passed once the federal legislation is signed. Thank you."

Representative Ikeda then rose, stating:

"I would like to speak against the recommitment.

Mr. Speaker, this issue is not something that just popped up. We've discussed it; we've had hearings on it; we had people come in and testify in favor of it, and I think it is a dirty trick to recommit at this time after going through all of that.

Aside from doing away with regulation regarding motorcycle helmets, this bill also has been amended to require mufflers on motorcycles and motorscooters, and I would like to point out that in adopting something like this, we would be doing a lot to curb noise pollution

and I would ask this body to vote against recommitment."

At 5:58 o'clock p.m., on request by Representative Uechi, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:59 o'clock p.m.

Representative Naito then rose and stated:

"I rise to speak against recommitment."

I'm one of the people who has been very interested in this bill and I've watched the people from the motorcyclist group down here. I've watched them year after year. Finally, this is the fruits of their labor and they have labored very, very hard and long for what I consider to be a most meritorious cause.

This bill is before us now. It is my understanding, last week, that there was some sort of amendment in the bill and/or Committee Report that this was contingent upon the President's signature. Now, I understand that that was inadvertently left out of the Committee Report or the bill and I have serious questions about why and how that was done.

I, therefore, will ask all my colleagues to speak against the recommitment."

At this time, Representative Cobb rose on a point of information and asked by the Chair to "state your point", Representative Cobb asked:

"Mr. Speaker, I would like to address my question either to the Vice Speaker or the Chairman of the Committee relative to two elements that have now come to light as a result of the discussion on this bill.

Question No. 1 is whether or not the Committee Report which is defective in not mentioning the drop-dead clause and the pending signature of the President, whether the Committee Report can be amended without violating the 24-hour notice, and to my understanding of the constitutional requirement that only the bill must be presented in final form."

Representative Garcia answered:

"Mr. Speaker, technically, that is correct. It can be amended but, at this time, the Committee, along with myself, have made a decision that we should recommit this particular bill."

Representative Cayetano then stated:

"Mr. Speaker, let me say that I am in favor of the concept of the bill. I don't believe motorcyclists should be forced to wear helmets and if I am back next year, and if I am chairing the same Committee, I will hold the same view.

But let me say this--I think the Committee proceeded in a wrongful manner on this bill because we assumed things that we really didn't know much about, one of them being the pending federal legislation. We relied on hearsay; we relied on things people told us and I just don't think it is a responsible way to proceed and this is why I am for this recommitment."

Representative Cobb then rose and asked:

"My second question is whether or not, if this bill is disagreed to by the Senate, that the defects contained both within the Committee Report as well as within the language of the bill, specifically the inclusion of the drop-dead clause, can be incorporated into the conference committee?"

Representative Cayetano replied:

"Mr. Speaker, I think that question is moot in the sense that, as I have previously stated, I don't know what the federal law is and until we see the federal law and have had time to examine and fully understand it, until it becomes signed by the President, I don't think it is prudent that we proceed."

Representative Cobb then stated:

"Mr. Speaker, I would rise to a point of order on that particular response because the time granted between now and the disagreeing vote of the Senate and the meeting and the resolution of the question by the conference committee would give us the time needed to research adequately the federal law in question as well as the bill pending before the President and incorporate amendments both in the bill and in the Committee Report sufficient to meet those require-

ments."

Representative Ajifu then rose and stated:

"I wonder if this matter could be deferred till the end of the calendar."

Representative Garcia rose and said, "Mr. Speaker, no."

The motion to recommit S.B. No. 269, SD 1, HD 1, to the Committee on Energy and Transportation was put by the Chair and roll call having been requested, S.B. No. 269, SD 1, HD 1, was recommitted to the Committee on Energy and Transportation by a vote of 27 ayes to 18 noes, with Representatives Abercrombie, Ajifu, Amaral, Blair, Carroll, Clarke, Cobb, Evans, Fong, Hakoda, Ikeda, Kamalii, Larsen, Lum, Medeiros, Naito, Poepoe and Santos voting no, and Representatives Inaba, Kawakami, Kondo, Machida, Morioka and Sutton being excused.

The Chair directed the Clerk to note that S.B. Nos. 1780-76 and 1785-76 had passed Third Reading at 5:46 o'clock p.m.; S.B. Nos. 1553 and 525 at 5:50 o'clock p.m.

At 6:06 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:07 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 794-76 on S.B. No. 1855-76, HD 1 (Deferred from March 29, 1976):

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 1855-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE CATEGORIES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Morioka and Sutton being excused.

The Chair directed the Clerk to note that S.B. No. 1855-76 had passed Third Reading at 6:08 o'clock p.m.

At 6:08 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:11 o'clock p.m.

At this time, the Chair made the following announcement:

"The Chair would like to remind all chairpersons that this Friday, April 2nd, is the last day to disagree with the amendments made by the Senate on any House bills so I want all the chairpersons to watch the calendar for the return of House bills with amendments and for you and your committee to discuss them."

At 6:15 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives stood in recess until 8:45 o'clock p.m. tonight.

NIGHT SESSION

The House of Representatives reconvened at 9:22 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:

S.B. No. 1992-76, HD 1:

Representative Roehrig moved that S.B. No. 1992-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Uechi.

At this time, Representative Poepoe rose on a point of order and asked by the Chair to "state your point", Representative Poepoe stated:

"The Senate Bill 1992-76, HD 1, was passed on Second Reading not according to the calendar here, last night. I don't think it is due to be voted on right now."

The Chair replied:

"It has been made available at 7:35 o'clock p.m."

Representative Poepoe then said:

"We discussed that before, but

action of the House has taken place in that time."

At 9:23 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:30 o'clock p.m.

Representative Poepoe then rose, stating:

"Mr. Speaker, I would like a ruling on my point of order."

The Chair replied:

"The ruling is that the Senate Bill No. 1992-76, HD 1, has met the legal requirement of the 24-hour period."

Representative Poepoe appealed the ruling of the Chair, stating:

"Mr. Speaker, I appeal the ruling of the Chair."

The motion was seconded by Representative Ajifu.

The Chair then said:

"The Chair's ruling has been appealed. The question is, shall the Chair's ruling be sustained?"

At this point, Representative Sutton rose, stating:

"Can we have a roll call, Mr. Speaker?"

The Chair stated:

"An aye vote will sustain the Chair; a no vote will not sustain the Chair's ruling."

Representative Sutton then stated:

"Mr. Speaker, I have 11 people who want a roll call."

The Chair replied:

"Let's be patient, Representative Sutton. Mr. Clerk, call the roll."

The roll was called on the motion to appeal the Chair's ruling that S.B. No. 1992-76, HD 1, has met the legal requirement of the 24-hour period and the Chair's ruling was sustained by a vote of 32 ayes to 16 noes, with Representatives Ajifu, Amaral, Carroll, Clarke, Cobb, Evans, Fong, Hakoda, Ikeda, Kamalii, Larsen, Lum,

Medeiros, Poepoe, Santos and Sutton voting no, and Representatives Inaba, Kawakami and Morioka being excused.

At this time, the Chair recognized Representative Poepoe and asked:

"For what purpose do you rise, Representative Poepoe?"

Representative Ajifu rose and said:

"Mr. Speaker, I rise to a point of order."

The Chair then said:

"Representative Poepoe is recognized."

Representative Poepoe then stated:

"Mr. Speaker, I want that noted in the Journal that this is, from here on, the way we will operate."

The Chair then said:

"Let's proceed."

Representative Poepoe then said:

"Mr. Speaker, I have an amendment to offer on this bill."

The Chair asked:

"Mr. Clerk, has the amendment been distributed?"

At 9:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:37 o'clock p.m.

Representative Poepoe offered the following amendment to S.B. No. 1992-76, HD 1:

"SECTION 1. Senate Bill No. 1992-76, HD 1, is amended as follows:

1. lines 9 through 14 on page 1 are amended to read:

'through [the eighteenth] seventeenth and twenty-sixth representative districts, [and] precincts [three to six] and one and four to eight of the [nineteenth] eighteenth 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-Wai'au boundary and Noelani Street], and precincts four to seven of the twenty-fifth representative

district, one representative to the Congress of the United States.'

2. lines 4 through 9 on page 2 are amended to read:

'the sixth and the [twentieth] nineteenth through the twenty-[seventh] fourth and twenty-sixth and twenty-seventh representative districts, precincts [one and two and three of the nineteenth] eighteenth representative district and [that portion of precincts three and four of the nineteenth representative district bounded by Waimano Home Road, Komo Mai Drive, and Waimano-Wai'au boundary and Noelani Street], precincts one to three of the twenty-fifth representative district one representative'"

Representative Poepoe moved that the amendment be adopted, seconded by Representative Ajifu.

Representative Carroll then rose and asked:

"Prior to the introducer speaking, I would like to ask if he will yield to a question, to several questions."

Representative Poepoe answered:

"I will yield."

Representative Carroll then asked:

"Mr. Speaker, I would like to ask the introducer if diminimis deviations in the apportionment plan were considered in the preparation of this particular amendment."

Representative Poepoe answered:

"Yes, they were, Mr. Speaker."

Representative Carroll then asked:

"I would also like to ask, Mr. Speaker, if the law which is set forth in *Wesberry versus Sanders*, United States Supreme Court case, was considered."

Representative Poepoe answered:

"Yes, it was, Mr. Speaker."

Representative Carroll then asked:

"I would also like to know, Mr. Speaker, if *Wells versus Rockefeller*

and *Kirkpatrick versus Preisler* were considered in the preparation of the amendment."

Representative Poepoe answered:

"Yes, it was, Mr. Speaker, and I will explain the boundaries of the amendment in my speech."

Representative Carroll then asked:

"And, Mr. Speaker, the last question I would like to know is if there was a systematic scheme or plan followed in the preparation or prior to the preparation of this amendment relative to population apportionment."

Representative Poepoe answered:

"Mr. Speaker, I am surprised that my colleague would expect anything less from me."

Representative Carroll then said:

"I have no further questions, Mr. Speaker."

The Chair then remarked:

"I submit that the rehearsal is going on pretty good so far."

Representative Poepoe then spoke in favor of the amendment, as follows:

"I rise to speak in favor of the amendment."

Mr. Speaker, last night, I sat here and heard my district reviled by members of the neighbor islands, who probably have only passed through my district at best. They told me that my district was not fit to be considered with the contiguous areas of Hawaii Kai, Waialae Kahala, Makiki, and so forth. Mr. Speaker, I resent those comments. My area has always been one of the most active participants in the governing of Oahu. Our community councils have long been a model of citizen participation for many areas around the island. In fact, often more comments on the city budget are submitted from this area than any other areas combined.

Our future is intricately intertwined with the future of urban Honolulu of which we strive to be a vibrant part. Others have recognized this point--including the legislature which endorsed, for better or for worse, TH-3. More appropriately, however, the county charter itself recognizes the integration of the Trans-Makapuu Community in its council district apportioning. For instance, the seat of councilman Dan

Clement runs from near Waialae to Enchanted Lakes--practically the very proposal contained in this amendment.

Say what you want about the numbers--all agree that this amendment meets the constitutional one-man one-vote criteria. But more importantly, this is the only proposal considered that has been time tested and the only proposal to be endorsed by the people of Oahu themselves by general election.

I repeat, the people of Oahu have adopted this concept by actual vote. Now our neighbor island members are attempting to submerge portions of my district and adjacent areas under the control of people not only over the mountain but also, across the sea.

I urge you to adopt this amendment to permit us to once again become an integral and effective part of Honolulu--you've disenfranchised us far too long.

My amendment would expand the First District in the Trans-Makapuu direction through Waimanalo to Lanikai, similar as indicated to the City Council district now governing this area. For your information, the street boundaries of this district are: Beginning at the intersection of the west extension of the outer edge of the reef and the center of Pearl Harbor Entrance Channel and running north along the center of Pearl Harbor Entrance Channel; northeast along the center of the Channel between Ford Island and Southeast Loch, Pearl Harbor, to the drainage channel to its intersection at Moanalua Road; going southeast along Moanalua Road till its intersection with Aiea Stream; to the Koolau Ridge, then southerly along the Koolau Ridge to its intersection with Aniani Niu Ridge and easterly along Aniani Nui Ridge to Puu O Ehu Ridge Line to Kailua Road; east on Kailua Road to Kawainui Stream and turn east between Auwai Street and Kuaaina Way, where my relatives are; south on Oneawa Street; east on Ulupaina Street; south on Maluniu Avenue; east on Mookua Street till it reaches the sea; along Kailua Bay; past Alala Point; past Wailea Point; along Waimanalo Bay; past Bellows Field to Makapuu Point; along the Kaiwi Channel to Koko Head; along Maunalua Bay to Diamond Head; along Waikiki;

along Mamala Bay to the entrance of Pearl Harbor.

Presently, the district, under the bill, is as follows, and that's the present concept which we are amending: That begins at the intersection of the west extension of the outer edge of the reef and the center of Pearl Harbor Entrance Channel and running north along the center of Pearl Harbor Entrance Channel; along East Loch; to the southwest point of the Hawaiian Electric Waiau power plant boundary and running northerly along the west boundary of said power plant to Kamehameha Highway and north on Kam Highway to the intersection of Waimano Home Road; then along Waimano Home Road to its intersection with Noelani Street; then Diamond Head along Noelani Street to the Waimano-Waiau boundary; then mauka along the boundary to Komo Mai Drive; then Ewa on Komo Mai Drive to its intersection with Waimano Home Road; then mauka on Waimano Home Road to the point of its divergence from the Waimano-Manana boundary to its intersection with Koolau Ridge; then southerly along the Koolau Ridge to Makapuu Point; along the Kaiwi Channel to Koko Head; along Maunalua Bay to Diamond Head along Waikiki; along Mamala Bay and back to Pearl Harbor.

It makes eminent sense to conform legislative districts where possible. To do so creates a sense of identification and a spirit of community so necessary to civic pride.

Our community councils have placed the development of a community identification at the very top of its list of priorities. It believes that with this sense of community comes a greater feeling of citizen participation and a lower crime rate.

Mr. Speaker, I concur with my community's desires and urge all members of the House to support that concept by adopting this amendment.

Thank you very kindly."

At this time, Representative Cobb rose on a point of order.

The Chair asked:

"Representative Cobb, state your point."

Representative Cobb answered:

"In Cushing's, page 109, halfway

down, it says, 'Amendments by Inserting: If an amendment is proposed by inserting or adding a paragraph or words, and the amendment is rejected, it cannot be moved again to insert the same words or a part of them; but it may be moved to insert the same words with others, or a part of the same words with others, provided the coherence really make them different propositions.'

The point, Mr. Speaker, is this amendment is substantively different from that offered last night."

The Chair then said:

"The Chair accepts the amendment as substantively different."

Representative Sutton then rose and stated:

"Point of order, Mr. Speaker, please."

The Chair then said:

"The Chair has ruled."

Representative Sutton then said:

"Mr. Speaker, point of order."

The Chair said:

"State your point, Representative Sutton."

Representative Sutton stated:

"I have Cushing's right here, sir, and I would like to check the edition that Mr. Cobb has because we are supposed to get the latest edition. He seems to be reading from a very old edition."

The Chair then said:

"The question is not pertinent, Representative Sutton."

Representative Roehrig then rose and upon being recognized by the Chair, stated:

"Mr. Speaker, I rise to speak against and in speaking against it, I would like to state that I am really surprised that the Minority Leader has presented another amendment to the bill that is before us because he presented a substantive amendment last night at about the same time of the evening, presenting what I believe, at that time, was the minority party's plan for reapportionment, and I think the Speaker will recall

that, as a matter of fact, the Minority Leader was accommodated by being given additional time so it could be discussed with the minority and so that the amendment could be properly printed and distributed. And I assumed, at that time, that there was going to be discussion on the merits and so we had a discussion on the merits last night.

Well; as luck would have it, tonight, we have another amendment before us which is different than the one we had last night and it has just been presented to us. The Minority Leader is well aware that any amendments to any measures on this particular evening cannot be accepted; otherwise, that particular legislation would fail and I would presume that that is exactly what the intention is.

I would say, Mr. Speaker, that the proposed reapportionment is part of a scheme, I would suggest, and a systematic scheme, but not the kind of scheme that Representative Carroll was addressing his attention to. I would suggest that the systematic scheme is to try to stop the legislature from doing its constitutional duty to reapportion the First and Second Congressional Districts which we are mandated to do this year because of the present malapportionment.

So I would ask all members of this legislature to vote this measure down as being merely interposed for delay this evening. Thank you."

The Chair then asked:

"Representative Poepoe, for what purpose do you rise?"

Representative Poepoe answered:

"Mr. Speaker, I wanted to respond to a couple of the comments but I would go ahead and wait for Representative Stanley."

The Chair, at this time, recognized Representative Stanley and she stated:

"Mr. Speaker, I would like to rise to speak against the amendment."

Directed by the Chair to "proceed", Representative Stanley then stated:

"When I first had the opportunity to come to Hawaii, I lived in Waimanalo and that was in 1967 and I became very active with the citizens' groups there and remember very distinctly some of the community feelings that

were expressed to me about the council districts that were created and I am not convinced the residents on that side of the island would favor the proposals justified by the amendment."

Representative Poepoe then rose and stated:

"Mr. Speaker, just a couple of things. First of all, I believe that any calendar that this legislature sets is artificial and can be changed with the agreement of the Senate, that the deadline for Third Readings tonight can be changed to tomorrow night; that is not a problem. That is not restricted to us by the Constitution; we may change it.

Secondly, the amendment that I have proposed is part and parcel of three administration plans that came down earlier this year--Plans 1, 2 and 3, for lack of any other term.

Last night, I presented Plan 2. This is really Plan 3. If you don't recognize the districts, they cut right down through Kailua in the amendment here. The amendment that we voted on last night that you so kindly refused, included only Lanikai and is part of the First Congressional District. This amendment takes in a greater part of Kailua and I thought that my explanation of all the streets and channels was quite clear on that point."

Representative Kamalii then rose and inquired:

"I wonder if the Representative from the 14th District would yield to a question?"

Representative Blair rose and answered:

"I will yield."

Representative Kamalii then said:

"I will get to you later, Representative Blair."

Representative Stanley then rose, stating:

"Mr. Speaker, as the other Representative from the 14th District, I would be. . ."

Representative Kamalii remarked:

"The good looking one I mean."

The Chair remarked:

"They are both good-looking. Proceed."

Representative Kamalii then said:

"That is your opinion, Mr. Speaker."

The Chair replied:

"Then, it's the correct one. Proceed."

Representative Kamalii then asked:

"I wondered, Representative, if you would. . . Mr. Speaker, the handsome one."

The Chair answered:

"You are correct."

Representative Abercrombie then rose on a point of order and stated:

"That is a matter of opinion."

Representative Kamalii continued her query:

"As to what basis you have and would you elaborate on your remarks regarding your statement?"

Representative Stanley answered:

"Mr. Speaker, very briefly, I was a former resident of Waimanalo; very active in the Waimanalo Community Association, the Waimanalo Community Action Program, and various PTAs and other groups and participated in considerable discussion when the reapportionment for the council was made."

Representative Kamalii continued, asking:

"Well, Mr. Speaker, are you saying. . . I don't understand the Representative's answer--unhappy in what way; unhappy with the candidate or unhappy with what?"

Representative Yuen then rose, stating:

"With your permission, Mr. Speaker, perhaps I can add to what. . ."

Representative Yuen was recognized by the Chair and he went on to say:

"Representative Stanley just stated. . . you happen to be speaking about my particular district and I have had many meetings with my constituents. Let me assure you that the majority of the constituents do not favor being connected with the Lanikai area."

Thank you very much, Mr. Speaker."

Representative Carroll rose on a point of order and stated:

"The point is that the Representative from the 14th District--the good-looking one-- indicated that she was talking about 1967 at which time Representative Yuen was not a Representative."

The Chair then stated:

"Let's proceed with the vote."

Representative Ajifu then rose and requested a roll call vote.

The motion to adopt the amendment (Representative Poepoe's) was put by the Chair and failed to carry by a vote of 34 noes to 15 ayes, with Representatives Ajifu, Amaral, Carroll, Clarke, Evans, Fong, Hakoda, Ikeda, Kamalii, Larsen, Lum, Medeiros, Poepoe, Santos and Sutton voting aye, and Representatives Kihano and Morioka being excused.

At this time, Representative Ajifu offered the following amendment to S.B. No. 1992-76, HD 1:

"SECTION 1. Senate Bill No. 1992-76, HD 1 is amended as follows:

1. lines 9 through 14 on page 1 are amended to read:

'through [the] eighteenth and twenty-sixth representative districts, and [precincts three to six] precinct seven of the [nineteenth] twenty-fifth 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,] one representative to the Congress of the'

2. lines 4 through 9 on page 2 are amended to read:

'the sixth and the [twentieth] nineteenth through the twenty-[seventh] fourth and twenty-seventh representative districts, and precincts one [and two] to six of the [nineteenth] twenty-fifth 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], one representative' "

Representative Ajifu moved that the amendment be adopted, seconded by Representative Poepoe.

At 9:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:57 o'clock p.m.

Representative Ajifu then rose, stating:

"Mr. Speaker, I would like to speak in favor of the amendment."

Directed by the Chair to "proceed", Representative Ajifu stated:

"Mr. Speaker, I rise to speak in favor of this amendment. The actual street by street boundaries of this amendment would be given to you by our Minority Leader, Representative Poepoe, upon the conclusion of my comments.

Basically, Mr. Speaker, my proposal is a fair and even-handed compromise. It recognizes the choice the people of Oahu made for themselves in establishing a council district for eastern Oahu, including Waimanalo, Hawaii-Kai and adjacent areas, while recognizing the unchecked urban sprawl in the Ewa direction. This proposal gives something to everyone and still satisfies our constitutional one-man one-vote criteria.

Last night, I sat here quietly and listened to charge upon counter-charge lofted back and forth across this hall. To all of you here, to all of you Representatives, I say to you, is this necessary?

Let us recognize the legitimate concerns of all parties--might does not make right. What I am offering you tonight is an opportunity to evenly 'bury the hatchet' without the loss of position. With this done, we may all move on to other business affecting our constituents.

To reject this offer is tantamount to a call to war, and even though we may be unevenly matched in numbers, I can assure you that we shall make up that deficit in fortitude and dedication."

Representative Abercrombie then rose, stating:

"Point of information."

The Chair asked:

"Representative Abercrombie?"

Representative Abercrombie then asked:

"Is the speaker able to go on?"

The Chair answered:

"He's finding it very difficult. Proceed, Representative Ajifu."

Representative Ajifu continued, stating:

"Mr. Speaker, as soon as I have the attention of the House.

Mr. Speaker, you will have brought down upon yourself a tempest that I am sure you will regret in retrospect, not unlike the pay and pension bills of last session. With this proposal, we'll split the differences between us and achieve a constitutionally satisfactory result. What else is to be gained by fighting over 100 or so votes when each district contains a couple hundred thousand votes.

Mr. Speaker, fellow Representatives, I urge you to support this amendment. Thank you."

At this point, Representative Cobb was recognized and he stated:

"Point of information."

Asked by the Chair to "state your point", Representative Cobb asked:

"What is the registered voter deviation of this proposed amendment?"

The Chair asked:

"Is that question directed to Representative Ajifu? Representative Ajifu?"

At 10:01 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:02 o'clock p.m.

At this time, Representative Ajifu answered Representative Cobb by saying:

"Mr. Speaker, the numbers is about 200 plus votes."

Representative Poepoe then

rose and upon being recognized by the Chair, stated:

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

Directed by the Chair to "proceed", Representative Poepoe stated:

"Mr. Speaker, I rise to speak in favor of this amendment and in doing so, I'd like to note for the record, several selections that have appeared in various articles on last night's action and contrast them to other statements of the Constitutional Convention and the legislature on the subject of reapportionment as related to the bill before us.

Excuse me, Mr. Speaker, I have a cold, and I'd like to direct a question to you."

The Chair said: "State your question."

Representative Poepoe then stated:

"Mr. Speaker, normal procedure is that it requires a caucus on your part to discuss our amendment. I will wait and speak in favor of the amendment if you wish."

The Chair replied:

"That may be normal, but sometimes we're not so normal."

Representative Poepoe then said:

"Mr. Speaker, one of our newspapers states: 'Although they've stirred up Republican howls of 'gerrymandering', House Democrats have set a vote today on a bill that would add 10,000 predominantly Democratic votes to Hawaii's First Congressional District (Urban Honolulu).'

The House Judiciary Committee last night reported out a measure that seeks to balance out a malapportionment between the First and Second Congressional Districts by adding nearly 10,000 voters in the Aiea-Pearl Ridge areas to the First District.

These voters are now in the Second District (Rural Oahu-Neighbor Islands).

Republicans offered an amendment that they claimed would provide a fairer way to even things out. The amendment would have taken some voters from Democratic areas in Aiea and some from traditionally Republican areas of Windward Oahu.

The amendment died.'

And in another issue, which earlier attacked the majority attempt to gerrymander, it states: 'A major battle of this year's Legislature shaped up today over different approaches to reapportionment of Hawaii's two Congressional Districts.

A House measure which passed Second Reading last night would transfer about 10,000 voters from the Pearl City and Kalihi-Palama areas of Congressional District 2 to Congressional District 1. These voters traditionally have voted heavily in the Democrat column.

The battle over reapportionment of the districts likely will continue in a House-Senate Conference Committee.' Well, that's conjecture, of course.

'A plan to balance the partisan political advantages by transferring a mixture of Windward Republican and Aiea Democratic areas into District I already has passed in the Senate. An attempt by House Republicans to amend the House reapportionment plan by substituting Senate provisions failed last night by a vote of 35 - 15.

Also, a motion by Representative Tennyson Lum, R-7th District (Aiea Haina-Hawaii Kai) to postpone passage of a reapportionment bill indefinitely to force a court decision on reapportionment of the districts was beaten down by a chorus of Democratic 'no' votes.

This bill passed Second Reading on another voice vote and was placed on the calendar for Third Reading, which probably will mean a House vote on the plan tonight.' That, of course, is conjecture too, Mr. Speaker. Because of differences with the Senate measure, it will be referred to a Conference Committee of the two houses. The controversy over the Republican amendments produced about a half-hour of floor debate.

Republican Andrew K. Poepoe, the Minority Leader, R-25th District (Aiea-Hawaii Kai), who offered the amendments, said the House plan is discriminatory. He called his amendments incorporating provisions of the Senate plan the fairest distribution of voter balance.'

The Chairman of the House Judiciary Committee countered with sentiments expressed in the bill report. Points the Chair made were that the House plan avoids the dominance of one class of voters by another. He spoke of preferring to keep the 'homogeneity' of District I and avoiding 'heterogeneity.'

Representative Jack Larsen, R-8th District (Diamond Head-Aiea Haina), called the House bill advanced by the Chairman of the Judiciary Committee a flagrant political ploy.'

So far, no Democrats have announced as candidates in District I. Rohlfsing himself, reached by telephone earlier, was philosophical."

At this time, the Chair interrupted and said:

"Representative Poepoe, the Chair has been rather patient in listening to you. Will you direct your remarks to the amendment and not to the events that came to pass yesterday?"

Representative Poepoe replied:

"Mr. Speaker, I'm building up my case for the amendments that came to pass yesterday to the debate that's taking place tonight."

The Chair directed Representative Poepoe to "proceed" and Representative Poepoe went on to say:

"But our colleague, of course, said that he would 'accept the judgment of the Legislature', and he accepts the judgment of the Legislature and he predicted that 'ultimately an equitable and fair plan would come out of the Legislature.'

Then there is a quote by the State Republican Chairman saying that the House plan, enacted last night, 'really smacks of gerrymandering', and so forth.

Let me quote from the Senate Judiciary Vice-Chairman who voted on the Senate plan which passed by 23 - 2 vote but still had some reservations. Now note what the Senate Judiciary Committee in S.C.R. 621 stated under the signature of its chairman and member on House Bill 6 on Congressional redistricting: 'Your Committee, in good faith, pursued the standard for congressional districting as enunciated in Wesberry vs. Sanders, 376 U.S. 1 (1964), that Congressional districts be drawn so that 'as nearly as is practicable', each Representative

should case a vote on behalf of the same number of people. While your Committee generally used a combination of existing State Representative Districts, there was no deliberate intent in trying to preserve the integrity of political subdivisions or the homogeneity of interests of persons grouped together in particular districts.

. . . Your Committee notes that the first State Reapportionment Commission will be constituted, (this is going back) in 1973 so that legislation may be timely enacted after the 1970 census and before 1973 to allow the Reapportionment Commission to assume the Congressional districting duties.' That's a quote from the House Journal of 1969. That is the Reapportionment Commission, and not the Legislature.

Now, listen to the proceedings of the Constitutional Convention of Hawaii of 1969, Volume II, Delegate Schulze, Chairman of the Committee dealing with reapportionment, lists one of the key points: ' . . . districts may not be drawn, may not be so drawn to unduly favor one person or political faction. I think this is obvious. I'm not--it sometimes sounds like you get your head in the clouds a little bit but it is a criteria which our Committee took very, very seriously. . . '

In retrospect, what we have just heard quite frankly is something quite different than that which we now have before us.

Our Governor tells us that the non-political reapportionment commission should be doing what this political body is doing.

Our Constitutional Convention tells us that we shouldn't unduly favor one political faction and our Senate understands this, but to listen to our newspapers one might get the impression that our House is off and running on another 'pension-pay' raise attempt to favor one person or political faction--just wait for the tourist tax to be revived under another tax title during conference for the straw to break the House's back.

The street boundaries of this amendment are: Beginning at the intersection of the west extension of the outer edge of the reef and

the center of Pearl Harbor Entrance Channel and running northerly along the center of Pearl Harbor Entrance Channel; northeasterly along the center of the channel between Ford Island and South East Loch, Pearl Harbor, to the intersection of the seashore of East Loch, Pearl Harbor, and Kalauao Spring Ditch along Kalauau Stream till its intersection with the Koolau Ridge; along the Koolau Ridge till its intersection with Aniani Nui Ridge until Akipoh Street which is in Kailua, by the way, until its intersection with Keolu Drive also in Kailua; northeast on Keolu Drive till its intersection with the drainage canal following the canal to Kealepulu Stream till intersection with the sea, and that is a different plan; along Kailua Bay past Alaa Point; past Wailea Point; Waimanalo Bay past Bellows Field to Makapuu Point; and along the Channel Koko Head, the Bay to Diamond Head and back along to Waikiki; up through and back to the entrance of Pearl Harbor.

I urge you to support this amendment and help preserve the public's confidence in this House and, Mr. Speaker, I would like a roll call."

Representative Kunimura was then recognized by the Chair and he stated:

"Mr. Speaker, I have the floor, sir.

Thank you, Mr. Speaker. It is very amusing for me, and I speak against this amendment, and if I may say again, it is very amusing to take a statement out of context and try and use it for your own good.

As I stated last night, Mr. Speaker, I was a member of the Constitutional Convention and a member of the Reapportionment Commission and what was quoted from the Chairman of that Committee, Mr. Schulze, is correct, but he is out of context because he meant, at that time, and it is still true today that you should not favor an individual or party by gerrymandering.

Now, that is an animal of a different picture. But when it is used tonight by the honorable Minority Leader, it sounds like we shouldn't be gerrymandering here; we shouldn't be doing what we are trying to do--have a sense of responsibility to produce a reapportionment plan that lives to the very heart and principle set forth by

Committee and then by the Constitutional Convention then in session in 1968.

So, I would like to have it inserted for the record that the statement is correct but the intent is 180 degrees in the opposite direction."

Representative Roehrig was then recognized and he stated:

"Just briefly in opposition to this proposed amendment, I would state that the Minority Leader's remarks about what we should do here is a matter of public policy would be a heck of a lot more credible if every amendment that has been offered by the minority were not for the purpose of helping the member of the minority party who is running for Congress from that particular district.

If the amendments being offered produced a more homogenous Second District and First District, I would suggest that the amendments may be more credible, but when they are all offered for a very obvious and flagrant purpose of helping a political candidate, I think that that smacks of the very kind of political gerrymandering that our Constitutional Convention sought to amend.

Thank you."

At this time, Representative Amaral rose on a point of information and upon being recognized by the Chair, asked:

"Mr. Speaker, the last speaker was speaking as if this bill was for or this amendment was for a particular Republican candidate. Is he saying that the bill presented to us is against a Republican candidate?"

The Chair then recognized Representative Sutton and asked "for what purpose do you rise, Representative Sutton?"

Representative Sutton replied:

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

Directed by the Chair to "proceed", Representative Sutton stated:

"Mr. Speaker, the history of the Constitution, particularly that part of it relating to the adoption of Article I, Section 2, reveals

that those who framed the Constitution meant that no matter what the mechanics of an election, whether statewide or by districts, it was population which was to be the basis of the House of Representatives.

During the Revolutionary War, Mr. Speaker, the rebelling colonies were loosely aligned in the Continental Congress, a body with authority, Mr. Speaker, to do little more than pass resolutions and issue requests for men and supplies. . ."

At this point, Representative Kimura rose, stating:

"Point of order, Mr. Speaker. I think this is the bicentennial year but we can do our historical readings elsewhere."

Representative Sutton continued, stating:

"Well, I am glad that he mentioned the bicentennial because, Mr. Speaker, the result of the Constitutional Convention of 1787 called for the sole and express purpose of revising the Articles of Confederation. When the Convention met in May, this modest purpose was so abandoned for the greater challenge of creating a new and closer form of government. Mr. Speaker, it was possible under the Confederation. Soon after the Convention assembled, Edmund Randolph of Virginia presented a plan; not merely to amend the Article. . ."

Representative Kimura rose again, stating:

"Point of order, Mr. Speaker. I think the speaker, my colleague from the 15th district, is far astray in both time and space. I think his talk is entirely not germane to the amendment, Mr. Speaker."

The Chair then said:

"Representative Sutton, will you get to the heart of your argument and let's proceed to the vote."

Representative Sutton continued, stating:

"Mr. Speaker, a man of his intelligence knows very well that prefatory remarks are very appropriate. I feel I may lack a little authority in the role which I have been cast because I have been an official in the South Seas the last four years. I have no records as a prophet and, in

fact, I'm quite a poor prophet, but I believe that if you look at the Supreme Court, we now have five justices--five justices who are conservative. Now, these five justices are going to look at what we're doing tonight because I'm going to appeal this and I want to see this. . ."

(Someone called for a point of order but was not recognized by the Chair).

Representative Sutton continued:

"amendment go through. Now. . ."

(Someone called for a point of order but was not recognized by the Chair).

Representative Sutton continued:

"this amendment, Mr. Speaker. . ."

At this point, the Chair rapped his gavel and said:

"Let's have some order on this floor."

Representative Abercrombie then rose and stated:

"Point of order, Mr. Speaker."

Asked by the Chair to "state your point", Representative Abercrombie stated:

"Mr. Speaker, I believe that the justices of the Supreme Court are sworn to uphold the law and are not to bring into any particular political persuasion when they make their decisions. And I think that it is an incorrect characterization of the Supreme Court to designate them otherwise."

The Chair then said:

"Representative Sutton, will you proceed."

Representative Sutton answered:

"Keeping in mind what Mr. Abercrombie has just stated. . ."

The Chair interrupted: "That is correct."

Representative Sutton went on to say:

"And also keeping in mind that two of the Supreme Court justices are my classmates."

In our Constitution, and we talked about the Constitutional Convention and the gentleman from Kauai has brought up the Constitutional Convention and I think that's very appropriate on this amendment because we established a Reapportionment Commission. Now, you have a very distinct role in that because as Speaker of the House, two of those members will be appointed by you. And when you appoint those two members, you want people that will create districts that do not have deviation; that have an appropriateness from the point of view of not county lines, but from the point of view of the homogeneity of the district. We have just seen it. Mr. Daniel Clement was elected a councilman from a district which included Waimanalo and included those parts of Lanikai that are now included in the amendment that is before us.

Therefore, if you were to appoint, as is your constitutional duty, two representatives to the Reapportionment Commission. . ."

Representative Kimura rose, stating:

"Point of order, Mr. Speaker."

Asked by the Chair to "state your point", Representative Kimura stated:

"Mr. Speaker, the amendment as such has nothing to do with your appointment or the Reapportionment Commission and I think the present speaker should be admonished severely to keep his remarks germane to the amendment at hand."

The Chair then stated:

"Representative Sutton, will you keep your arguments germane to your subject; otherwise, the Chair will rule you out of order."

Representative Sutton continued, stating:

"Yes, I think it is very germane in that when we are doing reapportionment that we examine the basic qualifications that the Supreme Court has set down to reapportion districts."

We have two areas of approximately 144,000 people. We are looking

for representative districts. Now, prior to separating Hawaii into two Congressional districts, we had one area; we ran statewide and nobody can speak better than myself, sir, as I have run more times than anybody in the history of Hawaii. Therefore, if some of this is above the head of my colleague, I will explain it to him later.

Now, Mr. Speaker, I believe it is highly germane for us to recognize that whatever we do here tonight would be adjudicated and that any voter--any voter--can bring an action in the federal courts and he will have immediate jurisdiction, and we have two United States District Court judges who, in the past, have taken a very strict view, and one is from the island of Hawaii, the same island as my colleague, the Chairman of Judiciary. Judge Martin Pence has enunciated certain principles which this amendment seems to prophesy as being correct. Now, what Martin Pence, Judge Martin Pence, said was this: 'That people have a right under the one-man one-vote rule to be represented', Mr. Speaker, and this is what this amendment is trying to do--to give the appropriate representation.

When we met in the Judiciary Committee, our Chairman put up on the wall four maps and all of a sudden, he looked at one map and he stuck his finger there and said, 'my goodness, we can't have this district, Mr. Kuroda will be out of his district' and, therefore, Mr. Speaker, we worked in arbitrary means and that is why this amendment is being put forth to correct what happened in the Committee where we did not adequately discuss this, and where we were not given an adequate opportunity, and where there was not adequate public hearing, and this amendment will correct these and that is why this amendment is before the floor and, therefore, Mr. Speaker, I hope that even you will give this favorable consideration."

The motion to adopt the amendment (Representative Ajifu's) was put by the Chair and failed to carry by a roll call vote of 34 noes to 15 ayes, with Representatives Ajifu, Amaral, Carroll, Clarke, Evans, Fong, Hakoda, Ikeda, Kamalii, Larsen, Lum, Medeiros,

Poepoe, Santos and Sutton voting aye, and Representatives Kihano and Morioka being excused.

At 10:26 o'clock, on request by Representative Carroll, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:29 o'clock p.m.

The Chair then said:

"... Action on the primary motion."

The Chair at this time, recognized Representative Carroll who stated:

"Mr. Speaker, I'd like to ask if the Chairman of Judiciary would yield to several questions?"

Representative Carroll then said:

"Ask if the Vice Chairman of the Judiciary Committee would..."

The Chair answered:

"Not present at this time, Representative Carroll."

Representative Carroll said:

"I would like to ask for a short recess until some of these knowledgeable people return, Mr. Speaker."

The Chair then said:

"Any further discussion? If not... Representative Poepoe?"

Representative Poepoe stated:

"I rise to a point of order."

The Chair said:

"State your point."

Representative Poepoe then said:

"The members are present in this building. They should be brought to their chairs."

The Chair remarked:

"Representative Poepoe, I believe that some of the actions are becoming very dilatory."

Representative Carroll, I understand that you're rising to speak against the bill. Will you proceed?"

Representative Carroll replied:

"Mr. Speaker, I'd like to ask if the Majority Leader then would answer several questions?"

At this point, Representative Kunimura rose and upon being recognized by the Chair said:

"I'll try to answer if I can."

The Chair then asked:

"Representative Carroll, will you accept Representative Kunimura's. . ."

Representative Carroll answered:

"I'll accept the answers from anyone who's willing to give them and I see that our esteemed Chairman of Judiciary has returned, so perhaps he would prefer to field the questions."

The Chair asked:

"Representative Roehrig, will you yield?"

Representative Roehrig answered:

"Mr. Speaker, I will yield to the questions."

Representative Carroll then asked:

"Mr. Speaker, my first question is three questions in one and that is, is the Chairman familiar with Kirkpatrick versus Preisler; Wells versus Rockefeller and Wesberry versus Sanders?"

Representative Roehrig answered:

"Mr. Speaker, I've heard of those case citations."

Representative Carroll then said:

"I presume that answer means that he's not familiar with the law contained therein."

The Chair then said:

"That's an assumption on your part."

Representative Roehrig then said:

"If the person asking the questions wants to have a discussion with me on the merits of substantive law, constitutional law, I would be happy at any time to do that."

If he has any particular questions that he would like to address to me relating to the House proposal, I would be happy to respond, but if the questions are being asked just

for purposes of further delay, which has been the plan this evening, I would prefer not to answer it at this time. At some subsequent time, I would be happy to sit down with the Representative and go over this area rather thoroughly to his satisfaction."

Representative Carroll then asked:

"All right. Well, Mr. Speaker, my first question is then in line with the comment just made: What is the Chairman's understanding of the law regarding diminimus deviations in apportionment plans and, more specifically, what difference, if any, is there between a plus or minus 100 of 1 percent and 1 percent?"

Representative Roehrig replied:

"Mr. Speaker, I think we discussed that sufficiently last night. I prefer not to go into it any further this evening. I think we very adequately covered it."

The Chair asked:

"Representative Carroll?"

Representative Carroll replied:

"All right then, I'd like to ask, Mr. Speaker, what particular scheme or method was used in determining the provisions which are set forth in Senate Bill No. 1992-76, House Draft 1?"

Representative Roehrig then said:

"Mr. Speaker, we discussed that last night, and addressing my remarks to the proposed minority amendment which I presumed was the plan that the minority was interested in, I did comment at that time on this matter and it is in the Journal."

The Chair asked:

"Representative Carroll?"

Representative Carroll stated:

"Mr. Speaker, the Journal was not available to us, and I do not recall any definition as to how Alternative No. 4, which is the one that we're being asked to vote on tonight, was arrived at--other than that it was thought to be a good idea."

Representative Roehrig then said:

"Mr. Speaker, Alternative No. 4 was presented to the Committee by Mr. Takushi of the Elections Division, at our decision making."

Representative Carroll asked:

"I'd like to ask then: What discussion was there of this particular alternative?"

Representative Roehrig replied:

"Mr. Speaker, unfortunately, the Representative asking the questions, although he is a member of the Committee, was inclined not to be present at the time decision-making took place; otherwise, he would have heard the discussions that went on, and I have taken the liberty to get the whip clerk's report as to the members who were present and it notes that two members of the minority were present at the time the discussion took place and I would refer Representative Carroll to those two minority members. Thank you."

The Chair asked:

"Representative Carroll?"

Representative Carroll then asked:

"I would like to ask then, Mr. Speaker, what notice was given, a timely notice to the general public that there was going to be decision making, that this particular alternative draft, was going to be considered?"

Representative Roehrig replied:

"Mr. Speaker, I have discussed this matter with Representative Carroll this afternoon and I reminded Representative Carroll this afternoon that on the day of the decision making on the House plan, that notice was given on the floor here of the fact that decision making was intended for that afternoon at 2:00 o'clock. At 2:00 o'clock, there were not sufficient members in the Committee, so your Chairman had to go from office to office to collect sufficient members and decision making started at approximately 2:30. There was quite adequate public notice. There had been public notice two days before, on the 22nd, that there was decision making on this particular matter, and on the Friday before the first time we had discussed it, so there was very adequate notice to the public and to the minority members of the fact that decision making, and as Representative Carroll pointed out to me, he felt it was more important to go to the Transportation Committee decision making then to come to the Judiciary

decision making, and I would suggest that that was his decision to make and he should live by it."

The Chair asked:

"Representative Carroll?"

Representative Carroll then stated:

"Mr. Speaker, I rise to speak against this measure."

Directed by the Chair to "proceed", Representative Carroll stated:

"First of all, Mr. Speaker, I would like to note that the time as just indicated by the remarks of the Chairman of the Judiciary--between the time that it was noted that there would be decision making relative to the House draft which is before us today--was sometime between 11:00 o'clock and 2:30 o'clock in the afternoon. That was the first time that that particular measure, rather this particular measure, was considered.

Now it's true that there were three alternatives which had been considered prior to that date. Decision making, we presumed, was to be on one of those three proposals and not on the fourth proposal. There was no discussion as to the fourth alternative as has been suggested by the previous speaker. Hearings for decision making were announced regarding the Transportation Committee and the Judiciary Committee hearing decision making at the same time, and on that Transportation Committee sits our colleague, Representative Cayetano, who is a lawyer and whom I presume would want also to be present at this very important decision making.

Now, in Kirkpatrick versus Preisler. . ."

At this point, Representative Kunimura rose on a point of order.

The Chair asked Representative Kunimura to "state your point."

Representative Kunimura then said:

"I would like to request the Speaker to instruct the member from the Waikiki district to speak on the amendment."

The Chair remarked:

"Your point is well taken. Representative Carroll, I think enough is enough."

Let's proceed to the merit or demerit of the bill."

Representative Carroll stated:

"Mr. Speaker, I'm speaking on the demerits of this particular bill."

The Chair then said:

"Let's proceed."

Representative Carroll continued, stating:

"In Kirkpatrick versus Preisler, which is mentioned in Standing Committee Report 795, reporting 1992-76, a Senate bill, and House Draft 1 which is before us now, Justice Harlan has said: 'Strait indeed is the path of the righteous legislator. Slide rule in hand, he must avoid all thought of county lines, local traditions, politics, history, and economics, so as to achieve the magic formula: one man, one vote.' Now, apparently, he says there's an 'all-pervasive distrust of the legislative process' which he believes 'is completely alien to established notions of judicial review.'

Now, in this particular case, we rushed through the decision making on this matter, and whereas in the past, and I believe that it is pertinent to discuss the procedural aspects of the production of this House Draft 1, our counsel and advice has been sought, particularly where there are legal implications, where there are recent court decisions, and where there are at least intricate legal matters to be considered.

Now, it is curious, indeed, that this matter, this so-called 4th alternative, which is before us in the format of the Senate Bill previously noted, was conceived, prepared, adopted, not only without the concurrence of the bulk of the members of the Committee, but without even a scintilla of information regarding this proposal on the part of the Republican members of the Judiciary Committee.

Now, I suppose it is not strange that an issue so intricately intertwined with the future interests of the Democrat Party should be conceived in darkness and dedicated. . ."

At this point, Representative

Abercrombie rose, stating:

"Point of order, Mr. Speaker."

The Chair then asked Representative Abercrombie to "state your point."

Representative Abercrombie then stated:

"Mr. Speaker, I think that I've raised it before several times and you have admonished the members of the Republican Party that to use the word 'Democrat Party' in the way that it has just been used is perjorative and should not be allowed on the floor; otherwise, I feel that I am being aggrieved."

Representative Carroll remarked:

"Mr. Speaker, I think we're being aggrieved."

The Chair then said:

"With that in mind, Representative Carroll, proceed."

Representative Carroll continued, stating:

"As I was saying, Mr. Speaker, it is strange indeed that an issue--I suppose it's not strange--that an issue so intricately intertwined with the future interests of your party should be conceived in darkness and dedicated to the proposition that Republicans running in any election must somehow be made less than equal.

The arguments advanced by the Judiciary Committee, or rather by the Judiciary Chairman, regarding homogeneity of the Congressional district are substantially without merit. And I say this after a rather thorough perusal of the case law that's involved in this matter. The command of the Wesberry case is 'that Congressional districting meet the standard of equal representation for equal numbers of people as nearly as is practicable.' It says that: 'The heart of the scheme, however, in striking down a particular decision, is to treat seven sections of a particular State as homogeneous regions and then to divide each region into congressional districts of virtually identical population.'

And the court there, and this is the majority opinion, goes on to say that it is clear that in our decision in Kirkpatrick, that 'the command of Article 1, Section 2, that the states create congressional districts which provide equal representation for equal

numbers of people permits only the limited population variances which are unavoidable despite a good-faith effort to achieve absolute equality, or for which justification is shown.'

Now, Mr. Speaker, I do not believe that a two or three hour notice as to a districting plan for a congressional district amounts to a good faith effort, and on that basis alone, this is certainly defective constitutionally.

They go on to discuss a New York State case in which they state--this is the majority opinion--'New York tries to justify its scheme of constructing equal districts only within each of seven sub-states as a means to keep regions with distinct interests intact. But we made clear in Kirkpatrick that to accept population variances, large or small, in order to create districts with specific interest orientations is antithetical to the basic premise of the constitutional command to provide equal representation for equal numbers of people.' And to accept a scheme such as the one presented in this case, 'would permit groups of districts with defined interest orientations to be over-represented at the expense of districts with different interest orientations.'

And last night, Mr. Speaker, we heard a great deal about homogeneity and the need to pay attention to this particular matter. Mr. Speaker, in the Kirkpatrick case, which I think everyone will agree is landmark in this particular area, the head notes indicate that 'even if population variances among congressional districts may have been necessary to avoid fragmenting areas with distinct economic and social interests and thereby diluting the effective representation of those interests in Congress, and even if a state statute reapportioning the state's congressional districts may have been a reasonable legislative compromise and may have resolved practical political problems, population variances, among the state's congressional districts, are not satisfactorily justified, for purposes of the constitutional requirement of equal representation as nearly as practicable, nor are such population variances justified where (1) any adjustments which have been based on eligible voter population rather than total population were made on a haphazard basis.'

And, Mr. Speaker, if there was ever a haphazard arrangement, it was House Draft 1 of this bill,

and also any consideration which may have been given to projected population shift was not given in a systematic manner. And, Mr. Speaker, I submit that there was no system; there was no scheme; there was rather what might be a paraphrase of an old World War II song, 'A Whim and a Prayer.'

Mr. Speaker, Justice Brennan, citing the minority opinion in the Kirkpatrick case, stated that the 'state contends that variances were necessary. . .'

At this point, the Chair interrupted: "Representative Carroll, your time is up."

The Chair then recognized Representative Clarke who stated:

"Mr. Speaker, I would yield my time to the Representative from the Waikiki district."

Directed by the Chair to "proceed", Representative Carroll continued his remarks, stating:

"Thank you, Mr. Speaker.

The state 'contends that variances were necessary to avoid fragmenting areas with distinct economic and social interests and thereby diluting the effective representation of those interests in Congress. But to accept population variances, large or small, in order to create districts with specific interest orientations is antithetical to the basic premise of the constitutional command to provide equal representation for equal numbers of people.' And, Mr. Speaker, this is repeated over and over again in all of these cases. 'Neither history alone, nor economic or other sorts of group interests, are permissible factors in attempting to justify disparities from population-based representation. 'Citizens', Mr. Speaker, 'not history or economic interests, cast votes', contrary to the rhetoric which we heard last night.

The court goes on to say that we reject the state's 'argument that the reasonableness of the population differences in the congressional districts under review must. . .be viewed in the context of legislative interplay. The legislative leaders all testified that the act in question was in their opinion a reasonable legislative compromise. It must be remembered that practical political

problems are inherent in the enactment of congressional reapportionment legislation.' He says, 'we agree with the District Court that the rule is one of practicability rather than political practicality and that's noted at 279 Federal Supplement at 989. Problems created by partisan politics cannot justify an apportionment which does not otherwise pass constitutional muster.' And I submit, Mr. Speaker, again, that on that basis, House Draft 1 of Senate Bill 1992-76 does not pass. The court goes on to state that 'similarly, we do not find legally acceptable the argument that variances are justified if they necessarily result from a State's attempt to avoid fragmenting political subdivisions by drawing congressional district lines along existing county, municipal, or other subdivision boundaries.' And to that extent, I would say that the proposal, at least, does not violate that particular principle.

'The State's interest in constructing congressional districts in this manner, it is suggested, is to minimize the opportunities for partisan gerrymandering. But an argument that deviations from equality are justified in order to inhibit legislators from engaging in partisan gerrymandering is no more than a variant of the argument, already rejected, that considerations of practical politics can justify population disparities.'

And, Mr. Speaker, I'd like to note with your indulgence, that it was for that reason that I asked if there was a scheme that the majority party had followed in preparing this House Draft 1.

The appellant further contended 'that certain population variances resulted from the legislature's taking account of the fact that the percentage of eligible voters among the total population differed significantly from district to district--some districts contained disproportionately large numbers of military personnel stationed at bases maintained by the Armed Forces and students in attendance at universities or colleges. There may be a question whether distribution of congressional seats except according to total population can even be permissible under Article I, Section 2' of the United States Constitution. 'But assuming without deciding that apportionment may be based on eligible voter population rather than total population', Mr. Speaker, the plan was, in this particular case, still unacceptable. In that

state, they 'made no attempt to ascertain the number of eligible voters in each district and to apportion accordingly. At best, it made haphazard adjustments to a scheme based on total population and overpopulation was explained away by the presence in a particular district of military and university students.'

Mr. Speaker. . ."

At this point, Representative Abercrombie rose, stating:

"Mr. Speaker, point of order."

The Chair said:

"Representative Abercrombie, state your point."

Representative Abercrombie then stated:

"The last remarks about overpopulation and mis-apportionment--I don't believe that has been raised nor does the amendment address it in that fashion. I don't see how the last remark should be pertinent at all."

The Chair replied: "That is correct."

Representative Carroll went on to say:

"Mr. Speaker, if the Representative from Manoa wishes to rebut the argument, then I think he should do so at the time that he's recognized on the floor and not being given this opportunity to interrupt a rather intricate attempt to explain this law. . ."

The Chair interrupted:

"The Chair is well aware of your tactics, Representative Carroll, and the Chair is losing his patience. Proceed."

Representative Carroll continued, stating:

"Mr. Speaker, I would like to note that Mr Justice Fortas in his concurring separate opinion had this to note. He said, 'I agree that the state legislatures should be required to make a good-faith effort to achieve a result that allocates the population or the residents of the State in roughly equal numbers to each district, based upon some orderly and objective method.' He states, 'in my view, the State could properly arrive at figures for current population by taking the latest census returns and making modifications

to allow for population movements.'

Now, Mr. Speaker, I grant that in House Draft 1, there is no evidence before us particularly with what amounts, I believe, to a diminimus variation to indicate that this would fail on this matter. But, Mr. Speaker, it is an area which was not addressed; it was not an orderly scheme which was followed, and that is the reason that I address that particular issue.

Mr. Speaker, it's more important that, and I am quoting now from Kirkpatrick and this is from Justice Harlan, it's 'even more important that the Court's exclusive concentration upon arithmetic blinds it to the realities of the political process, as the Wells versus Rockefeller case makes so clear. The fact of the matter is that the rule of absolute equality is perfectly compatible with gerrymandering of the worst sort. A computer may grind out district lines which can totally frustrate the popular will of an overwhelming number of critical issues.'

And, Mr. Speaker, the interests of the voters who own homes in Aiea Heights are as inimical to the intents of certain of the so-called city dwellers as are those voters living in Waimanalo.

And in terms of the court's decisions, the Kailua-Lanikai area is certainly much more homogeneous, if that happened to be a factor which apparently it is not, as far as the character of the neighboring areas of Honolulu is concerned. The bulk of the voters on both sides of the Pali have much more in common than do the homeowners in the new subdivisions in the areas which were until only a couple of years ago prime agricultural lands.

Kailua and Lanikai are areas wherein the voters live. These are the voters who have considered Honolulu as their focal point and where they have traveled back and forth to work, for the most part, for many years. The neighborhoods are stabilized; their way of life is similar to that of Hawaii Kai, Waiālae-Kahala, Kalihi and Palolo.

Now the method of selection of this scheme as I've indicated earlier was highly questionable. The arguments supporting the selection are conjectural at best and, in my opinion, they're without merit.

If anything is being submerged in the process whereby we have

selected House Draft 1 for vote this evening; we have submerged participation; we have submerged hearings on the subject matter, and we have also, I would suggest, Mr. Speaker, very nearly submerged your faithful opposition.

I think that this bill, this House Draft 1, is nothing more as we say in the harbor, if we're still able to remain there, political bilge. I say, give it the deep six and vote no on this measure."

The Chair then directed the Clerk to call the roll, stating:

"Mr. Clerk, call the roll."

Representative Poepoe then stated:

"We have debate to continue; we haven't finished our debate."

Clerk (calling roll): "Representative Abercrombie?"

Representative Ajifu: "Point of order."

Clerk (calling roll): "Representative Ajifu?"

Representative Kimura: "Mr. Speaker, short recess."

Chair: "Call the roll."

Clerk (calling roll): "Representative Ajifu?"

Representative Poepoe then stated:

"We have debate to continue; we haven't finished our discussion yet, Mr. Speaker."

Clerk (calling roll): "Representative Akizaki?"

Representative Akizaki: "Aye."

The Chair then stated:

"The Chair believes there's sufficient discussion. Call the roll, Mr. Clerk."

Representative Ajifu then said:

"Mr. Speaker, I rise to a point of order."

Clerk (calling roll): "Representative Amaral?"

Representative Kamalii: "Point of order."

The Clerk continues to call the roll.

Representative Poepoe then said:

"If you wish, remove us from the floor."

The Clerk continued to call the roll and then said:

"Mr. Speaker, the vote is 34 ayes, 1 excused."

Representative Abercrombie then rose and stated:

"Mr. Speaker, point of personal privilege."

Upon being recognized by the Chair, Representative Abercrombie asked:

"Can the Clerk read back to me what vote he cast for me?"

The Clerk answered:

"The vote I cast was 'aye'."

Representative Abercrombie then said:

"It should be 'no'. I won't be a party to this."

The Chair asked:

"Mr. Clerk?"

The Clerk answered:

"The vote is 33 ayes, 1 no, 1 excused."

The Chair then stated:

"Said bill passes Third Reading. Representative Poepoe?"

Representative Poepoe stated:

"I challenge that vote."

The Chair said:

"May we proceed, Mr. Clerk?"

The Chair recognized Representative Medeiros and asked:

"Representative Medeiros, for what purpose do you rise?"

Representative Medeiros replied:

"I rise, Mr. Speaker, on personal privilege."

The Chair said:

"State your point."

Representative Medeiros asked:

"May I know what was my vote?"

The Chair answered:

"A 'no' vote, as far as the Chair is concerned."

Representative Medeiros asked:

"How do you, Mr. Speaker, come to that conclusion?"

The Chair replied:

"Your presence and no 'ayes' or no 'yesses' records a 'no' vote."

Representative Sutton then rose on a point of information and asked by the Chair to "state your point", Representative Sutton asked:

"Mr. Speaker, I have in front of me, Rules of the House of Representatives, Eighth State Legislature, and would you show me where in that you can determine as the Chair that the answer you gave Mr. Medeiros was determined?"

Is there anything in the House Rules; is there anything in Cushing, that gives you the power to determine what's in his mind? We are in a representative democracy, sir."

The Chair answered:

"The Chair is well aware of that. Let's proceed with the business of the. . ."

Representative Sutton then said:

"Well, I have no answer yet."

The Chair then said:

"Let's proceed with the business of the day and we'll take up the question following that."

Mr. Clerk, may we proceed to page 4, Senate Bill No. 2709-76, SD 2, HD 1?"

THIRD READING

S.B. No. 2709-76, SD 2, HD 1:

The Clerk then said:

"This is a bill from your joint Committee on Health and Judiciary on Third Reading."

The Chair asked:

"Representative Segawa?"

Representative Segawa then stated:

"Mr. Speaker, I yield to Representative Roehrig for a proper motion."

The Chair asked:

"Representative Roehrig?"

Representative Roehrig moved for the motion:

"Mr. Speaker, I move that S.B. 2709-76, SD 2, HD 1, pass Third Reading."

The Chair asked:

"Representative Segawa?"

Representative Segawa seconded the motion:

"Mr. Speaker, I second the motion."

The Chair then said:

"It's been moved and seconded that S.B. 2709-76, SD 2, HD 1, pass Third Reading."

Representative Poepoe?"

Representative Abercrombie then rose on a point of personal privilege.

The Chair said:

"Representative Poepoe is recognized."

Representative Poepoe then said:

"Mr. Speaker, I have challenged that vote that you rendered on Senate Bill 1992-76, HD 1."

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 11:23 o'clock p.m.

The Chair, at this time, stated:

"The Chair, at this time, after reviewing Cushing's, finds himself to be in error in reference to the minority members not voting 'aye' or 'nay'. Cushing says that in such instance, a silence is vote in the affirmative but rather than rule in that fashion, the Chair excuses all the minority members from that particular vote."

The Chair recognized Representative Roehrig.

Representative Sutton then rose and said:

"Mr. Speaker?"

Representative Roehrig stated:

"Mr. Speaker, I believe that the matter before the body right now is Senate Bill No. 2709-76, SD 2, HD 1. Is that correct? Mr. Speaker, on that bill, I would like to move the previous question."

The motion was seconded by Representative Garcia.

The Chair then called on Representative Kimura.

Representative Kimura said:

"Mr. Speaker, the majority has no objections."

Representative Ajifu then rose and stated:

"Mr. Speaker, I'm not sure what we are voting on. Is there a previous question that has been called for?"

The Chair then said:

"The motion before the House is for the passage of Senate Bill No. 2709-76, SD 2, HD 1."

Representative Ajifu then rose on a point of order and asked by the Chair to "state your point", Representative Ajifu asked:

"I would like to get clarification on the status of the last bill, Senate Bill No. 1992-76, HD 1. What is the status of that bill?"

The Chair then said:

"The Chair rules that Senate Bill 1992-76, HD 1, has passed Third Reading at this time."

Representative Ajifu then said:

"Mr. Speaker, I would like to appeal the ruling of the Chair."

Representative Garcia then rose and moved to appeal the ruling of the Chair.

The motion was seconded by Representative Kihano.

The Chair then said:

"It has been moved and seconded that said motion be tabled. All those in favor, say 'aye', all those oppose,

say 'no'."

Representative Sutton then requested a roll call vote.

The Chair then directed the Clerk to call the roll.

Representative Ajifu then rose on a point of order.

Clerk (calling roll): "Representative Abercrombie?"

Representative Ajifu said:

"Mr. Speaker?"

The Chair recognized Representative Ajifu and asked him to "state your point."

Representative Ajifu asked:

"The motion to table has been passed, is that it?"

The Chair replied:

"We are taking the roll call on that, as you had requested."

Representative Ajifu asked:

"Just a point of information. What is the pending business before the House, Mr. Speaker?"

There were several motions on the floor, Mr. Speaker. I want to know what we are tabling."

The Chair said:

"You are appealing your motion-- your appeal is being tabled. Your appealing of the Chair's ruling regarding the passage of Senate Bill 1992-76, HD 1."

Representative Sutton then said:

"Prior to vote, I have a point of order."

Representative Garcia then said:

"Mr. Speaker, according to Cushing, to lay on the table. . ."

At this point, Representative Sutton interrupted and said:

"Mr. Speaker, I have a point of order."

Representative Garcia asked:

"Can we proceed with the vote?"

The Chair then recognized Representative Sutton:

"Representative Sutton, state your point."

Representative Sutton replied:

"My point of order, sir, is that I am asking, as a privilege of the Assembly, otherwise known as the privilege of the House, that these tapes be preserved so that proper litigation can go before the courts. I ask that these tapes not be erased; that these tapes have no Watergate 18-minute lapses; that we have these tapes preserved, sir, for litigation to the courts so that they can decide. . ."

The Chair then said:

"That is a question, not a point of order. Your request will be granted. Mr. Clerk, call the roll."

The Clerk called the roll and announced that the vote to table the motion (Representative Ajifu's) to appeal the ruling of the Chair carried by a vote of 33 ayes to 16 noes, with Representatives Abercrombie, Ajifu, Amaral, Carroll, Clarke, Cobb, Evans, Fong, Hakoda, Ikeda, Kamalii, Larsen, Medeiros, Poepoe, Santos and Sutton voting no, and Representatives Lum and Morioka being excused.

The Chair then said:

"Motion is carried. Shall we move on to the primary motion?"

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

"What has this vote done now?"

The Chair replied:

"Tabled your particular appeal."

Representative Ajifu then asked:

"Was the motion to appeal being tabled? Is that the point of the question?"

The Chair answered:

"That is correct. Representative Kimura?"

Representative Kimura stated:

"Mr. Speaker, the majority has no objections."

Representative Ajifu then asked for

a roll call vote on the bill.

The Chair then directed the Clerk to call the roll.

The Clerk called the roll to pass S.B. No. 2709-76, SD 2, HD 1, on Third Reading and S.B. No. 2709-76, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

The Chair then said:

"Said bill passes Third Reading. Page 2 at the bottom of the page, Senate Bill 2467-76, SD 1, HD 2, on Third Reading.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 747-76 on S.B. No. 2467-76, SD 1, HD 2 (Deferred from March 29, 1976):

Representative Suwa moved that the report of the Committee be adopted and S.B. No. 2467-76, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Ajifu then rose and requested a roll call vote on this measure.

The motion was put by the Chair and carried, and 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", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Lum and Morioka being excused.

Stand. Com. Rep. No. 716-76 on S.B. No. 714, SD 1, HD 4 (Deferred from March 29, 1976):

Representative Shito moved that the report of the majority of the Committee be adopted and that S.B. No. 714, SD 1, HD 4, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Clarke then offered the following amendment to S.B. No. 714, SD 1, HD 4:

"SECTION 1. Senate Bill 714, SD 1, HD 4, is amended by amending line 19 on page 8 to read:

'(f) After a public hearing held pursuant to chapter 91, (The) the final development plan, hereafter called the develop-'

Representative Clarke moved that the amendment be adopted, seconded by Representative Ajifu.

At 11:36 o'clock p.m., on request by Representative Roehrig, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:40 o'clock p.m., the Chair stated:

"You and I know time is of the essence."

Representative Clarke then rose to speak in favor of the amendment, as follows:

"Mr. Speaker, I rise to speak in favor of the amendment.

Last night, we amended Senate Bill 714, SD 1, HD 3, to add a requirement for public hearing where there was none. Unfortunately, the concept of public participation should not end at this preliminary stage. It should logically be extended to the final stage as a prerequisite to the adoption of the final development plan.

My amendment is short and sweet and does just that. In other words, before the final development plan is approved by the HHA, it must undergo a final public hearing. Much can happen between the submission of a preliminary development plan and the completion of the final development plan. The public should not be foreclosed from commenting on the final plan. They won't be under this amendment.

I urge all members of this House to support this amendment. Thank you, Mr. Speaker."

At this time, Representative Sutton requested a roll call vote on this amendment.

The motion to adopt the amendment was put by the Chair and failed to carry by a roll call vote of 35 noes to 15 ayes, with Representatives Ajifu, Amaral, Carroll, Clarke, Evans, Fong, Hakoda, Ikeda, Kamalii, Larsen, Lum, Medeiros, Poepoe, Santos and Sutton voting aye, and Representative Morioka being excused.

Representative Carroll, at this time, rose on a point of information and upon being recognized by the Chair

stated:

"Could the Clerk read Representative Blair's vote, please. Representative Blair from the 14th. The lesser of the two."

The Clerk replied that "the vote is no."

Representative Shito then requested that the following remarks be inserted into the Journal:

"Mr. Speaker, I rise to speak in favor of S.B. No. 714, SD 1, HD 4.

Throughout history, man has been fearful of change and innovation. New and different approaches to solving problems are often left untried due to fear of the consequences. Yet, it is this very essence of change that has brought about progress in this world.

This bill provides a new and different approach to urban redevelopment, as yet untried in this State. If enacted, it could mean the preservation of older, urban neighborhoods and the accompanying lifestyles of residents in these neighborhoods. This bill provides a means whereby owners of separate parcels of real property may voluntarily assemble, develop, and rehabilitate their lots under a joint undertaking, and thereafter receive their pro rata share in the project.

There are many areas in the State, particularly on Oahu, where lot sizes are of such odd shapes and small sizes that redevelopment would be discouraged, if not prohibited, under present zoning ordinances and policies. These areas are presently restricted to urban renewal and condemnation as the only means for the redevelopment or reconstruction of existing residential properties. Residents of these areas are adverse to relocation which such approaches entail; however, without a workable program to correct obsolescent road and lot patterns in our older neighborhoods, property owners individually cannot upgrade their holdings. Whole neighborhoods thereby suffer from the continuation of the substandard conditions. Residents of these neighborhoods are deservant of some flexibility which would allow them to retain their present residences and yet make collective improvements.

This bill, if enacted, would serve as a viable alternative to traditional

urban redevelopment involving government condemnation of private property, for it would allow property owners to retain their present residences while collectively making improvements. It would provide an imaginative approach to making urban renewal less destructive and more responsive to needs. In closing, I would like to state that the most important thing in this life is not so much where we are standing as in what direction we are moving. Let us all move forward by voting in favor of this measure."

Representative Clarke then requested that the following remarks be inserted into the Journal:

"Mr. Speaker, I rise to speak against Senate Bill 714, SD 1, HD 4, relating to land readjustment.

I recognize that there are many older urban areas where aging or non-conforming housing threatens to compound blight and where property owners find it difficult to obtain financing for home improvements. I am aware, too, that the concept of land readjustment has been utilized extensively in Japan with considerable success. This bill, however, would create many more problems than it would solve.

As drafted, there are several inducements for property owners to pursue the route or renewal proposed in this bill.

The most significant of these is the potential by-passing of county zoning processes and public hearings. It should be obvious that the enactment of such a provision would jeopardize the concept of comprehensive state and county planning and its attendant public participation, as adopted last session by this Legislature, and embodied in Chapter 225 of the Hawaii Revised Statutes and in Article V, Chapter 4, of the Charter of the City and County of Honolulu.

It is the avowed policy of this State that all state actions be coordinated through integrated planning. The plan, once adopted, should be altered only after full-and-complete-citizen-participation and then, only if the changes enhance the plan when considered as an integrated unit.

These concepts were corner stones of the Honolulu Charter revisions and your minority's comprehensive planning program which is now embodied in HRS Chapter 225 and

in support of which this house worked so hard just last session. Many of us, in fact, spoke in favor of the concept of comprehensive planning contained in House Bill 677.

Yet, following the public hearing on this bill, new major concepts running contra to accepted and tested planning procedures were inserted in this House Draft. Under the principle of home rule, the counties have been given the power and the mandate to plan the development of urban lands within coordinated state guidelines. The county in question, Honolulu, has chosen to insert many provisions in its Charter to protect against piecemeal planning changes and against changes lacking public participation. This bill ignores these principles and permits a state agency, the Hawaii Housing Authority, to spot-plan and spot zone without public participation. Planning and zoning requirements need only be met 'insofar as practical' in the sole discretion of the Hawaii Housing Authority, an agency with little or no planning expertise and with no working knowledge of the state and county general plans. If all else fails, Hawaii Housing Authority is permitted to invoke HRS Chapter 359-G, under which county planning and zoning may be suspended.

Compounding this deviation from sound planning, is the lack of public participation in the designation of readjustment districts. The Honolulu Charter and newly revised HRS Chapter 205 recognize the principal that planning changes cannot be made in a vacuum and that parties other than the owners of the lands in question have legitimate concerns as to the development of those lands. This bill ignores those concerns. Only the land owners may be heard; neither their neighbors, their tenants, nor the public at large's concerns are permitted to be aired.

Senate Bill 714 as amended also makes provision for State funding assistance, as an inducement for development by property owners. In this regard, there is nothing in the bill that could not be accomplished through minor adjustments to the financing powers of the Hawaiian Housing Authority or through the establishment of a banking system for home renewal.

There are numerous compounding problems with this House Draft. Among these are:

1) The purpose as drafted in the bill and as verbally explained in committee do not mesh. Although the discussions focused on neighborhoods with substandard or non-conforming lots, there is no mention of this qualification within the body of the bill. If these readjustments are to be restricted to such areas, the bill should so state.

2) The purpose clause calls for 'adjoining lots'; the term 'adjoining' is not defined. The requirement is not specifically contained in the petition requirements. Moreover, the quality of being 'adjoining' could be satisfied by a single common boundary point as indicated by the problems that your Committee on Water, Land Use, Development and Hawaiian Homes struggled with concerning land remnants. The result could be an unworkable unit that snakes through a neighborhood or even effectively surrounds properties whose owners chose not to participate and who would be excluded from crucial decisions affecting them. Hence, it would defeat all concern for good planning and beneficial renewal. The area should include a workable unit and that qualification should be defined.

3) The use of the term 'development plan' is most unfortunate. That term already exists as a legal definition in the Honolulu Charter and refers to something quite different from what is meant in this bill. At a minimum, the term should be defined in this bill.

Preferable, a different term should be used, such as a 'readjustment plan'.

4) In the interest of protecting life styles, the bill might actually render the renewal intent impractical. The bill limits renewal to the number of units originally on the property. This limitation does not allow for the use of vacant land or extra land gained by consolidating odd-shaped lots. Moreover, in practical terms, the older areas which this bill seeks to assist tend to be in small ownership which either lack the capital or the income to afford renewal, or whose areas are uneconomical to rehabilitate.

5) Even though preservation of life styles is espoused, relocation is contemplated in the form of a moving-subsidy rather than in terms of a new 'home'. Relocation continues to be one of the major forces destructive

to life style. This bill does not even permit those being relocated to voice their concerns about the project. Accommodation and not relocation should be the goal, if life styles are to be preserved.

6) The basic philosophy behind the land readjustment concept is to encourage local neighborhoods to conduct their own renewal process and to share in the benefits so accomplished. As drafted, this bill simply reintroduces traditional urban redevelopment, which has been thoroughly discredited throughout America. Moreover, if this route is the only route to follow, then responsibility for it should, as indicated above, lie with the county which has the responsibility for local planning and the experience in conducting renewal operations to date.

7) Instead of saving money for the land owner, this bill increases the cost of rehabilitation many fold. The red tape received by this bill in dealing with the HHA and conveying interest to a trustee will necessitate the services of a lawyer. The project must also support a planner to create the development plan, and appraiser to create the appraisal, and the costs of relocation. These expenses appear uncalled for if the purpose of this bill is merely to permit people to reconstruct or replace non-conforming residences. This purpose may be accomplished by simply passing a law to permit residences on lots of 7,500 sq. ft. or less that are non-conforming in either use or lot size to be replaced or rehabilitated by the owner or resident.

I stand for this simple no cost, no red tape approach and therefore must oppose the passage of the bill now before us."

The motion to pass S.B. No. 714, SD 1, HD 4, on Third Reading was put by the Chair.

Representative Kimura then rose and stated:

"The majority has no objections."

Representative Ajifu then said:

"We would like to have some debate on this bill."

The Chair stated:

"Representative Ajifu, the Chair is calling for the vote."

Representative Ajifu remarked:

"Yes, Mr. Speaker, we want to have some debate. We are not ready to vote on this bill, Mr. Speaker."

At 11:50 o'clock p.m., on request by Representative Garcia, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:51 o'clock p.m.

Representative Kimura then moved for the previous question, seconded by Representative Roehrig.

The Chair then stated:

"Just a second, Representative Ajifu, the Chair is calling for the minority votes. You and I know and everyone else here knows that while the vote is in process, that it shall not be interrupted."

Representative Ajifu then rose on a point of information.

The Chair stated:

"The Chair asks you to cast the vote and then ask the question."

Representative Lum then requested a roll call vote and the Chair directed the Clerk to call the roll.

Representative Poepoe then rose and stated:

"I haven't found out what I am voting on, Mr. Speaker."

The Chair then said:

"The Chair will excuse all members who do not voice their vote 'aye' or 'no' audibly."

The Clerk called the roll to pass S.B. No. 714, SD 1, HD 4, on Third Reading and the report of the Committee was adopted and S.B. No. 714, SD 1, HD 4, entitled: "A BILL FOR AN ACT RELATING TO LAND READJUSTMENT", having been read throughout, passed Third Reading by a vote of 35 ayes, with Representatives Ajifu, Amaral, Carroll, Clarke, Cobb, Fong, Hakoda, Ikeda, Kamalii, Larsen, Lum, Medeiros, Morioka, Poepoe, Santos and Sutton being excused.

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

"What did we just vote on?"

The Clerk answered:

"The vote was on Senate Bill No. 714, SD 1, HD 4, for passage on Third Reading.

Representative Poepoe stated:

"I beg to differ, Mr. Speaker. There is a motion on this floor by the Floor Leader, Majority Floor Leader, to move the previous question."

Representative Kimura replied:

"Mr. Speaker, that motion was not recognized by the Speaker."

Representative Poepoe countered:

"It absolutely was and I will wait here and check the tapes if you want to. Mr. Speaker, there was a second by the Chairman of the Housing Committee or someone else who popped up over there--I couldn't see."

The Chair called on the Clerk and he answered:

"Speaker, from Housing, Senate Bill No. 1758-76, SD 2, HD 2, on Third Reading."

S.B. No. 1758-76, SD 2, HD 2, on Third Reading:

Representative Shito moved that S.B. No. 1758-76, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Cayetano.

At this point, Representative Abercrombie asked for a recess and the Chair remarked:

"Let's not get into a circus here."

Representative Poepoe was recognized and he stated:

"I rise to speak against this bill. I am recognized. I heard it. May I proceed or may I not proceed?"

Directed by the Chair to "proceed", Representative Poepoe stated:

"Mr. Speaker, I have the floor. The rules give me ten minutes to speak against this bill. I am going to start speaking, and I'll tell you and the rest that this bill dies and the next one will die along with it."

Representative Abercrombie then rose on a point of order and asked by the Chair to "state your point", Representative Abercrombie stated:

"Mr. Speaker, the Minority Leader stated a while back that perhaps we had voted out of order and the previous question had been moved and that's what was voted on and if we go back to that, then we can move on with this. If he is going to start speaking ten minutes, I would suggest that he is not following through on his own logic so I ask you to reconsider your ruling and if it was the previous question, we can move on with the business."

Representative Poepoe was recognized by the Chair and he stated:

"I have the floor. Let that be clear and I am going to speak against this bill. . ."

Representative Abercrombie asked:

"Did you rule on my point of order, Mr. Speaker?"

Representative Sutton then rose on a point of order and Representative Abercrombie said:

"Now come on, I've got the. . . Sit down."

The Chair interrupted:

"Representative Abercrombie, the Chair rules you out of order at this time."

Representative Poepoe then said:

"Mr. Speaker, I still have the floor."

Directed by the Chair to "proceed", Representative Poepoe stated:

"The bill will die, so will the next one, whatever the bill happens to be. I am going to talk; you can stop the clock or whatever, if you wish to do, and I am going to start speaking against this bill. When it's twelve o'clock, someone tell me."

Representative Poepoe then spoke in favor of the bill, stating:

"Now, Mr. Speaker, as I understand it, the purpose of this bill is to make improvements in all aspects of the housing development program conducted by the Hawaii Housing Authority pursuant to Chapters 356 and 359. . ."

Representative Kimura then rose and moved the previous question.

Representative Poepoe stated:

"You can't. I have the floor!"

Representative Poepoe continued his remarks, stating:

"359 and 359G, Hawaii Revised Statutes.

By the way, anyone may leave if they want to. It's about 3 minutes to 12:00 o'clock.

'In addition to substantive changes, designed to correct labyrinthine and obfuscating language.' Now, what the Committee did to this bill, Mr. Speaker, was to change certain things. Let me tell you what the amendments are so I can then speak against them.

Page 3, line 21 - The words '26-34 and' have been deleted; page 9 - A definition for 'eligible bidder' has been added; page 9, line 7 - After the word 'firm', there have been added the words 'non-profit or profit'; and after the word 'corporation', there have been added the words 'or public agency'.

4. Pages 11 and 12 - The definitions for 'new residential mortgage' and 'self-help housing program' have been deleted.

5. Page 13 - There has been added a new subsection to read as follows:

'Section 359G-3.1 is amended to read:

'Sec. 359G-3.1 Housing assistance unit', and I will get back to why I stand against them very shortly.

'The Governor by Executive Order may establish a housing [information,] counseling, and referral unit within the [Hawaii Housing] Authority. The unit shall be responsible for providing [housing information on any private, state, county, or federal housing project, for providing] counseling to prospective homeowners seeking to purchase a home, and for providing listing and referral services to tenants seeking to rent homes.

6.' and I might tell you there are fourteen to go through and I'll get to speaking against them. Page 25, line 5 - '\$150,000,000' has been deleted and '\$125,000,000' has been inserted in its place.

7. Page 34, line 10 - There has been added after the word 'unit', the words 'free and clear of all liens and encumbrances'.

8. Page 34, line 17. . ."

At this point, Representative Kunimura rose and stated:

"Point of information, Mr. Speaker."

The Chair recognized Representative Kunimura.

Representative Poepoe then stated:

"Point of information cannot interrupt me."

Representative Kunimura said:

"Point of order then, Mr. Speaker. It is 12:00 o'clock."

The Chair replied: "Let's allow him one more minute."

Representative Kimura then rose and moved for adjournment, stating:

"Mr. Speaker, I move that this House stand adjourned until. . ."

Representative Ajifu then rose and stated:

"Mr. Speaker, I rise on a point of order."

At 11:59 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until tomorrow, Wednesday, March 31, 1976.

FORTY-NINTH DAY

Wednesday, March 31, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 12:03 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Akira Sakima, after which the Roll was called showing all members present with the exception of Representative Morioka, who was excused.

By unanimous consent, reading of the Journal was deferred one day.

Representative Ajifu, at this time, rose and asked:

"I would like to know what does the Journal reflect on S.B. No. 1758-76?"

The Clerk replied:

"There is no action taken."

The Chair then asked:

"Representative Ajifu, does that answer your question?"

At this time, Representative Poepoe introduced ex-Senator Fred Rohlfing.

ORDER OF THE DAY

UNFINISHED BUSINESS

S.B. No. 1758-76, SD 2, HD 2:

On motion by Representative Shito, seconded by Representative Cayetano and carried, S.B. No. 1758-76, SD 2, HD 2, was recommitted to the Committee on Housing.

S.B. No. 2527-76, SD 1, HD 1:

On motion by Representative Roehrig, seconded by Representative Uechi and carried, S.B. No. 2527-76, SD 1, HD 1, was recommitted to the Committee on Judiciary.

At 12:37 o'clock a.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives stood in recess until 11:30 o'clock a.m.

The House of Representatives reconvened at 11:50 o'clock a.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 198 to 284) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 198) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1821-76, and had requested a conference on the subject matter of said amendments, in consequence of which Senators George Toyofuku, Chairman; Robert Taira and Richard Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 199) transmitting Senate Concurrent Resolution 84 requesting the establishment of a Crime Commission for the State of Hawaii which was adopted by the Senate on March 30, 1976, was read by the Clerk and was placed on file.

By unanimous consent, action on S.C.R. No. 84 was deferred until tomorrow, April 1, 1976.

A communication from the Senate (Sen. Com. No. 200) returning House Concurrent Resolution No. 52 which was adopted by the Senate on March 30, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 201) returning House Bill No. 2533-76, which passed Third Reading in the Senate on March 30, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 202) returning House Bill No. 3013-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 203) returning House Bill No. 1185, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B.

No. 1185, 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. 1185, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 204) returning House Bill No. 3248-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3248-76, 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. 3248-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 205) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 79, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Donald S. Nishimura, Chairman; Dennis O'Connor, Francis A. Wong, Stanley I. Hara and John Leopold had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 206) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1786-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Donald S. Nishimura, Chairman; Joseph Kuroda and Patricia Saiki had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 207) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2958-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Donald S. Nishimura, Chairman; Dennis O'Connor and Patricia Saiki had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 208) returning House Bill No. 2809-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2809-76, 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. 2809-76, HD 1, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 209) returning House Bill No. 2377-76 which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2377-76, 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. 2377-76, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 210) returning House Bill No. 24, HD 2, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 24, HD 2, 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. 24, HD 2, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 211) returning House Bill No. 2236-76 which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2236-76, 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. 2236-76, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 212) returning House Bill No. 3129-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3129-76, 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. 3129-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 213) returning House Bill No. 2698-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2698-76, 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. 2698-76, HD 1, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 214) returning House Bill No. 2227-76 which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2227-76, 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. 2227-76, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 215) returning House Bill No. 3112-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3112-76, 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. 3112-76, HD 1, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 216) returning House

Bill No. 2237-76 which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2237-76, 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. 2237-76, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 217) returning House Bill No. 1997-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1997-76, 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. 1997-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 218) returning House Bill No. 83, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 83, 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. 83, HD 1, SD 3, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 219) returning House Bill No. 942, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 942, 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. 942, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 220) returning House Bill No. 682, HD 1, which

passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 682, 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. 682, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 221) returning House Bill No. 2713-76, HD 2, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2713-76, HD 2, 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. 2713-76, HD 2, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 222) returning House Bill No. 62, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 62, 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. 62, HD 1, SD 3, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 223) returning House Bill No. 1624, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1624, 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. 1624, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 224) returning House Bill No. 2136-76, HD 1, which passed Third Reading in the Senate

on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2136-76, 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. 2136-65, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 225) returning House Bill No. 2135-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2135-76, 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. 2135-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 226) returning House Bill No. 2717-76 which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2717-76, 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. 2717-76, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 227) returning House Bill No. 2718-76 which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2718-76, 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. 2718-76, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 228) returning House Bill No. 3230-76, HD 2, which passed Third Reading in the Senate

on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3230-76, HD 2, 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. 3230-76, HD 2, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 229) returning House Bill No. 3020-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3020-76, 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. 3020-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 230) returning House Bill No. 3103-76 which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3103-76, 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. 3103-76, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 231) returning House Bill No. 2256-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2256-76, 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. 2256-76, HD 1, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 232) returning House Bill No. 2893-76, HD 1, which

passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2893-76, 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. 2893-76, HD 1, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 233) returning House Bill No. 2127-76 which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2127-76, 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. 2127-76, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 234) returning House Bill No. 2371-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2371-76, 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. 2371-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 235) returning House Bill No. 2473-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2473-76, 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. 2473-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 236) returning House Bill No. 2593-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was

placed on file.

By unanimous consent, H.B. No. 2593-76, 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. 2593-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 237) returning House Bill No. 2617-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2617-76, 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. 2617-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 238) returning House Bill No. 2722-76 which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2722-76, 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. 2722-76, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 239) returning House Bill No. 2001-76, HD 2, which passed Third Reading in the Senate on March 30, 1976, in an amended form, by not less than two-thirds vote of all the members to which the Senate is entitled, was placed on file.

By unanimous consent, H.B. No. 2001-76, HD 2, 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. 2001-76, HD 2, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate

(Sen. Com. No. 240) returning House Bill No. 639, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 639, 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. 639, HD 1, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 241) returning House Bill No. 3299-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3299-76, HD 1, SD 2, 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. 3299-76, HD 1, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 242) returning House Bill No. 3261-76, HD 2, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3261-76, HD 2, 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. 3261-76, HD 2, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 243) returning House Bill No. 3262-76, HD 2, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3262-76, HD 2, 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. 3262-76, HD 2, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 244) returning House Bill No. 2253-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2253-76, 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. 2253-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 245) returning House Bill No. 1801, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1801, 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. 1801, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 246) returning House Bill No. 2782-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2782-76, 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. 2782-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 247) returning House Bill No. 2169-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2169-76, 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. 2169-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 248) returning House Bill No. 2131-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2131-76, 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. 2131-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 249) returning House Bill No. 2984-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2984-76, 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. 2984-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 250) returning House Bill No. 3196-76, HD 2, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3196-76, HD 2, 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. 3196-76, HD 2, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 251) returning House Bill No. 513, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 513, 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. 513, HD 1, SD 1, were made available to the members

of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 252) returning House Bill No. 2130-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2130-76, 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. 2130-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 253) returning House Bill No. 3109-76 which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3109-76, 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. 3109-76, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 254) returning House Bill No. 2299-76, HD 2, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2299-76, HD 2, 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. 2299-76, HD 2, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 255) returning House Bill No. 2932-76, HD 2, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2932-76, HD 2, 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. 2932-76, HD 2, SD 1, were made available

to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 256) returning House Bill No. 2359-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2359-76, 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. 2359-76, HD 1, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 257) returning House Bill No. 2022-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2022-76, 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. 2022-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 258) returning House Bill No. 2691-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2691-76, 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. 2691-76, HD 1, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 259) returning House Bill No. 2987-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2987-76, 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. 2987-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 260) returning House Bill No. 1998-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1998-76, 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. 1998-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 261) returning House Bill No. 1886 which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1886, 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. 1886, SD 3, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 262) returning House Bill No. 2928-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2928-76, 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. 2928-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 263) returning House Bill No. 2335-76, HD 2, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2335-76, HD 2, 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. 2335-76, HD 2, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 264) returning House Bill No. 2103-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2103-76, 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. 2103-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 265) returning House Bill No. 2894-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2894-76, 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. 2894-76, HD 1, SD 3, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 266) returning House Bill No. 3075-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3075-76, 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. 3075-76, HD 1, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 267) returning House Bill No. 2678-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2678-76, 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. 2678-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 268) returning House Bill No. 2786-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2786-76, 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. 2786-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 269) returning House Bill No. 2171-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2171-76, 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. 2171-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 270) returning House Bill No. 2155-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2155-76, 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. 2155-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 271) returning House Bill No. 3213-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B.

No. 3213-76, 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. 3213-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 272) returning House Bill No. 3239-76, HD 2, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3239-76, HD 2, 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. 3239-76, HD 2, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 273) returning House Bill No. 3280-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 3280-76, 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. 3280-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 274) returning House Bill No. 2949-76 which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2949-76, 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. 2949-76, SD 2, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 275) returning House Bill No. 1810, HD 2, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1810, HD 2, 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. 1810, HD 2, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 276) returning House Bill No. 2150-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2150-76, 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. 2150-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 277) returning House Bill No. 934, HD 2, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 934, HD 2, 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. 934, HD 2, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 278) returning House Bill No. 2700-76, HD 2, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2700-76, HD 2, 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. 2700-76, HD 2, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 279) returning House Bill No. 2100-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2100-76, 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. 2100-76, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 280) returning House Bill No. 2090-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 281) returning House Bill No. 2165-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 282) returning House Bill No. 2880-76 which passed Third Reading in the Senate on March 30, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 283) returning House Bill No. 2168-76, HD 1, which passed Third Reading in the Senate on March 30, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 284) transmitting Senate Concurrent Resolution No. 94 congratulating Western Airlines on the fiftieth anniversary of its founding, April 17, 1926, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 94 was adopted.

The Chair then stated:

"The Chair again reminds all chairpersons that Friday is the deadline on the question of whether to agree or disagree with all of the amendments made by the Senate for the House Bills listed in the Addendum."

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

Representative Fong introduced 27 second grade students from Punahou School. They were accompanied

by their teacher, Ms. Affleck, and parents, Mrs. Love, Mrs. Hayashi and Mrs. Nagamine.

Representative Inaba introduced 68 students from Kelikehi Elementary and Intermediate School, Kona, Hawaii. They are here on an educational tour of the city. They were accompanied by their principal, Dr. Edward Okada, and teachers, Ms. Susan Akau, Ms. Susan Hayashi, Mrs. Karen Nakano, Mr. Clyde Furumoto and Mr. Wilfred Murakami.

Representative Peters introduced 55 junior and senior students from Nanakuli High School who were accompanied by their teacher, Mr. Bob Hoo, and Mrs. Ihia, the adult assistant.

Representative Kimura introduced twelve students from the 7th, 8th and 9th grades of the Honolulu Junior Academy. They were accompanied by their teacher, Mr. Steve Beverly.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 509 to 514 and 519 to 520) and concurrent resolutions (H.C.R. Nos. 98 to 99 and S.C.R. No. 59) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
509	Committee on Higher Education
510	Committee on Judiciary, then jointly to the Committees on Finance and Legislative Management
511	Committee on Consumer Protection and Commerce
512	Committee on Labor and Public Employment
513	Committee on Energy and Transportation
514	Committee on Consumer Protection and Commerce
519	Committee on Higher Education
520	Committee on Higher Education, then to the Committee on Finance

H.C.R. Nos.

98 Committee on Health, then to the Committee on Finance

99 Committee on Higher Education, then to the Committee on Legislative Management

S.C.R. No.

59 Committee on Labor and Public Employment

COMMITTEE REASSIGNMENT

The following were re-referred as follows:

H.R. Nos. Re-referred to:

267 Committee on Culture and the Arts

501 Committee on Higher Education

H.C.R. Nos.

40 Committee on Culture and the Arts

90 Committee on Education

91 Committee on Higher Education

UNFINISHED BUSINESS

Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1 (Deferred from March 30, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 783-76 and S.B. No. 2932-76, SD 1, was deferred one day.

Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1 (Deferred from March 30, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 786-76 and S.B. No. 1801-76, SD 1, was deferred for one day.

STANDING COMMITTEE REPORTS

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 799-76) recommending that S.B. No. 1798-76, SD 1, pass Third Reading.

By unanimous consent, consideration

of Stand. Com. Rep. No. 799-76 on S.B. No. 1798-76, SD 1, was deferred until tomorrow, April 1, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1798-76, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 800-76) recommending that S.B. No. 1623, SD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 800-76 on S.B. No. 1623, SD 1, was deferred until tomorrow, April 1, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1623, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 801-76) recommending that H.R. No. 262 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. 262, entitled: "A RESOLUTION REQUESTING EXPANSION OF THE LAPAKAHI PROJECT FOR HISTORICAL DEVELOPMENT ON THE ISLAND OF HAWAII", was referred to the Committee on Culture and the Arts.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 802-76) recommending that H.R. No. 362, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 362, HD 1, entitled: "A RESOLUTION EXPRESSING SUPPORT FOR THE JOINT UNIVERSITY OF HAWAII SCHOOL OF LAW-LEGISLATIVE REFERENCE BUREAU PROJECTS", was referred to the Committee on Legislative Management.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com.

Rep. No. 803-76) recommending that H.R. No. 363, 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. 363, HD 1, entitled: "A RESOLUTION EXPRESSING SUPPORT FOR THE VARIOUS PROGRAMS AND PROJECTS INITIATED BY THE UNIVERSITY OF HAWAII SCHOOL OF LAW", was adopted.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 804-76) recommending that H.R. No. 397, as amended in HD 1, be adopted.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the majority of the Committee was adopted and H.R. No. 397, HD 1, entitled: "A RESOLUTION REQUESTING THAT A LIGHT AIRCRAFT LANDING PORT AT BELLOWS FIELD, WAIMANALO, BE PROHIBITED", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 805-76) recommending that H.R. No. 217, as amended in HD 1, be adopted.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 217, HD 1, entitled: "A RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO MOVE TOWARD A SPEEDY DECISION ON ESTABLISHING A PYROLYSIS PLANT FOR THE CONVERSION OF SOLID WASTE TO AN ENERGY SOURCE FOR GENERATING ELECTRICITY", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 806-76) recommending that H.R. No. 408 be adopted.

Representative Cayetano moved that the report of the Committee be adopted and that H.R. No. 408 be adopted, seconded by Representative Kiyabu.

Representative Amaral then rose to speak in favor of the resolution, stating:

"Mr. Speaker and members of

the House, the situation which affects the people of the Hana area of Maui is a serious one. The age and condition of the many bridges on the Hana Highway is such that there is serious concern that the road will not be able to carry the important materials the people need for their daily life.

Just as importantly, the livelihoods of those people is affected by the poor conditions of the roads and the bridges. I call to the attention of this body the fact that in 1975 some 64% of the total Maui production of taro came from the Hana district. During 1975, some 24% of all the beef produced on Maui came from Hana, a total of over 1, 300,000 lbs. of beef. During 1975, over 190,000 visitors entered the Hana district, most of those being tourists from the mainland. The taro, the beef, and the tourists all were moved into and out of the area by the Hana Highway route.

It is absolutely imperative that the State Department of Transportation act swiftly and do all that is humanly possible to see that Route 36, the Hana Highway, is kept open for all the people of Hana, Maui, and the State.

Mr. Speaker, the welfare of our people is at stake. For this reason, I ask that this House pass favorably on the resolution. It pleases me to see that the majority saw fit to introduce this resolution even though it was done more than a month after I introduced a similar resolution into this House.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 408, entitled: "A RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO EXPEDITE THE REPLACEMENT OF BRIDGES AND CULVERTS ALONG THE HANA HIGHWAY", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 807-76) recommending that H.C.R. No. 71 be adopted.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.C.R. No. 71, entitled: "A CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION

TO EXPEDITE THE REPLACEMENT OF BRIDGES AND CULVERTS ALONG THE HANA HIGHWAY", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 808-76) recommending that H.R. No. 383 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 383, entitled: "A RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT RULES RELATING TO THE PROTECTION OF KONA CRABS", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 809-76) recommending that H.R. No. 304 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 304, entitled: "A RESOLUTION REQUESTING THE HAWAII INSTITUTE OF MARINE BIOLOGY TO CONTINUE RESEARCH ON THE NOXIOUS KAHALA (AMBERJACK) FISH", was adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 810-76) recommending that H.R. No. 223 be adopted.

On motion by Representative Evans, 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 adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 811-76) recommending that H.C.R. No. 87 be adopted.

On motion by Representative Ho, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.C.R. No. 87, entitled: "A CONCURRENT RESOLUTION REQUESTING A PROGRESS REPORT ON KAHANA VALLEY", was adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 812-76) recommending that H.R. No. 263, HD 1, be adopted.

On motion by Representative Ho, seconded by Representative Kimura and carried, the report of the Committee was adopted and H.R. No. 263, HD 1, entitled: "A RESOLUTION REQUESTING A PROGRESS REPORT ON KAHANA VALLEY", was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 813-76) recommending that H.C.R. No. 86 be adopted.

On motion by Representative Kiyabu, seconded by Representative Yamada and carried, the report of the Committee was adopted and H.C.R. No. 86, entitled: "A CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO PROMPTLY IMPLEMENT A PROGRAM TO CONTROL THE LOCATION OF ADULT MOTION PICTURE ESTABLISHMENTS", was adopted, with Representatives Cayetano and Sutton voting no.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 814-76) recommending that H.R. No. 451, be adopted.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.R. No. 451, entitled: "A RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO PROMPTLY IMPLEMENT A PROGRAM TO CONTROL THE LOCATION OF ADULT MOTION PICTURE ESTABLISHMENTS", was adopted, with Representatives Cayetano and Sutton voting no.

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 815-76) informing the House that House Resolution Nos. 506 to 520, House Concurrent Resolution Nos. 98 and 99, Standing Committee Report Nos. 799-76 to 814-76, Floor Amendments to Senate Bill No. 714, SD 1, HD 4, Senate Bill No. 2527-76, SD 1, HD 1, Senate Bill No. 2467-76, SD 1, HD 2, and Senate Bill No. 1758-76, SD 2, HD 2, and Minority Report Dissent to Stand Com. Rep. No. 716-76, S.B. No. 714, SD 1,

HD 3, have been printed and distributed.

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

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 521 to 523) and concurrent resolutions (H.C.R. Nos. 100 and 101) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 1, 1976:

A resolution (H.R. No. 521) requesting a review and update of building fire safety standards by the State Fire Marshall and the Building Department and Fire Department of the City and County of Honolulu was jointly offered by Representatives Mizuguchi, Akizaki, Cayetano, Kawakami, Kiyabu, Lee, Sakima, Santos, Shito, Stanley, Suwa and Yamada.

A resolution (H.R. No. 522) congratulating the Hawaii Farm Bureau Federation on its selection as the host for the 1977 American Farm Bureau Federation Convention to be held in Honolulu, Hawaii in 1977 and endorsing the selection of the Farmer to Farmer Tours as the official agency to handle travel arrangements was jointly offered by Representatives Uechi, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, 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, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

A resolution (H.R. No. 523) urging the reduction of violence programming on television was offered by Representative Roehrig.

A concurrent resolution (H.C.R. No. 100) requesting the Governor to establish by executive order a juvenile justice coordinating council was offered by Representative Roehrig.

A concurrent resolution (H.C.R. No. 101) congratulating the Hawaii Farm Bureau Federation on its selection as the host for the 1977

American Farm Bureau Federation Convention to be held in Honolulu, Hawaii in 1977 and endorsing the selection of the Farmer to Farmer Tours as the official agency to handle travel arrangements was jointly offered by Representatives Uechi, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, 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, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

At this time, Representative Kamalii introduced Mr. George Henrickson, "leader of our Republican Party".

At 12:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 2194-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Segawa moved that the House agree to the amendments proposed by the Senate to H.B. No. 2194-76, HD 1, and H.B. No. 2194-76, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Lee.

Representative Suwa then explained that "there was a very minor change on the last page, page 6, of section 4, regarding the date - where the House had July 1, 1977, the Senate changed it to January 1, 1977, and I ask that this body act on this favorably."

The motion was put by the Chair and carried, and H.B. No. 2194-76, HD 1, as amended, passed Final Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no, and Representatives Abercrombie and Morioka being excused.

The Chair directed the Clerk to note that H.B. No. 2194-76, HD 1, SD 1, had passed Final Reading at 12:48 o'clock p.m.

At 12:49 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:00 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Representative Kawakami moved that the House reconsider its action taken on Stand. Com. Rep No. 801-76 on H.R. No. 262, seconded by Representative Ho and carried.

At this time, the Chair re-referred H.R. No. 262 to the Committee on Water, Land Use, Development, and Hawaiian Homes only.

Representative Sutton, at this time, rose on a point of order and said:

"Sir, I don't know what I'm doing?"

Representative Kawakami moved that the report of the Committee be adopted and, notwithstanding the report of the Committee that H.R. No. 262 be referred to the Committee on Culture and the Arts, that H.R. No. 262 be adopted.

Representative Ho seconded the motion.

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. 262, entitled: "A RESOLUTION REQUESTING EXPANSION OF THE LAPAKAHI PROJECT FOR HISTORICAL DEVELOPMENT ON THE ISLAND OF HAWAII", was adopted.

Representative Poepoe rose and said:

"Mr. Speaker."

The Chair asked:

"Representative Poepoe, for what purpose do you rise?"

Representative Poepoe replied:

"Mr. Speaker, I rise on a point of personal privilege."

The Chair then stated:

"State your point and make it very concise."

Representative Poepoe then said:

"Mr. Speaker, I feel that I, as a member of the minority in this House, was unfairly treated yesterday. Mr. Speaker, in the handling of Senate Bill 1992 concerning reapportionment of the congressional districts, you did not give the members of this caucus a chance to be heard."

The Chair then stated:

"Representative Poepoe, the Chair rules you out of order at this time. The action taken on Senate Bill 1992 is a matter of record. The Chair rules you out of order at this time."

Representative Poepoe then said:

"Mr. Speaker."

The Chair asked:

"For what purpose do you rise, Representative Poepoe?" "The Chair has ruled."

Representative Poepoe then said:

"I appeal your ruling."

Representative Ajifu then stated:

"Second that motion."

Representative Sutton then requested a roll call vote.

The Chair then stated:

"It has been moved and seconded that the Chair's ruling be appealed. Roll call has been asked for and the question is: Shall the Chair's ruling be upheld? An aye vote will uphold the Chair's ruling; no vote will not. Mr. Clerk, call the roll."

The motion was put by the Chair and carried, and the Chair's ruling was sustained by a Roll Call vote of 33 ayes to 15 noes, with Representatives Ajifu, Amaral, Carroll, Clarke, Evans, Fong, Hakoda, Ikeda, Kamalii, Larsen, Lum, Medeiros, Poepoe, Santos and Sutton voting no, and Representatives Abercrombie, Ho and Morioka being excused.

Representative Poepoe then rose and said:

"Mr. Speaker."

The Chair asked:

"Representative Poepoe, for what

purpose do you rise?"

Representative Poepoe replied:

"Mr. Speaker, is this the type of treatment that this group is going to have to bear through for the rest of this session?"

The Chair then stated:

"The procedure has been within parliamentary rules."

Representative Poepoe then stated:

"Mr. Speaker, I have an announcement to make."

The Chair then stated:

"State your announcement."

Representative Poepoe stated:

"I'm calling a press conference at 2:15 this afternoon. You're all invited and I'm going to take the hell out of the Democrats in this House."

Upon being recognized, Representative Kimura stated:

"I move that this body stand adjourned until 11:00 o'clock a.m. tomorrow."

The Chair, upon recognizing Representative Ajifu, asked:

"Representative Ajifu, for what purpose do you rise?"

Representative Ajifu replied:

"Mr. Speaker, I would like to make an announcement."

Representative Ajifu, upon being directed by the Chair to "proceed", stated:

"I would like to warn the majority party that hereon in we expect to conform to the rules, follow the rules; we expect all bills to be read; we expect the journal to be read throughout; we expect to stay within the rules. Thank you, Mr. Speaker."

ADJOURNMENT

At 1:09 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. tomorrow, Thursday, April 1, 1976.

FIFTIETH DAY

Thursday, April 1, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Mr. Cliff Scott, a representative of the Billy Graham Association, after which the Roll was called showing all members present with the exception of Representative Morioka, who was excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Ninth 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-Ninth Day was approved.

Representative Poepoe then rose and stated:

"Mr. Speaker?"

The Chair asked:

"Representative Poepoe, for what purpose do you rise?"

Representative Poepoe answered:

"I rise on a point of personal privilege."

Asked by the Chair to "state your point", Representative Poepoe stated:

"Mr. Speaker, for the first time in 50 days when I walked out to take my seat in this chamber, our microphone wasn't pulled out. Is that a subtle message from the Chair to this desk?"

The Chair asked:

"Will you state that again?"

Representative Poepoe then said:

"I'll pass."

Representative Ajifu then rose and stated:

"Mr. Speaker, before we take action on that, Mr. Speaker, I wonder if we can have the . . . I would like to ask on a point of information, Mr. Speaker, if the Journal for

the Forty-Eighth Day is ready."

The Chair called on the Clerk: "Mr. Clerk?"

The Chair then replied: "I believe it is not ready at this time."

Representative Ajifu asked:

"The Forty-Eighth Day's Journal is not ready?"

The Chair answered: "That is correct."

Representative Ajifu asked:

"Is there any reason why it is not ready at this time, Mr. Speaker?"

The Chair replied:

"It is a matter of logistics, Representative Ajifu."

Representative Ajifu then asked:

"When can we expect the Journal, Mr. Speaker?"

At 11:15 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:25 o'clock a.m., Representative Ajifu was recognized by the Chair and he stated:

"I have discussed the point with the Clerk and other members of the House. I would like to make a request, Mr. Speaker. In view of the fact that the Journal is not in printed form, I would like to request that the tape be played for the Forty-Eighth Day so that we may hear what has transpired for that day, Mr. Speaker."

The Chair replied:

"The request is denied."

Representative Ajifu then said:

"Mr. Speaker, I would like to appeal the decision of the Chair and I would like to . . ."

The Chair interrupted:

"Nothing to appeal; it was merely a request. Let's move on with the business, Representative Ajifu."

Representative Ajifu then said:

"Yes, Mr. Speaker, I move that the tape recording for the Forty-Eighth Day be played so that we may be able to hear the recordings. . ."

The Chair interrupted:

"The Chair has not recognized you for that particular motion."

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 123) informing the House that on March 31, 1976, he signed House Bill No. 1086 as Act 3, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF LIQUOR ON ELECTION DAYS", into law, was placed on file.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 14 and 15) were read by the Clerk and were disposed of as follows:

A communication from Douglas S. Yamamura, Chancellor, University of Hawaii (Dept. Com. No. 14) acknowledging receipt of a copy of House Resolution No. 278, relating to the School of Travel Industry Management, was placed on file.

A communication from Hideto Kono, Director, Department of Planning and Economic Development (Dept. Com. No. 15) transmitting an addendum to the progress report on THE HAWAII STATE PLAN which was prepared by the Department of Planning and Economic Development, was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 285 to 290) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 285) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1824-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators F. Wong, Chairman; Hulten and Saiki were appointed as Managers on the part of the Senate

at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 286) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1830-76, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Toyofuku, Chairman; Taira and Henderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 287) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2139-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators F. Wong, Chairman; Toyofuku and Henderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 288) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2294-76, SD 2, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Chong, Chairman; R. Wong and Henderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 289) transmitting Senate Concurrent Resolution No. 9, requesting study of means to more effectively coordinate State and county planning programs, which was adopted by the Senate on March 31, 1976, was placed on file.

By unanimous consent, action on S.C.R. No. 9 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 290) transmitting Senate Concurrent Resolution No. 8, requesting study of a planning clearinghouse process, which was adopted by the Senate on March 31, 1976, was placed on file.

By unanimous consent, action on S.C.R. No. 8 was deferred until later in the calendar.

At this time, the following introduction was made to the members of the House:

Representative Sakima introduced Mrs. Okazaki, Mrs. Okayama and Mrs. Okihori who were visiting the Capitol for the first time, and their guide, Mrs. Yap, wife of Representative Yap.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 521 to 523) and concurrent resolutions (H.C.R. Nos. 100 and 101 and S.C.R. Nos. 8, 9 and 84) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
521	Jointly to the Committees on Consumer Protection and Commerce and Housing
522	Jointly to the Committees on Agriculture and Tourism
523	Committee on Consumer Protection and Commerce

H.C.R. Nos.

100	Jointly to the Committees on Judiciary and Youth and Elderly Affairs
101	Jointly to the Committees on Agriculture and Tourism

S.C.R. Nos.

8	Committee on Water, Land Use, Development, and Hawaiian Homes
9	Committee on Water, Land Use, Development,

and Hawaiian Homes

84 Committee on Judiciary

SUSPENSION OF RULES

Representative Kimura moved that the rules be suspended for the purpose of considering Third Reading bills by consent calendar.

The Chair called on Representative Ajifu to second the motion whereupon Representative Ajifu rose, stating:

"Mr. Speaker, I object to that motion."

The Chair then called on Representative Garcia and the motion to suspend the rules of the House for considering Third Reading bills by consent calendar was seconded and carried.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1:

By unanimous consent, action on Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1, was deferred one day. (APPROPRIATION MEASURE)

Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1:

By unanimous consent, action on Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1, was deferred one day. (APPROPRIATION MEASURE)

Stand. Com. Rep. No. 799-76 on S.B. No. 1798-76, SD 1 (Deferred from March 31, 1976):

At this time, Representative Ajifu rose and stated:

"Mr. Speaker, I rise to a point of order."

The Chair then called on Representative Roehrig for the proper motion to pass S.B. No. 1798-76, SD 1, on Third Reading.

Representative Ajifu again stated:

"Mr. Speaker, I rise to a point of order."

The Chair then said:

"Just a second, just a second."

Representative Roehrig then moved that the report of the Committee be adopted and S.B. No. 1798-76, SD 1, having been read throughout, pass Third Reading, seconded by Representative Uechi.

At this time, the Chair asked:

"Representative Ajifu, for what purpose do you rise?"

Representative Ajifu answered:

"I rise to a point of order."

Asked by the Chair to "state your point", Representative Ajifu stated:

"Under the rules of the House, Mr. Speaker, the suspension of the rule calls for a two-thirds vote. I would like to ask, Mr. Speaker, what was the vote that was taken to determine the suspension of the rules?"

At 11:29 o'clock a.m., on request by Representative Roehrig, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:21 o'clock p.m., the Chair stated:

"The Chair, at this time, expect all members of this House to follow parliamentary decorum; that each person who rises to speak on this floor must first be recognized by the Chair. The Chair will not tolerate any dilatory actions; that we all have a responsibility to the citizens of Hawaii to move pieces of legislation and to do business before this House as expeditiously as possible."

Representative Poepoe then rose and stated:

"Mr. Speaker."

The Chair asked:

"Representative Poepoe, for what purpose do you rise?"

Representative Poepoe answered:

"For a point of information, addressed to the Chair."

Asked by the Chair to "state your point", Representative Poepoe asked:

"Does the Chair guarantee that he will wait to spend sufficient time to look over the chambers and

recognize us when we stand to speak or to raise a question?"

The Chair replied:

"The Chair guarantees that parliamentary procedure will be followed."

Representative Poepoe then said:

"Mr. Speaker."

The Chair asked:

"Representative Poepoe, for what purpose do you rise?"

Representative Poepoe said:

"You have not answered my question."

The Chair then said:

"The Chair has sufficiently answered your question. Let's move on with the business."

Representative Ajifu then rose and upon being recognized by the Chair, stated:

"Mr. Speaker, I had the floor when the House was called in recess."

Mr. Speaker, I rose to a point of order. The question was posed; the rules of the House require that two-thirds vote is required to suspend the rules of the House. What is the ruling, Mr. Speaker?"

The Chair answered:

"The ruling, as the Chair stated, was that there were sufficient votes for the suspension of the rules. You may appeal the Chair's ruling."

Representative Ajifu asked:

"Mr. Speaker, what is sufficient votes? The vote required at least 35 votes, Mr. Speaker. Was there 35 votes?"

The Chair answered:

"The requirement is 34 votes--two-thirds. There were sufficient numbers of votes. If you wish, you may appeal the ruling of the Chair."

Representative Ajifu asked:

"Mr. Speaker, I am not appealing the ruling of the Chair. I would like to know where the 34 votes were obtained from."

The Chair answered:

"From the majority."

At 12:25 o'clock p.m., on request by Representative Uechi, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:26 o'clock p.m., Representative Ajifu was recognized by the Chair and he asked:

"I would like to know who had voted 'aye' on that measure, Mr. Speaker."

The Chair replied:

"The Chair has stated that there were sufficient votes from the majority side. If you wish to appeal the ruling of the Chair, do so; otherwise, you are not recognized."

Representative Ajifu then stated:

"Mr. Speaker, I am seeking an information, Mr. Speaker. There was action taken and you have stated that there was sufficient number. Under the rules of the House, it requires. . ."

At this point, Representative Roehrig rose, stating:

"Mr. Speaker, point of order."

Asked by the Chair "to state your point", Representative Roehrig stated:

"I believe the Representative asking the question of the Chair is out of order. I believe that the Chair already ruled that the matter was closed and that the questioner can appeal the ruling of the Chair. Any further discussion, at this point, is out of order and I would like the Chair to request that either an appeal of the ruling of the Chair is taken or that we get on with our business."

The Chair replied:

"The Chair so orders. Representative Ajifu?"

Representative Ajifu answered:

"Yes, Mr. Speaker, I am not so sure whether we are operating under any kind of rules. Do we operate under any kind of rules?"

The Chair then stated:

"The Chair, at this time, rules you out of order. Mr. Clerk, let's proceed with the business."

Representative Sutton then rose, stating:

"Mr. Speaker?"

The Chair asked:

"For what purpose do you rise, Representative Sutton?"

Representative Sutton answered:

"I rise on a request for an appeal of the ruling of the Chair."

The Chair answered:

"There is no motion on the floor. Representative Roehrig. . ."

Representative Sutton interrupted:

"Sir. . . your ruling, sir, was. . . and I am appealing your ruling. I have a right to ask that that appeal be taken by a roll call vote."

The Chair then said:

"The Chair's ruling has been appealed. Mr. Clerk. . ."

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

"Would you ask the Clerk or would you inform us as to what manner the vote should be taken in determination of what the appeal would be-- the final appeal?"

Representative Kunimura then rose, stating:

"Mr. Speaker, point of order."

Asked by the Chair to "state your point", Representative Kunimura stated:

"I did not hear a second to Mr. Sutton's motion."

The motion was seconded by Representative Amaral.

Representative Abercrombie then asked:

"Mr. Speaker, my point of information was, would you indicate what an 'aye' vote and what a 'nay' vote would mean, please, before we have the roll call."

The Chair replied:

"An 'aye' vote will sustain the Chair's ruling; a 'no' vote will not sustain the Chair's ruling."

Representative Kunimura rose on a point of information and asked:

"Mr. Speaker, there have been several queries of you and you have announced your decision, several decisions. Now, which decision of the Chair is Mr. Sutton appealing, Mr. Speaker?"

Representative Sutton then rose on a point of order and upon being recognized by the Chair, stated:

"You have already ruled in favor of my motion. You have allowed and we are going to have a roll call. I hate to say it but I feel that the request for information from the gentleman from Kauai is now out of order."

The Chair then said:

"We will be voting on the Chair's ruling that there were sufficient votes to suspend the rules."

Representative Kunimura rose and said, "Thank you."

The Chair then put the motion to a vote and directed the Clerk to call the roll; and the Chair's ruling was sustained by a vote of 35 ayes to 15 noes, with Representatives Ajifu, Amaral, Carroll, Clarke, Evans, Fong, Hakoda, Ikeda, Kamalii, Larsen, Lum, Medeiros, Poepoe, Santos and Sutton voting no, and Representative Morioka being excused.

The Chair then said:

"The appeal fails. Representative Roehrig?"

Representative Roehrig then rose and asked:

"Excuse me, Mr. Speaker, point of information. Did we take a vote on Senate Bill No. 1798-76 yet?"

The Chair replied:

"No. Will you make the proper motion at this time?"

Representative Roehrig moved that the report of the Committee be adopted and S.B. No. 1798-76, SD 1, having been read throughout, pass Third Reading, seconded by

Representative Uechi.

Representative Poepoe then rose and asked by the Chair, "for what purpose do you rise?", Representative Poepoe answered:

"I rise to a point of information."

Asked by the Chair "to state your point", Representative Poepoe stated:

"Mr. Speaker, I believe that the motion and the second was not necessary; that the motion was made previous to our recess. I would like to have the Clerk check the record, please."

The Chair asked: "Mr. Clerk?"

Representative Kimura then rose, stating:

"Mr. Speaker, I don't feel that's necessary. If it is a reaffirmation of a previous motion, I believe this is purely dilatory and I think this is an attempt on the part of the minority merely to prolong the session and to harass and for no other purpose. I don't feel that's necessary, Mr. Speaker."

Representative Poepoe then rose and upon being recognized by the Chair, stated:

"Mr. Speaker, I rise to a point of order."

Asked by the Chair "to state your point", Representative Poepoe stated:

"You said you were following the book. Let's follow the book. If you feel two motions are necessary, well. . ."

The Chair then answered:

"It won't do any harm. Representative Kimura?"

Representative Kimura then said:

"Mr. Speaker, the Democratic majority has no objections."

Representative Ajifu rose, stating:

"I would like to call for a roll call vote, please."

The Chair then said:

"Roll call has been requested. Mr. Clerk, call the roll."

Roll call having been requested, the motion was put by the Chair

and carried, and 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", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 800-76 on S.B. No. 1623-76, SD 1 (Deferred from March 31, 1976):

Representative Roehrig moved that the report of the Committee be adopted and S.B. No. 1623-76, SD 1, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Ikeda then rose, stating:

"Mr. Speaker?"

The Chair asked:

"Representative Ikeda, for what purpose do you rise?"

Representative Ikeda answered:

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

Directed by the Chair to "proceed", Representative Ikeda stated:

"Thank you. Today, we are in a unique position to do what we have never fully done before in American education--to insure that every student has an equal opportunity for quality education. And education, if it is to have quality, must serve the needs of each student. It must permit each student to expand his or her intellectual capacities and explore his or her own personal interests. But those particular needs, in many respects, are being denied today by our schools. Girls who show an interest in sports at an early age are dissuaded currently by curriculum that has stressed the 'princess' or 'weak heroine' figure in reading texts. For example, until recently, boys were precluded from learning anything about the virtues and difficulties of homemaking--the class being reserved for girls--and, conversely, the mechanical talents of any girls have been permitted to go undeveloped, as basic wood and metal shop classes have been open only to male students.

Yet the funds for such programs

come from tax dollars, from money earned by both men and women in this State, the law making no initial segregation of these dollars for the exclusive use of either sex. Then should not equal access to the fruits of these taxes exist in the form of an education for Hawaii's greatest asset of the future, its youth?

This State has started in the right direction by establishing comparable events for both boys and girls in non-income sports. This bill, if passed, will insure this policy's continuance and expansion in sports and other areas.

True, S.B. No. 1623-76, SD 1, will not stop the jeers, snickers, and unfair publicity that may follow those students exercising their options to experience an activity traditionally barred to them because of their sex. But we, as political and social leaders, need not acquiesce through silence to such bias. Better that we build the vehicle in law by which quality education, in the very sense of fairness, can be reached.

I, therefore, ask the members of this Legislature to please vote 'aye' on this measure. Thank you."

Roll call having been requested, the motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1623-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SEX BIAS IN SCHOOLS", having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Morioka and Poepoe being excused.

The Chair directed the Clerk to note that S.B. No. 1798-76 had passed Third Reading at 12:33 o'clock p.m. and S.B. No. 1623-76 had passed Third Reading at 12:36 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 816-76) informing the House that House Resolution Nos. 521 to 523, House Concurrent Resolution Nos. 100 and 101, and Standing Committee Report Nos. 817-76 to 835-76, have been printed and distributed.

On motion by Representative Akizaki, seconded by Representative Kiyabu

and carried, the report of the Committee was adopted.

Representative Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 817-76) recommending that S.B. No. 2929-76 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. 2929-76, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN LICENSES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 2, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 2929-76 were made available to the members of the House at 11:00 o'clock a.m.

At 12:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:40 o'clock p.m.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 818-76) recommending that H.R. No. 197, as amended in HD 1, be adopted.

Representative Ajifu then requested a roll call vote on this measure.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 197, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT A NEW SUGAR ACT", was adopted by a roll call vote of 50 ayes, with Representative Morioka being excused.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 819-76) recommending that H.R. No. 187, as amended in HD 1, be adopted.

Representative Uechi moved that the report of the Committee be adopted and H.R. No. 187, HD 1, be adopted, seconded by Representative Inaba.

Representative Ajifu then made

the following request:

"Mr. Speaker, I would like to request that all of the resolutions and bills that are pending before us be by roll call vote, please."

Representative Clarke then rose on a point of information and asked by the Chair to "state your point", Representative Clarke asked:

"I have here on my calendar House Resolution No. 197. Could the Committee Chairman clarify whether it's 187 or 197?"

The Chair replied:

"House Resolution No. 197 has been moved and passed. We are now on House Resolution No. 187, House draft 1."

Representative Clarke then said:

"Thank you. I stand corrected."

At 12:44 o'clock p.m., on request by Representative Kondo, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:50 o'clock p.m., Representative Ho was recognized by the Chair and he stated:

"I believe we have another colleague in the gallery. Can we get him?"

Representative Cayetano then rose and upon being recognized by the Chair, asked:

"May we have a short recess until the Minority Leader is finished with his performance?"

At 12:52 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:53 o'clock p.m., the motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 187, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN EVALUATION OF FARM LOAN PROCEDURE", was adopted by a roll call vote of 50 ayes, with Representative Morioka being excused.

Representative Suwa then rose and asked:

"Mr. Speaker, may I rise on an inquiry? Are we operating under the suspension of the rules of the

House?"

The Chair replied:

"On the purpose of considering bills by consent calendar."

Representatives Uechi and Sakima, for the Committees on Agriculture and Higher Education, presented a report (Stand. Com. Rep. No. 820-76) recommending that H.R. No. 423, as amended in HD 1, be adopted.

Representative Uechi moved that the report of the joint Committee be adopted and H.R. No. 423, HD 1, be adopted, seconded by Representative Sakima.

Representative Sutton then rose, stating:

"Mr. Speaker?"

The Chair asked:

"For what purpose do you rise, Representative Sutton?"

Representative Sutton replied:

"I rise to speak in favor of this bill."

Directed by the Chair to "proceed", Representative Sutton stated:

"Mr. Speaker, in Hawaii, there has been a trend towards fewer but larger dairies and these dairies have a large number of high producing holstein cows which are kept in these very crowded drylot corrals in a hot climate and are fed a very high concentrate, Mr. Speaker, of a type of ration. Under these conditions, reproductive diseases and failures have become a very serious problem causing financial losses to many in the dairy industry.

Now, the College of Tropical Agriculture's research program on reproductive problems in the dairy cattle has recognized five or six possible contributing factors to these reproductive failure in dairy cows. Routine tests have revealed that half of the dairy herd tested in Hawaii have a very marginal anemia, Mr. Speaker, that may contribute to a reproductive failure. Bacterial infections of the reproductive tracts of dairy animals must be studied further, Mr. Speaker, to determine if there is any correlation between the infection and reproductive failure.

This particular Committee, Mr. Speaker, deleted \$16,000 and they inserted an increase of tort. It seems to me rather unfortunate that with something as important as milk--and my colleague, Mr. Kimura, used to be head of the Milk Control Commission--and it seems very unfortunate that we don't have appropriations, but we just talk in terms of increased support.

I urge my colleagues to vote in favor and next time to give this monetary support. Thank you."

Representative Uechi then rose and upon being recognized by the Chair, stated:

"Yes, for the benefit of the Representative who just spoke, the monies are already there and we are requesting for further participation from the Feds."

Representative Sutton then rose and stated:

"Mr. Speaker, I did have a conflict of interest. I am a former cow puncher."

Representative Abercrombie then rose on a point of information, stating:

"Mr. Speaker, a point to the previous speaker. What we were actually asking for is an increase in cooperation from the cows."

Representative Suwa then rose and remarked:

"Mr. Speaker, the records will show that all the ones that he had conflict, he voted 'aye', and on the others, 'no'."

Representative Ajifu then rose and asked for a roll call vote.

Representative Kondo rose and said:

"May I see the hands of those who are asking for roll call?"

At 12:58 o'clock p.m., on request by Representative Roehrig, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:59 o'clock p.m.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 423, HD 1, entitled: "HOUSE

RESOLUTION RELATING TO RESEARCH ON SOLUTIONS TO REPRODUCTIVE PROBLEMS OF DAIRY CATTLE", was adopted by a roll call vote of 50 ayes, with Representative Morioka being excused.

At this time, Representative Blair rose and asked:

"Will the Minority Floor Leader yield to a question?"

The Chair asked:

"Representative Ajifu, will you yield?"

Representative Ajifu replied in the affirmative and Representative Blair asked:

"Representative Ajifu, we have now gone through three roll call votes without, at least on the last one. . . I believe on the previous ones, without a dissenting vote. I was wondering why, at this point, the Republicans have decided to start requesting roll call votes if there is any reason other than a dilatory tactic."

Representative Ajifu replied:

"Mr. Speaker, this is not a dilatory tactic. Mr. Speaker, we would want fair recognition by the majority. I think the other night, we were offended when the Speaker used, I believe, his gavel which, under the rules, there is other means that could have been used to deprive the discussion that should necessarily take place in the House and I think what we are looking for is a fair play. Until this is. . ."

The Chair interrupted:

"The Chair has always maintained a fairness in posture and the Chair used parliamentary procedure within the parliamentary rules."

Representative Ajifu then said:

"Mr. Speaker, I think this morning was a good example when the rules of the House was suspended. . . against the rules."

Representative Kunimura rose on a point of order and asked by the Chair to "state your point", Representative Kunimura asked:

"What is the subject matter before this floor?"

The Chair asked: "Mr. Clerk?"

The Clerk replied:

"Mr. Speaker, there is a joint report from Agriculture and Higher Education which is No. 821-76 on House Resolution 296, House draft 1, for adoption."

Representatives Uechi and Sakima, for the Committees on Agriculture and Higher Education, presented a report (Stand. Com. Rep. No. 821-76) recommending that H.R. No. 296, as amended in HD 1, be adopted.

Representative Uechi moved that the report of the Committee be adopted and H.R. No. 296, HD 1, be adopted, seconded by Representative Sakima.

Representative Larsen then rose to speak in favor of the resolution, stating:

"Mr. Speaker, I rise to speak in favor of House Resolution No. 296, HD 1, and, at the same time, to express some concerns I have concerning this measure.

I realize it is a resolution to study a problem. This problem has been before us for some number of years, and by voting monies from this Legislature does not necessarily solve the problem. Therefore, I would like to add into the record some of the concerns I have and, hopefully, these concerns will be addressed when the House Higher Education and Agriculture Committees meet to go over the concerns.

Primarily, we are now talking about monies for a commodity program which should help agriculture in the State. We have had testimony from the University of Hawaii that explains there is at least \$450,000 a year spent on agricultural studies for both the chemical and the fertilizer selection and coloration practices on papaya alone. As it presently stands, the HAES--Hawaii Agricultural Experiment Station--which has branches on all the islands, has not carried out the experimental programs so that it benefits the various areas of the State. They have had a very effective program on the island of Hawaii to take care of the growing of papayas in the Pahoia and the Hilo areas. This information, gathered in this location, is not applicable to irrigated areas which are now going into production on Kauai and the island of Maui.

I feel it is absolutely necessary that this type of experimental station be located throughout the State to take care of conditions agriculturally, and climatical conditions, that appear on all the islands. Therefore, I think it is very necessary that even though we are talking about establishing mobile experimental stations, we insure that they be effective by going through located experiment stations in each area, on each island, where considerable agricultural activities are being conducted. Only in this way will we be able to gather proper information funded by the State, but supposedly put into the hands of the farmers so that they can increase their productivity and operate on an economical level.

I believe that the idea behind the resolution is a good one and I hope that my colleagues will support it, and through considerable effort and thought, produce the type of experimental program which will benefit papayas as well as other agricultural products in the State.

Thank you, Mr. Speaker."

Representative Ajifu then rose, stating:

"I have asked that on all of the pending business before us, that we take a roll call vote, Mr. Speaker."

The Chair replied:

"The Chair denies that request. We will take up each matter one at a time. Mr. Clerk?"

The motion was put by the Chair and carried, and the report of the joint Committee was adopted and H.R. No. 296, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII AGRICULTURAL EXPERIMENT STATION TO IMPROVE THE EFFECTIVENESS OF THE BRANCH STATIONS", was adopted by a roll call vote of 50 ayes, with Representative Morioka being excused.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 822-76) recommending that H.R. No. 297 be adopted.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the joint Committee was adopted and H.R.

No. 297, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE STATUS, IMPACT AND EFFECTIVENESS OF ACT 175, SESSION LAWS OF HAWAII, 1973, RELATING TO DEDICATION OF LAND FOR RANCHING OR AGRICULTURAL USE", was adopted by a roll call vote of 47 ayes, with Representatives Cayetano, Cobb, Morioka and Segawa being excused.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 823-76) recommending that H.R. No. 323, as amended in HD 1, be adopted.

Representative Uechi moved that the report of the joint Committee be adopted and H.R. No. 323, HD 1, be adopted, seconded by Representative Kawakami.

Representative Sutton then rose, stating:

"The purpose of this resolution is to request the Department of Agriculture, in cooperation with the Department of Planning and Economic Development, and the Land and Natural Resources, and the County of Hawaii, to consult with the major land owners in Kona, all of whom are friends of our own Representative in that area, to determine what pressures exist for the urbanization of agricultural lands in Kona. We have magnificent coffee industries there; we have an industry that has now come back; the price of coffee, worldwide, is high and there is a big question as to whether or not we want to take these agricultural lands and urbanize them.

There should be a very comprehensive review, Mr. Speaker, of the present zoning and the leasing practices, and the development plans for all of Kona is necessary to identify practices that may very possibly adversely affect the continuation of agriculture by withdrawing land from active farming.

The review should also provide the Legislature with recommendations to prevent further deterioration of Kona's agricultural base. Coffee is today noted for the Kona brand. In many, many cases, Mr. Speaker, we talk in terms of Kona coffee as being the lightest and sweetest and the best coffee in any place in the world, including Brazil, Mr. Speaker, so I would like to

see my colleagues vote in favor of this resolution."

Roll call having been requested, the motion was put by the Chair and carried, and the report of the joint Committee was adopted and H.R. No. 323, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF AGRICULTURAL LAND TENURE IN SOUTH KONA, HAWAII", was adopted by a vote of 45 ayes, with Representatives Carroll, Cayetano, Kimura, Morioka, Roehrig and Takamura being excused.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 824-76) recommending that H.R. No. 183 be adopted.

Representative Uechi moved that the report of the joint Committee be adopted and H.R. No. 183 be adopted, seconded by Representative Kawakami.

Representative Larsen then rose to speak in favor of the resolution, stating:

"I rise to speak in favor of this resolution.

Mr. Speaker, this resolution, House Resolution No. 183, concerning a request to ask the City and County of Honolulu to reduce the water rates for farmers is a very pertinent resolution and demands that we give. . . that the resolution addresses itself to serious considerations for this matter. The farmers on Oahu only last year lost their right to purchase water at cheaper rates as the volume increased and they have now been subject to the same urban rate that applies to all sea dwellers.

The rates now talked about by the Board of Water Supply suggest that all farmers on this island be obligated to pay \$270.00 a million for water. Farmers in other areas in California pay anywhere from \$25 to \$50 a million for water, giving a disadvantage of between five and ten times the water cost California versus this island, where products compete on the market on a daily basis. Without some relief in this regard, the farmers on this island are then subject to unfair competition from the mainland, as well as from products from the neighbor islands, into the Honolulu market.

Therefore, in order to give the farmers on Oahu competitive equality to those from the neighbor islands and California, I hope that we will consider voting for this resolution and that the Board of Water Supply will certainly give serious consideration to both reducing the rate per gallon and the idea of reducing the cost as the gallonage increases because farmers, of course, have to use large volumes of water even if they have small areas under cultivation.

Therefore, Mr. Speaker, I request this body to support this resolution. Thank you."

At this time, Representative Kondo rose, stating:

"Mr. Speaker, I would like to ask if you could ask whoever is asking for roll call to raise their hands everytime? I would like to make it very clear that we are wasting time and we want to show who's asking for it."

Representative Sutton then rose, stating:

"Mr. Speaker?"

The Chair asked:

"Representative Sutton, for what purpose do you rise?"

Representative Sutton answered:

"Mr. Speaker, I rise to refer the last gentleman to the Constitution of the State of Hawaii, Article 3, Section 13, the fourth line down-- it says, 'The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the Journal.' If he would read the Constitution, sir. . ."

Representative Kondo then rose on a point of order and asked by the Chair to "state your point", Representative Kondo asked:

"I am asking that they show us who the one-third is?"

The Chair then said:

"May we proceed? We shall ask for raise of hands on the next measure. Any further questions? If not, Mr. Clerk, call the roll."

Roll call having been requested, the motion was put by the Chair and carried, and the report of the

joint Committee was adopted and H.R. No. 183, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF WATER SUPPLY OF THE CITY AND COUNTY OF HONOLULU TO REDUCE WATER RATES FOR AGRICULTURAL PRODUCERS", was adopted by a vote of 48 ayes, with Representatives Cayetano, Lee and Morioka being excused.

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

"Did we take care of Standing Committee Report 824-76, House Resolution No. 183?"

The Chair answered, "Yes, we did."

At 1:19 o'clock p.m., on request by Representative Kunimura, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:49 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. 825-76) recommending that H.R. No. 184, as amended in HD 1, be adopted.

On motion by Representative Kimura, seconded by Representative Garcia and carried, action on Stand. Com. No. 825-76 on H.R. No. 184, HD 1, was deferred one day.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 826-76) recommending that H.R. No. 360, as amended in HD 1, be referred to the Committee on Higher Education.

On motion by Representative Kimura, seconded by Representative Garcia and carried, action on Stand. Com. Rep. No. 826-76 on H.R. No. 360, HD 1, was deferred one day.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 827-76) recommending that H.R. No. 200, as amended in HD 1, be adopted.

On motion by Representative Kimura, seconded by Representative Garcia and carried, action on Stand. Com.

Rep. No. 827-76 on H.R. No. 200, HD 1, was deferred one day.

Representatives Yuen and Sakima, for the majority of the Committees on Education and Higher Education, presented a report (Stand. Com. Rep. No. 828-76) recommending that H.R. No. 116 be adopted.

On motion by Representative Kimura, seconded by Representative Garcia and carried, action on Stand. Com. Rep. No. 828-76 on H.R. No. 116 was deferred one day.

Representatives Yuen and Uechi, for the Committees on Education and Agriculture, presented a report (Stand. Com. Rep. No. 829-76) recommending that H.R. No. 422 be adopted.

On motion by Representative Kimura, seconded by Representative Garcia and carried, action on Stand. Com. Rep. No. 829-76 on H.R. No. 422 was deferred one day.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 830-76) recommending that H.R. No. 407 be referred to the Committee on Finance.

On motion by Representative Kimura, seconded by Representative Garcia and carried, action on Stand. Com. Rep. No. 830-76 on H.R. No. 407 was deferred one day.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 831-76) recommending that H.C.R. No. 64 be adopted.

On motion by Representative Kimura, seconded by Representative Garcia and carried, action on Stand. Com. Rep. No. 831-76 on H.C.R. No. 64 was deferred one day.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 832-76) recommending that H.R. No. 370 be adopted.

On motion by Representative Kimura, seconded by Representative Garcia and carried, action on Stand. Com. Rep. No. 832-76 on H.R. No. 370 was deferred one day.

Representative Kawakami, for

the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 833-76) recommending that H.R. No. 332 be adopted.

On motion by Representative Kimura, seconded by Representative Garcia and carried, action on Stand. Com. Rep. No. 831-76 on H.R. No. 332 was deferred one day.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 834-76) recommending that H.R. No. 338 be adopted.

On motion by Representative Kimura, seconded by Representative Garcia and carried, action on Stand. Com. Rep. No. 834-76 on H.R. No. 338 was deferred one day.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 835-76) recommending that S.C.R. No. 24, SD 1, be adopted.

On motion by Representative Kimura, seconded by Representative Garcia and carried, action on Stand. Com. Rep. No. 835-76 on S.C.R. No. 24, SD 1, was deferred one day.

RECONSIDERATION OF ACTION TAKEN

At this time, Representative Roehrig rose and stated:

"After I made a motion to recommit S.B. No. 2527-76, SD 1, HD 1, at this time, I move that we reconsider the motion to recommit.

The motion was seconded by Representative Garcia and carried.

Representative Roehrig then stated:

"Mr. Speaker, at this time, I would like to move to suspend the rules of the House for the purpose of amending S.B. No. 2527-76, SD 1, HD 1, to remove the floor amendment made the day before yesterday."

The motion was seconded by Representative Garcia and carried.

Representative Kamalii then rose and stated:

"Mr. Speaker, will you give me

the title of that bill, please?"

Representative Roehrig replied:

"A Bill for an Act Relating to the Family Courts."

Representative Ajifu then rose, stating:

"Mr. Speaker?"

The Chair asked:

"Representative Ajifu, for what purpose do you rise?"

Representative Ajifu answered:

"I would just like to rise to a point of information."

Directed by the Chair to "state your point", Representative Ajifu asked:

"When was this bill passed, Mr. Speaker?"

Representative Roehrig answered:

"This bill passed Second Reading the day before yesterday. Early yesterday morning, it was recommitted to the Judiciary Committee and the 24 hours hasn't run out on the motion to reconsider."

Representative Ajifu then said:

"I just wanted to be sure that the 24 hour time has not lapsed, Mr. Speaker."

The Chair then said:

"The motion before the House is to suspend the rules to take care of the matter."

Representative Roehrig then moved that the House amendment that was made to S.B. No. 2527-76, SD 1, be deleted, seconded by Representative Garcia and carried.

Representative Roehrig then said:

"Mr. Speaker, I believe that the Clerk has the bill in the form that it came over from the Senate and they will distribute it to the members for clocking purposes."

At 2:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:56 o'clock p.m.

The Chair then directed the Clerk to note that printed copies of S.B. No. 2527-76, SD 1, were made available to the members of the House at 2:55 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 524 to 535) and concurrent resolutions (H.C.R. Nos. 102 to 106) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 2, 1976:

A resolution (H.R. No. 524) issuing a challenge to the Department of Education and the Board of Education to answer the concerns of the people regarding public education in Hawaii was jointly offered by Representatives Shito, Sakima, Ho, Kawakami, Inaba, Evans, Amaral, Santos, Medeiros, Ikeda, Abercrombie and Wakatsuki.

A resolution (H.R. No. 525) requesting the establishment of a police sub-station in Ewa Beach, Oahu, by the City and County of Honolulu was jointly offered by Representatives Peters, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Cobb, Hakoda, Ho, Inaba, Kamalii, Kiyabu, Kunimura, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Roehrig, Sakima, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap, Yuen and Wakatsuki.

A resolution (H.R. No. 526) requesting the establishment of a police sub-station in Makakilo, Oahu, by the City and County of Honolulu was jointly offered by Representatives Peters, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Cobb, Hakoda, Ho, Inaba, Kamalii, Kiyabu, Kunimura, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Roehrig, Sakima, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap, Yuen and Wakatsuki.

A resolution (H.R. No. 527) requesting the State Department of Transportation and the City Department of Transportation Services to expedite action to alleviate the problem of massive traffic congestion in the Moanalua corridor was jointly offered by Representatives Mizuguchi, Cayetano, Ho, Lunasco, Oda and Shito.

A resolution (H.R. No. 528) expressing concern about the possible

adverse impact of the use of fluorocarbon compounds on the environment and the welfare of the people of Hawaii was jointly offered by Representatives Stanley, Blair, Akizaki, Cayetano, Evans, Ho, Kawakami, Kiyabu, Kondo, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Roehrig, Sakima, Santos, Segawa, Shito, Suwa, Takamine, Takamura, Uechi, Yap and Yuen.

A resolution (H.R. No. 529) requesting the Department of Budget and Finance to establish a pseudo-program structure for income maintenance and work-related assistance programs in the planning, programming, budgeting system was offered by Representative Stanley.

A resolution (H.R. No. 530) requesting the State Foundation on Culture and the Arts to undertake the restoration of murals of Hawaiian legends by Juliette May Fraser, located in the Edna Allyn Children's Room of the State Library Branch, Honolulu, Oahu was jointly offered by Representatives Abercrombie and Ho.

A resolution (H.R. No. 531) requesting the City and County of Honolulu to establish an ambulance service station in Makakilo, Oahu was jointly offered by Representatives Peters, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Cobb, Hakoda, Ho, Inaba, Kamalii, Kiyabu, Kunimura, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Roehrig, Sakima, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap, Yuen and Wakatsuki.

A resolution (H.R. No. 532) requesting the City and County of Honolulu to establish an ambulance service station in Ewa Beach, Oahu was jointly offered by Representatives Peters, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Cobb, Hakoda, Ho, Inaba, Kamalii, Kiyabu, Kunimura, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Roehrig, Sakima, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap, Yuen and Wakatsuki.

A resolution (H.R. No. 533) requesting the Board of Regents of the University of Hawaii to locate the permanent facilities of the School of Law at the St. Francis High School site was jointly offered by Representatives Sakima, Blair, Ho, Kawakami, Kihano, Kunimura, Oda, Shito, Takamura and Yuen.

A resolution (H.R. No. 534) requesting the Governor to release funds for the continuation of summer session at the community colleges during 1976 was jointly offered by Representatives Sakima, Blair, Ho, Kawakami, Kihano, Kimura, Kunimura, Oda, Peters, Shito, Takamura and Yuen.

A resolution (H.R. No. 535) requesting the cooperation of nations overseas in the State's observance of the two hundredth anniversary of the arrival of Captain James Cook in Hawaii was jointly offered by Representatives Kunimura, Abercrombie, Akizaki, Blair, Cayetano, Cobb, Garcia, Ho, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Lee, Lunasco, Machida, Mizuguchi, Naito, Oda, Peters, Roehrig, Sakima, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

A concurrent resolution (H.C.R. No. 102) requesting the State Foundation on Culture and the Arts to undertake the restoration of murals of Hawaiian legends by Juliette May Fraser, located in the Edna Allyn Children's Room of the State Library Branch, Honolulu, Oahu was jointly offered by Representatives Abercrombie and Ho.

A concurrent resolution (H.C.R. No. 103) requesting the Board of Regents of the University of Hawaii to locate the permanent facilities of the School of Law at the St. Francis High School site was jointly offered by Representatives Sakima, Blair, Ho, Kawakami, Kihano, Kunimura, Oda, Shito, Takamura and Yuen.

A concurrent resolution (H.C.R. No. 104) requesting the Governor to release funds for the continuance of summer session at the community colleges during 1976 was jointly offered by Representatives Sakima, Blair, Ho, Kawakami, Kihano, Kimura, Kunimura, Oda, Peters, Shito, Takamura and Yuen.

A concurrent resolution (H.C.R. No. 105) requesting the cooperation of nations overseas in the State's observance of the two hundredth anniversary of the arrival of Captain James Cook in Hawaii was jointly offered by Representatives Kunimura, Abercrombie, Akizaki, Blair, Cayetano, Cobb, Garcia, Ho, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Lee, Lunasco, Machida, Mizuguchi, Naito, Oda, Peters, Roehrig, Sakima, Segawa, Shito, Stanley, Suwa, Takamine, Takamura,

Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

A concurrent resolution (H.C.R. No. 106) expressing legislative endorsement for the establishment and operation of a mass rearing laboratory on Oahu for research relating to the eradication of fruit flies was jointly offered by Representatives Uechi, Abercrombie, Amaral, Carroll, Clarke, Fong, Ho, Machida, Medeiros, Oda, Peters, Santos, Takamine and Yuen.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 1801, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Cayetano, seconded by Representative Shito and carried, the House disagreed to the amendments proposed by the Senate to House Bill No. 1801, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Cayetano, Chairman; Cobb, Takamura and Ikeda were appointed as Managers on the part of the House at such conference.

By unanimous consent, H.B. No. 62, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the House disagreed to the amendments proposed by the Senate to House Bill No. 62, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Takamura, Chairman; Kunimura and Evans were appointed as Managers on the part of the House at such conference.

By unanimous consent, H.B. No. 2022-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the House disagreed to the amendments proposed by the Senate to House Bill No. 2022-76, HD 1, and requested a conference

on the subject matter of said amendments.

In accordance therewith, Representatives Takamura, Chairman; Kunimura and Evans were appointed as Managers on the part of the House at such conference.

At 3:00 o'clock p.m., on request by Representative Uechi, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:05 o'clock p.m.

By unanimous consent, H.B. No. 639, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Segawa, seconded by Representative Naito and carried, the House disagreed to the amendments proposed by the Senate to House Bill No. 639, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Segawa, Chairman; Mizuguchi, Takamine and Amaral were appointed as Managers on the part of the House at such conference.

By unanimous consent, H.B. No. 3248-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Segawa, seconded by Representative Naito and carried, the House disagreed to the amendments proposed by the Senate to House Bill No. 3248-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Segawa, Chairman; Machida, Stanley and Santos were appointed as Managers on the part of the House at such conference.

By unanimous consent, H.B. No. 3103-76, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Yuen, seconded by Representative Oda and carried, the House disagreed to the amendments proposed by the Senate to House Bill No. 3103-76, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yuen, Chairman; Oda, Machida and Santos were appointed as Managers on the part of the House at such conference.

By unanimous consent, H.B. No. 3262-76, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kawakami, seconded by Representative Uechi and carried, the House disagreed to the amendments proposed by the Senate to House Bill No. 3262-76, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Kawakami, Chairman; Uechi, Kihano and Clarke were appointed as Managers on the part of the House at such conference.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 536 and 537) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 536) commending Chiyono Kurata on her contributions as a teacher was jointly offered by Representatives Yuen, Akizaki, Amaral, Blair, Clarke, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Takamine, Takamura, Uechi, Yamada and Yap.

On motion by Representative Yuen, seconded by Representative Naito and carried, H.R. No. 536 was adopted.

A resolution (H.R. No. 537) expressing appreciation to Martha Almon, Deaconess of the United Methodist Church, upon her retirement was jointly offered by Representatives Lee, Abercrombie, Akizaki, Carroll, Evans, Hakoda, Ho, Kawakami, Kihano, Kimura, Kondo, Kunimura, Lum, Machida, Medeiros, Mizuguchi, Naito, Peters, Roehrig, Sakima, Segawa, Shito, Suwa, Takamine, Takamura, Uechi, Yamada and Yuen.

On motion by Representative Lee, seconded by Representative Yuen and carried, H.R. No. 537 was adopted.

By unanimous consent, the following resolution (H.R. No. 538) was referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 2, 1976:

A resolution (H.R. No. 538) expressing legislative endorsement for the establishment and operation of a mass rearing laboratory on Oahu for research relating to the eradication of fruit flies was jointly offered by Representatives Uechi, Abercrombie, Amaral, Carroll, Clarke, Fong, Ho, Machida, Medeiros, Oda, Peters, Santos, Takamine and Yuen.

The Chair, at this time, made the following announcement:

"The Chair, at this time, would like to remind all chairpersons that tomorrow is the last day to disagree, not necessarily agree, but to disagree, with any amendment made by the Senate to any House bills returned. Any intention to agree can be taken up next week."

Representative Poepoe then rose on a point of personal privilege and said:

"Mr. Speaker, on behalf of the minority caucus, may I thank your staff for putting on our desks, this

morning, a fortune cookie and our fortune said: 'Keep smiling, only fifteen more days.' We would like to pass our thanks on to you and to convey that message to you."

The Chair responded:

"The Chair appreciates your remark and I believe that remark extends to all of the members of the House."

At 3:19 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:23 o'clock p.m.

At this time, Representative Carroll introduced to the members of the House a personal friend of his, Ms. Dorothy Mysner.

Representative Kimura then introduced Mr. Sidney Hashimoto who was seated in the gallery.

ADJOURNMENT

At 3:25 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. tomorrow, Friday, April 2, 1976.

FIFTY-FIRST DAY

Friday, April 2, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Robert Da Ponte of St. Theresa Church, after which the Roll was called showing all members present with the exception of Representative Kunimura, who was excused.

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

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

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 291) transmitting Senate Concurrent Resolution No. 44 requesting the United States government to restore and return the island of Kahoolawe to the State of Hawaii which was adopted by the Senate on April 1, 1976, was read by the Clerk and was placed on file.

By unanimous consent, action on S.C.R. No. 44 was deferred until later in the calendar.

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

Representative Sutton introduced Mr. and Mrs. Albert Ruis from Seattle, Washington.

Representative Stanley introduced sixteen students from Royal Elementary School. They were accompanied by their teacher, Ms. June Motokawa, and Shane Aoki, Bridgette Wong and Andy Agalan.

Representative Amaral introduced members from Boy Scout Troop 33 from Haliimaile, Maui. "The troop and their adult escorts are in Honolulu for the annual Hawaii State Boy Scout Makahiki." Accompanying

the boys on the trip were: Mr. Alvin Sakai, Maui County District Executive, Boy Scouts of America; Mr. Lew Shimabuku, Scout Master, and his wife, Grace; Mr. Harvey Favella, Assistant Scoutmaster; Mr. Allan Ibara, Committee Chairman, and his wife, Lorraine; Annie Golis and Vicky Cabalo, Committeewomen; Mr. Ben Aganos, Committeeman, and his wife, Betty; Mr. Tag Sugai, Troop Executive, and his wife, Yuriko; Mr. Lucio Calina; Mrs. Ann Manuel; Miss Cally Brown; and Mr. and Mrs. Yoshio Kobayashi.

Representative Kiyabu introduced twenty-five 5th grade students from Waialae Elementary School who were accompanied by their teacher, Ms. Alice Muranaka.

Representative Cobb introduced twenty-four 6th graders from Aina Haina Elementary School. They were accompanied by their teacher, Mrs. Jerry Ichimura.

Representative Abercrombie introduced Dr. Bernhard Hormann "who help found the School of Sociology at the University of Hawaii and continues to serve the State in his capacity as a member of the Historic Review Board. It's people like Dr. Hormann who have shown all of us, through the years, that having a physical handicap is no bar to accomplishment, and I am pleased that this body is recognizing that in the law that we are passing on the physically handicapped this year."

Representative Kimura introduced 39 second grade students from the Hongwanji Mission School. They were accompanied by their teachers, Ms. Beverly Onouye and Mrs. Rene Kimura.

Representative Lee introduced 100 fifth grade students from the Salt Lake Elementary School. They were accompanied by their teachers, Mrs. Gloria Matsumura, Mrs. Violet Tsuchidana, Mrs. Linda Stanley and Mrs. Fay Aagsalud.

Representative Peters introduced Ms. Dawn Kishi and Ms. Jolyn Ginka. They are seniors at St. Andrews Priory and are participating in the Observer's Program out of Representatives Peters' and Kimura's offices.

The Chair then stated:

"The Chair would like to, at this time, on behalf of all the members, welcome back one of our colleagues who spent some trying days at the hospital. He's with us this morning and we hope he will be with us throughout the session. Welcome back, Representative Morioka."

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 524 to 535 and 538) and concurrent resolutions (H.C.R. Nos. 102 to 106 and S.C.R. No. 44) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
524	Committee on Education
525	Committee on Judiciary
526	Committee on Judiciary
527	Committee on Energy and Transportation
528	Jointly to the Committees on Environmental Protection and Health
529	Committee on Public Assistance and Human Services, then to the Committee on Finance
530	Committee on Culture and the Arts, then to the Committee on Finance
531	Committee on Health
532	Committee on Health
533	Committee on Higher Education
534	Committee on Higher Education, then to the Committee on Finance
535	Committee on Culture and the Arts
538	Committee on Agriculture

H.C.R. Nos.

102	Committee on Culture and the Arts, then to the Committee on Finance
103	Committee on Higher Education

104	Committee on Higher Education, then to the Committee on Finance
105	Committee on Culture and the Arts
106	Committee on Agriculture

S.C.R. No.

44	Committee on Water, Land Use, Development, and Hawaiian Homes
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At 11:38 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:24 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Kunimura.

The Chair then stated:

"The Chair, at this time, would like to acknowledge and partly appreciate the minority for sending over a very cordial process server yesterday to the Chair with a stack of papers."

UNFINISHED BUSINESS

Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1 (Deferred from April 1, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 783-76 and S.B. No. 2932-76, SD 1, was deferred one day.

Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1 (Deferred from April 1, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 786-76 and S.B. No. 1801-76, SD 1, was deferred one day.

Stand. Com. Rep. No. 825-76 on H.R. No. 184, HD 1 (Deferred from April 1, 1976):

Representative Uechi moved that the report of the Committee be adopted and that H.R. No. 184, HD 1, be adopted.

Representative Hakoda then rose to speak in favor of the resolution, stating:

"The purpose of this resolution is to request the Department of Agriculture to study the desirability and efficacy of special agricultural water rates.

Agriculture, one of the main economic bases of the State, has been, and is currently being, researched for its diversification in order to meet the economic challenges of the future.

In order to encourage the development of agricultural industries, it is imperative to provide incentives. If the water rates become unconceivably high, then no matter how much we research, no matter how diversified, no matter how developed the agricultural industry becomes, people will most certainly be discouraged from participating in one of the most vital industries because of costs. Setting an incentive such as a special agricultural water rate will give the agricultural industry a chance to fully develop.

Water provides the basis for agricultural crops. And agriculture provides a base for the future economic stability of the State of Hawaii. By investigating the desirability and efficacy of a special agricultural water rate, we are looking into the future and are insuring Hawaii's prosperity.

For these reasons, I strongly urge the support of House Resolution 184, House Draft 1.

Thank you, Mr. Speaker."

The Chair, upon recognizing Representative Ajifu, asked:

"Representative Ajifu, for what purpose do you rise?"

Representative Ajifu replied:

"I would like to have a roll call vote, please."

The Chair requested a show of hands, and it was determined that not less than one-fifth of the members present desired a roll call vote on the measure.

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 184, HD 1, entitled: "A RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE DESIRABILITY AND EFFICACY OF A SPECIAL AGRICULTURAL WATER RATE", was adopted by a roll call vote of 49 ayes to 1 no, with

Representative Kunimura voting no, and Representative Machida being excused.

Representative Abercrombie, on a point of personal privilege, stated:

"If I promise to remind Representative Garcia when to vote 'no' instead of 'aye', would you ask him to remind me when to keep my hand down instead of raising it?"

The Chair then asked:

"How about when to keep quiet?"

Representative Abercrombie replied:

"I will have to wait for a penal summons, I guess, before that happens."

Stand. Com. Rep. No. 826-76 on H.R. No. 360, HD 1 (Deferred from April 1, 1976):

The Chair, at this time, with the consent of the Chairpersons involved, re-referred H.R. No. 360, HD 1, to the Committee on Environmental Protection only.

Representative Blair moved that the report of the Committee be adopted and, notwithstanding the report of the Committee that H.R. No. 360, HD 1, be referred to the Committee on Higher Education, that H.R. No. 360, HD 1, be adopted.

Representative Kondo seconded the motion.

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. 360, HD 1, entitled: "A RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO IMPLEMENT AN ENVIRONMENTAL STUDIES CURRICULUM", was adopted.

Representative Sutton, upon being recognized, stated:

"I rise on a privilege of the House - that is known as the privilege of the assembly under Cushing."

The Chair then replied:

"State your privilege."

Representative Sutton then stated:

"At the start of this, the Chair said that they had been served with process."

The Chair stated:

"That was a passing remark."

Representative Sutton stated:

"If you need an attorney, can you come to me?"

Stand. Com. Rep. No. 827-76 on H.R. No. 200, HD 1 (Deferred from April 1, 1976):

Representative Sakima moved that the report of the Committee be adopted and that H.R. No. 200, HD 1, be adopted.

Representative Ajifu requested a roll call vote.

The Chair requested a show of hands, and it was determined that not less than one-fifth of the members present desired a roll call vote on the measure.

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 200, HD 1, entitled: "A RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO ESTABLISH A POLICY WHICH WILL ALLOW BROADER PARTICIPATION IN THE FORMULATION, ALLOCATION AND EXECUTION OF FUNDS", was adopted by a roll call vote of 50 ayes, with Representative Machida being excused.

Stand. Com. Rep. No. 828-76 on H.R. No. 116 (Deferred from April 1, 1976):

Representative Yuen moved that the report of the majority of the Committee be adopted and that H.R. No. 116 be adopted, seconded by Representative Sakima.

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

"Mr. Speaker, I represent the Waikiki district, rightfully proclaimed the heart of Hawaiian tourism. Consequently, I feel a personal proximity to the tourist industry. Like all in this House, I am cognizant of the economic benefits derived from tourism in this State, not the least of which is the fact that the total revenues generated by that industry now exceed one billion dollars, and that the taxes accruing therefrom are sufficient to pay

the State's public education, exclusive of the University of Hawaii.

Therefore, Mr. Speaker, this measure, which encourages the Department of Education and our community colleges to familiarize their students and faculty with career opportunities in tourism, is worthy of all our support.

However, Mr. Speaker, it is to be hoped that the Department of Education and our community colleges use their vast resources to educate their students and faculty on the economic realities on which our billion-dollar tourist industry flourishes. This is perhaps just as important as pointing to the employment opportunities developed by that industry.

For example, Mr. Speaker, our educational system should stress the fragile nature of tourism as an industry, insofar as the motivations of our tourists themselves are concerned; and how destination areas such as France, Jamaica, and Puerto Rico, to name just three examples, suffered major setbacks in tourism because of either poor governmental policies or poor citizen reception, or both.

Furthermore, Mr. Speaker, our educational institutions should be informed that the tourist industry serves another function that has never been properly defined in our State. I refer to this function as the therapeutic-catharsis syndrome, which is peculiar to Hawaii, but which, for some unexplained reason, has never been studied by scholars of our University. I have even considered introducing a resolution to have this matter investigated.

Mr. Speaker, because we live in fairly congested conditions, especially on Oahu, and because we also share these crowded quarters with some two million visitors a year, we are in need of some occasional outlet for our periodic moods of frustration. Psychologists and psychiatrists tell us that it is healthy at such times to find some convenient article lying around about and to vent our emotions upon it by kicking it as hard as we can.

Mr. Speaker, in Hawaii, that convenient and kickable subject is tourism. Whenever we feel the pressures of urban life beginning to grate upon us, we blame the tourist industry. We blame tourism for using our beaches, our streets,

for polluting our waters and clogging our sewer pipes; for congesting our highways and airports; even for turning our citizenry into unwilling slaves to the hordes of visiting haoles and orientals, especially to those who don't tip very well. In fact, whenever Waikiki residents ask for a few amenities such as better street lighting, storm drains, or even water pipes, we are told that we can't have them until and unless these crazy tourists are forced to pay a special room tax in order that the Legislature can pay for some State improvements in areas other than Waikiki.

On the other hand, Mr. Speaker, when our economy is in a slump, and the winds of unemployment sweep across our Hawaii Nei, there is little we won't do for our tourist industry. Suddenly, long withheld funds for Waikiki improvements are freed, and tourism-supportive bills and resolutions pour into the hoppers of our two legislative houses. The previous opposition to foreign, especially Japanese, investments, particularly in hotels, resorts, and other tourist-oriented projects, disappears, and our counties rush with breath-taking speed to convert such garden spots as the northern uplands and coastal strip of Kohala into additional destination areas, despite the fact that a year or so earlier, the County fathers of Hawaii were so upset about the 50% occupancy rate of the hotels there and there was loud talk about a moratorium on further resort development.

Mr. Speaker, I maintain that the real value of tourism for Hawaii lies not in its economic return, nor its employment opportunities, nor even in the enjoyment we feel when we see mainland visitors and orientals desporting themselves in his-and-her, matching sport outfits, parading down Kalakaua Avenue, freely scattering their dollars. The real value of tourism for us, Mr. Speaker, is the psychological release we feel when we are able to give the tourist industry a good swift kick in the okole whenever our collective psyche deems such a move is needed.

Mr. Speaker, there is a distinguished honor conferred upon dignitaries who come to our shores. It is called the Order of the Splintered Paddle. I am sure that everyone in this House is familiar with the origin of that honor. Mr. Speaker, it

has never been clear to me whether the award represents the fact that Kamehameha broke it over that unfortunate Hawaiian many years ago, or whether that poor Hawaiian survived. In either case, Mr. Speaker, I feel our tourist industry needs recognition also, for having borne up so well, over all these years of being an object of scorn and vilification. In the absence of such an award, I believe it would be in good taste, Mr. Speaker, and certainly appropriate, to ask our educational institutions to consider the tourist industry in Hawaii as a psychological and therapeutic-carthartic benefit as well as an economic asset. After all, Mr. Speaker, we should occasionally express our gratitude and appreciation to those we belabor with curses and threats, because all our collective expressions of anti-tourism only conceal the deep love we feel for the visitors who flock to our golden shores....."

Representative Kunimura then rose and stated:

"Point of order, Mr. Speaker."

The Chair then stated:

"Representative Kunimura, state your point."

Representative Kunimura stated:

"I think her ten minutes are up."

Representative Sutton then said:

"Mr. Speaker, I yield her my ten minutes."

Representative Kunimura stated:

"Her ten minutes are up and just to keep within the rules of the House, I yield my ten minutes to her."

Representative Kamalii then said:

"Thank you, Representative from Kauai. I appreciate it. I have just one more line, Mr. Speaker."

The Chair then stated:

"The Chair will allow you that additional line at this time."

Representative Kamalii thanked the Chair and continued:

"Without their pocketbooks, Mr. Speaker, all of us here in this House might well be pursuing other activities,

without a paddle among us.

Thank you."

Representative Abercrombie then rose to speak against the resolution, stating:

"My heart bleeds for Sheraton. My heart bleeds for Kenji Osano. My heart bleeds for every corporation that's coming in here to take as much money out of this place as they can possibly do. This is a business. This isn't a charitable enterprise. I'm sick up to here with all this bull about the tourist industry and what a great favor they're doing us by being here to make money. There's nobody in the tourist industry that's in it for anything else but to make money - just like any other business.

The fact that it takes some modicum of courtesy and affability in the process in order to retain your business is only indicative of the common courtesy that any human being should be shown and, by the way, I think it is only indicative of the kind of courtesy that we show ourselves in our local businesses that cater primarily to ourselves here in the islands.

And now, as far as requesting the educational, that is to say the public educational institutions of the State, to familiarize students with the tourist industry in Hawaii, I think that that might be a good idea. I don't think this resolution addresses itself to the kind of education they should get. I think one of the pieces of information they should get is, how much money leaves this State after the profits are made here.

I think one of the pieces of information they should get is, how many tourists fill all the buses going through Waikiki; going around the island; out to the Arizona Memorial; up to Paradise Park. They should be familiarized with how much it costs us to maintain our roads; to pay those bus drivers; maintain those buses; buy those buses; how much it cost to re-pave Nehoa Street on the way up to Paradise Park.

They should be reminded about the fire protection and the police protection - the services that now take 30¢ out of every dollar in the City and County of Honolulu.

They should be reminded, or

they should be informed - students should be informed - about how difficult it is for this House to pass bills that will enable us to buy the beach parks we need; to get a hold of the land; to provide the wildlife refuges; to be able to maintain our harbors; to be able to provide the sewage systems that we need because of the increased population and the daily usage of the sewage system by our visitors as well as ourselves. They should be familiarized with the costs that are involved there and the time.

They should be familiarized that the costs in terms of personnel, for example, do not rise arithmetically but rather in geometric proportion; especially when you find circumstances of breakdown.

I would remind you and the chamber, Mr. Speaker, of the incident that occurred with the sewage problems between Beretania and King Streets on Ward Avenue. It takes a disproportionate number of people to address those problems and thus causes us to have to hire more people, especially in the public sector, to deal with these problems. In other words, if you say, for example, there are 100 people hired and you begin to have to replace the sewage system that now, in certain instances, is half a century old or more, you don't just hire one or two more people; you may have to hire a good deal more because the number of people it will take to concentrate on the area that is breaking down will be in far greater proportion than if it was just a repair situation.

We should be reminded, or the students should be familiarized with what it is not to have union protection. They should be familiarized with the fact that if they try to organize a union, they no doubt will be harrassed by their employers; that the establishment of union wages in the hotel industry has only been at great personal cost as a result of a fight that is still going on; that they are not welcomed as employees to share in decision-making; that in terms of where the direction of tourism - this is not a cooperative endeavor with the people who work here and whose destinies are linked to the tourist industry but rather a subject other than such union protection as they can provide, which mostly addresses wages and conditions as opposed to directions in which tourism will go.

That these people, these working people, in both white collar and blue collar positions are in many respects today still the victims and will continue to be the victims of corporate decisions - many of which are made outside of the State of Hawaii; many of which have nothing to do with what goes on inside the State of Hawaii, other than how the particular entities, some multi-national corporations, some national corporations, diversified in many respects - have nothing to do except as how those decisions affect the corporate life. If it happens to benefit Hawaii at the same time, all well and good. But that is merely derivative, and it is only derivative to the extent that the State of Hawaii insists upon receiving its just due in terms of revenue compensation for the business that is done here.

Now, Mr. Speaker, a long time ago Standard Oil Company was very upset with Governor Huey Long in the State of Louisiana because he imposed a tax on the oil that was leaving that State and going elsewhere. They thought that was terribly unfair; after all, they brought such a great deal of prosperity to the State of Louisiana and they expected everybody in the State of Louisiana to be eternally grateful to Standard Oil Company for the favor it was doing for them by taking the oil out and selling it for profit.

But we have only certain resources here that we can draw upon: our air; our clear skies; our water; our land; our beaches. And I see a tax in this situation in hotel rooms as being no different than that kind of tax that was imposed on the Standard Oil Company in Louisiana. We're trying to protect those resources. We're trying to utilize revenue from those resources by virtue of a tax that will actually enhance and keep viable the very resource circumstances that attract our visitors here in the first place..."

Representative Carroll, on a point of order, stated:

"Mr. Speaker, I read this resolution. It has to do with familiarization of the students of the University of Hawaii with the tourist industry in Hawaii and it sounds to me, unless I have dropped the ball once again, that we're hearing a harangue on the room tax which is not before us at this time."

The Chair remarked:

"You dropped the ball again. The Chair was reading the resolution when Representative Kamalii was speaking and she had opened the gate."

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

"I resent it when propaganda from the tourist industry takes place - TV and radio - in which they indicate that if it wasn't for them, we wouldn't have a public school system. Now, we all know that the public school system is funded out of the general revenue of the State and that everybody who makes their tax contribution, from the fellow who owns the shoe store or who owns a little taxi business or has a pharmacy or is self-employed, pays taxes. We pay, including ourselves here in this chamber. All of these taxes contribute to the general fund.

Now, this is a business, like any other business, and because it's a big business it does pay more taxes and that is only right and that is what it should be doing.

And what I am saying here, and you may recall, Mr. Speaker, that I spoke in favor of our bill the other day on tourist coordination and a bill which came out of the Tourism Committee, because it does recognize the tourist industry, is an industry like any other - it's going to receive equitable treatment.

The visitor, however, who comes here"

Representative Kunimura, upon being recognized by the Chair on a point of order, stated:

"I think my colleague, Mr. Abercrombie, has spoken for ten minutes now. May I yield my ten minutes?"

The Chair then stated:

"You're recognized for that specific purpose, Representative Kunimura."

Representative Abercrombie then remarked:

"I shall conclude my remarks as quickly as I can, Mr. Speaker."

Representative Carroll, on a point of order, stated:

"If I'm not mistaken, Representative Kunimura yielded his ten minutes

to Representative Kamalii. How many ten minutes does he have to yield?"

On a point of order, Representative Cobb stated:

"Each representative is allowed to speak twice for ten minutes on a given issue; therefore, the Representative from Kauai does have two ten minutes to yield."

The Chair then remarked:

"Besides, Representative Kamalii used half a minute of Representative Kunimura's time. Proceed, Representative Abercrombie."

Representative Abercrombie proceeded by saying:

"Thank you, Mr. Speaker. I do want to have the future citizens of Hawaii, the students that are here now, be encouraged in future careers in the area of tourism and to build a stronger economy for Hawaii; and my contention, Mr. Speaker, as you pointed out the door was opened by the previous speaker, my contention is that the imposition of a hotel room tax will do precisely this - it will enhance and strengthen our economy; it will give us an opportunity to provide for our visitors and for ourselves a happy medium of facilities and resources that will enable us to continue to attract people here for years to come; and to make their visits here something that is not only enjoyable for them but profitable to us.

And so, my feeling is that the reason I am against this particular resolution is I believe that the University and the school system more than adequately addresses the circumstances now and that if anything, the side from the point of view of the citizenry and labor side, is woefully under-addressed at the moment and that if anything, any kind of resolution should be adopted that it should be one in which the citizens and the students of the State of Hawaii are made aware of how the tourist industry has taken advantage of us without giving us anything in return."

The Chair, upon recognizing Representative Carroll, asked:

"Representative Carroll, for what purpose do you rise?"

Representative Carroll answered:

"I rise to speak in favor of this bill - or resolution."

The Chair then stated:

"You are fumbling all over the place, but proceed."

Representative Carroll proceeded, stating:

"Mr. Speaker, when one is thrown a ball with vaseline on it, it is very difficult to do anything but fumble."

Representative Roehrig then stated:

"Mr. Speaker, I would suggest when a ball is thrown without vaseline, it's a lot worse."

Representative Carroll, upon being directed by the Chair to "proceed", stated:

"Mr. Speaker, perhaps a number of us should head for California and be gag writers rather than legislators.

Mr. Speaker, I rise to speak against this measure and I had not really intended to speak on it and this is not a filibuster.

I also represent the Waikiki district. . . ."

Representative Ho, upon being recognized by the Chair on a point of order, asked:

"If I heard correctly, the speaker who is speaking on this, said he was speaking in favor; now he's speaking against the measure; can we get clarity on it?"

Representative Carroll then stated:

"I'm rising to speak in favor of the resolution and to rebut the remarks of one of the three representatives from the 13th district."

Representative Abercrombie rose on a point of order and asked:

"Which one?"

The Chair replied:

"We'll probably get confused after he's through. Proceed."

Representative Carroll continued, stating:

"Mr. Speaker, as has been adequately indicated already, millions of tax dollars come out of the tourist business. Approximately \$96 million is generated in the Waikiki district annually.

These tax dollars go to pay for parks; they go to pay for schools; they go to pay for highways; they go to pay for harbors; they go to pay for the education system; they go to pay for the salaries for people at the University of Hawaii; they go to pay for our salaries; for the cost that we incur while we're here - printing; on and on, ad nauseam and ad infinitum.

The dollars that are produced for taxes and which are used are one thing; but the dollars that come in from the tourists is quite another - and we have our bus drivers, our waitresses, bartenders, room clerks, people in the cleaning business, people in the food supply business, clerks, fishermen, farmers - all of these people whose income is derived directly or indirectly from the tourist industry.

And as has also been indicated by my colleague from Waikiki, the tourist industry often does get booted around; and, I think, that slowly but surely, the message is getting home to this Legislature and to the State that this is our prime industry and it is one which we must preserve. It is a fragile industry.

We hear comment that people from the outside are coming in and they're making grandiose amounts of money, supposedly on the backs of our hard-working local people. Perhaps they are making money, Mr. Speaker, but many people in the State of Hawaii have been able to make money from the tourist industry. People such as Chinn Ho, William Mau, who bear no relationship to outside interest other than the fact that they have seen what a good job some of these people have done and they have come in and picked up their interest and that is the American way.

Now, if people, including many of the representatives in these chambers, wish to save enough money to gain control of any corporation in the State of Hawaii, or in the United States for that matter, that's their prerogative. And to talk about it as if that is some kind of evil event is simply to misstate the whole purpose of corporate ownership. And the other thing is that many

of these corporations are owned publicly and the people who are owners are also these very same waitresses, bartenders, fishermen, etc.

Now, Mr. Speaker, I think that it's high time that we did begin to familiarize the people and our students at the University with the tourist industry; to make them aware of the great benefits which do derive from this. It's a non-noxious, it's a non-debilitating industry. It takes nothing out really except temporary use of some of our facilities, which most of us would be happy to share under the best of circumstances.

For these, and for many other reasons, I urge everyone to vote 'aye' on this measure.

Thank you."

Representative Ajifu then asked:

"May we have a Roll Call vote on this? And, Mr. Speaker, if you are going to ask for a show of hands, I would like to have a Roll Call vote to indicate whether we have the required number of votes to call for a Roll Call."

The Chair replied:

"Rules call for a show of hands is sufficient. Show of hands."

It was determined that not less than one-fifth of the members present desired a Roll Call vote on the measure; therefore, the Chair directed the Clerk to "call the roll".

The motion was carried and 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 adopted by a Roll Call vote of 42 ayes to 4 noes, with Representatives Abercrombie, Cobb, Kunimura and Roehrig voting no, and Representatives Fong, Lee, Machida, Oda and Takamura being excused.

Stand. Com. Rep. No. 829-76 on H.R. No. 422 (Deferred from April 1, 1976):

On motion by Representative Kimura, seconded by Representative Garcia and carried, action was deferred one day.

Stand. Com. Rep. No. 830-76
on H.R. No. 407 (Deferred from
April 1, 1976):

On motion by Representative Kimura,
seconded by Representative Garcia
and carried, action was deferred
one day.

Stand. Com. Rep. No. 831-76
on H.C.R. No. 64 (Deferred from
April 1, 1976):

On motion by Representative Kimura,
seconded by Representative Garcia
and carried, action was deferred
one day.

Stand. Com. Rep. No. 832-76
on H.R. No. 370 (Deferred from
April 1, 1976):

On motion by Representative Kimura,
seconded by Representative Garcia
and carried, action was deferred
one day.

Stand. Com. Rep. No. 833-76
on H.R. No. 332 (Deferred from
April 1, 1976):

On motion by Representative Kimura,
seconded by Representative Garcia
and carried, action was deferred
one day.

Stand. Com. Rep. No. 834-76
on H.R. No. 338 (Deferred from
April 1, 1976):

On motion by Representative
Kimura, seconded by Representative
Garcia and carried, action was deferred
for one day.

Stand. Com. Rep. No. 835-76
on S.C.R. No. 24, SD 1 (Deferred
from April 1, 1976):

On motion by Representative Kimura,
seconded by Representative Garcia
and carried, action was deferred
for one day.

S.B. No. 2527-76, SD 1 (Deferred
from April 1, 1976):

On motion by Representative Kimura,
seconded by Representative Garcia
and carried, action was deferred
for one day.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the
Committee on Legislative Management,
presented a report (Stand. Com.
Rep. No. 836-76) informing the
House that House Resolution Nos.
524 to 538, House Concurrent Resolution
Nos. 102 to 106, Standing Committee
Report Nos. 837-76 to 841-76, have
been printed and distributed.

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

Stand. Com. Rep. No. 837-76
on S.C.R. No. 62:

On motion by Representative Kimura,
seconded by Representative Garcia
and carried, action was deferred
for one day.

Stand. Com. Rep. No. 838-76
on H.R. No. 491:

On motion by Representative Kimura,
seconded by Representative Garcia
and carried, action was deferred
for one day.

Stand. Com. Rep. No. 839-76
on H.C.R. No. 40:

On motion by Representative Kimura,
seconded by Representative Garcia
and carried, action was deferred
for one day.

Stand. Com. Rep. No. 840-76
on H.R. No. 267:

On motion by Representative Kimura,
seconded by Representative Garcia
and carried, action was deferred
for one day.

Stand. Com. Rep. No. 841-76
on H.R. No. 281:

On motion by Representative Kimura,
seconded by Representative Garcia
and carried, action was deferred
for one day.

Representative Poepoe, on a point
of order, asked:

"Did you go by page 4? And,
are we deferring those for the day?"

The Chair replied:

"That is correct. We are on page 5, item 9. I'm sorry, item 10."

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 545 to 548) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 545) congratulating the Lihikai AJA Baseball Team on winning the championship of the Maui AJA Baseball League for 1976 was jointly offered by Representatives Machida, Abercrombie, Ajifu, Akizaki, Blair, Cayetano, Clarke, Cobb, Fong, Garcia, Hakoda, Ho, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lunasco, Medeiros, Mizuguchi, Naito, Oda, Peters, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Santos, seconded by Representative Kondo and carried, H.R. No. 545 was adopted.

A resolution (H.R. No. 546) congratulating the Maui Community College Men's Basketball Team on winning the State Community College Basketball League Championship was jointly offered by Representatives Machida, Abercrombie, Ajifu, Akizaki, Blair, Cayetano, Clarke, Cobb, Fong, Garcia, Hakoda, Ho, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lunasco, Medeiros, Mizuguchi, Naito, Oda, Peters, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Santos, seconded by Representative Kondo and carried, H.R. No. 546 was adopted.

A resolution (H.R. No. 547) honoring and congratulating Robert "Bob" W. J. Tom upon his appointment to the All-American Hall of Fame by the University of Houston was jointly offered by Representatives Ushijima, Ajifu, Akizaki, Amaral, 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, Poepoe, Roehrig,

Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Kimura and carried, H.R. No. 547 was adopted.

A resolution (H.R. No. 548) congratulating the Hawaiian Association of Future Farmers of America on the occasion of their 47th Annual Convention was jointly offered by Representatives Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Sakima, Santos, Shito, Stanley, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ajifu, seconded by Representative Inaba and carried, H.R. No. 548 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 539 to 544) and concurrent resolution (H.C.R. No. 107) were referred to the Committee on Legislative Management and further action was deferred until Monday, April 5, 1976:

A resolution (H.R. No. 539) requesting a study of the need and feasibility of a youth-focused legal education curriculum for grades K-12 was jointly offered by Representatives Takamura, Yuen, Blair, Cayetano, Kondo, Lunasco, Mizuguchi, Morioka, Peters, Sakima, Segawa, Suwa and Ushijima.

A resolution (H.R. No. 540) requesting study of Act 193 of 1975's impacts on land use decision making was jointly offered by Representatives Kawakami, Ajifu, Akizaki, Evans, Hakoda, Ho, Ikeda, Kihano, Kunimura, Lum, Mizuguchi, Morioka, Oda, Poepoe, Roehrig, Sakima, Segawa, Shito, Stanley, Suwa, Takamine, Uechi and Yamada.

A resolution (H.R. No. 541) requesting the Department of Regulatory Agencies to conduct a feasibility study on the establishment of a Board of Occupational Safety Engineers was offered by Representative Peters.

A resolution (H.R. No. 542) requesting the Police Department of the

City and County of Honolulu to study and consider the introduction of light motorized police patrols in residential and school areas was offered by Representative Ajifu.

A resolution (H.R. No. 543) requesting a review of the school custodian housing policy was offered by Representative Ajifu.

A resolution (H.R. No. 544) requesting a study of the feasibility of adopting the "Zero Base Budgeting" system for the State of Hawaii was jointly offered by Representatives Carroll, Abercrombie, Amaral, Clarke, Fong, Hakoda, Ikeda, Inaba, Kamalii, Larsen, Lum, Medeiros, Poepoe, Santos and Sutton.

A concurrent resolution (H.C.R. No. 107) requesting the Department of Regulatory Agencies to conduct a feasibility study on the establishment of a Board of Occupational Safety Engineers was offered by Representative Peters.

THIRD READING

S.B. No. 2929-76

Representative Yamada requested that action be deferred one day, and the Chair, noting that there were no objections, so ordered.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 2131-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2131-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Roehrig, Chairman; Cayetano, Takamine and Sutton were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2135-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the House disagreed

to the amendments proposed by the Senate to H.B. No. 2135-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Roehrig, Chairman; Uechi, Cobb, Lee and Santos were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2782-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2782-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Roehrig, Chairman; Uechi, Cobb, Kondo, Naito, Takamine, Fong and Santos were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2786-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2786-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Roehrig, Chairman; Cayetano, Lee, Stanley and Santos were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2932-76, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2932-76, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Roehrig, Chairman; Kondo, Naito and Sutton were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 3196-76, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 3196-76, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Roehrig, Chairman; Uechi and Carroll were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 934, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 934, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Kondo, Lee, Uechi, Mizuguchi, Hakoda and Fong were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1810, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1810, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Naito, Takamine and Carroll were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2130-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by

the Senate to H.B. No. 2130-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Yap, Takamine and Hakoda were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2227-76, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2227-76, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Yap, Cobb and Sutton were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2678-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2678-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Yap, Lee and Sutton were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2700-76, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2700-76, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Yap, Cayetano, Cobb, Kondo, Stanley, Fong and Medeiros were appointed as Managers

on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2894-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2894-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Yap, Stanley and Sutton were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2984-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2984-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Stanley, Takamine and Medeiros were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2359-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2359-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Yap, Kondo, Takamine, Uechi, Carroll and Fong were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2617-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Yap and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2617-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Yamada, Chairman; Lee and Sutton were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2371-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2371-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Takamura, Chairman; Roehrig, Cayetano and Medeiros were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2253-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2253-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Shito, Chairman; Kondo, Kiyabu and Lum were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2335-76, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2335-76, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Shito, Chairman; Kondo, Kiyabu and Lum were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2949-76, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2949-76, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Shito, Chairman; Kondo, Takamura and Lum were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 3230-76, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 3230-76, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Shito, Chairman; Kondo, Takamura and Lum were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 682, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 682, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Suwa, Chairman; Akizaki, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Mizuguchi, Morioka, Peters, Amaral, Clarke, Hakoda, Kamalii and Lum who were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 942, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 942, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Suwa, Chairman; Akizaki, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Mizuguchi, Morioka, Peters, Amaral, Clarke, Hakoda, Kamalii, Lum and Lee were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1997-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1997-76, HD 1, and requested a conference on the subject of said amendments.

In accordance therewith, Representatives Kunimura, Chairman; Inaba and Amaral were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1998-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1998-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Lunasco, Chairman; Kiyabu and Lum were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2237-76, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa,

seconded by Representative Akizaki and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2237-76, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Suwa, Chairman; Mizuguchi and Kamalii were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2987-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2987-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Suwa, Chairman; Akizaki, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Mizuguchi, Morioka, Peters, Amaral, Clarke, Hakoda, Kamalii and Lum were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 3299-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 3299-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Suwa, Chairman; Peters and Clarke were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2100-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2100-76, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Suwa, Chairman; Akizaki, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Mizuguchi, Morioka, Peters, Amaral, Clarke, Hakoda, Kamalii and Lum were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 2001-76, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2001-76, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Suwa, Chairman; Akizaki, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Mizuguchi, Morioka, Peters, Amaral, Clarke, Hakoda, Kamalii and Lum were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 3112-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Stanley moved that the House agree to the amendments proposed by the Senate to H.B. No. 3112-76, HD 1, and H.B. No. 3112-76, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Peters.

Representative Stanley then explained that "the amendment clarifies the House intent with regards to paying assistance to qualified children in non-needy caretaker homes."

The motion was put by the Chair and carried, and H.B. No. 3112-76, HD 1, as amended, passed Final Reading by a vote of 47 ayes, with Representatives Akizaki, Fong, Machida and Oda being excused.

The Chair directed the Clerk to note that H.B. No. 3112-76, HD 1, SD 2, had passed Final Reading at 1:32 o'clock p.m.

By unanimous consent, H.B. No. 1886, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Lee, seconded by Representative Takamine and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1886 and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House was deferred.

By unanimous consent, H.B. No. 2713-76, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Lee, seconded by Representative Takamine and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2713-76, HD 2, and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House was deferred.

By unanimous consent, H.B. No. 2812-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Lee, seconded by Representative Takamine and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 2812-76, HD 1, and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House was deferred.

By unanimous consent, H.B. No. 2169-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Segawa moved that the House agree to the amendments proposed by the Senate to H.B. No. 2169-76, HD 1, and H.B. No. 2169-76, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Blair.

At this time, Representative Lum asked:

"Mr. Speaker, may we defer this till the end of the calendar?"

At 1:40 o'clock p.m., the Chair

declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:43 o'clock p.m.

Representative Lum said:

"I withdraw my request."

Representative Cobb then rose and asked:

"Prior to the motion carrying for agreeing or disagreeing vote, I was wondering if the Chairman would yield to a question?"

The Chair asked:

"Representative Segawa, will you yield?"

Representative Segawa replied:

"No, I will not."

Representative Peters then asked:

"Can we have a Roll Call vote?"

At 1:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:44 o'clock p.m., Representative Peters stated:

"Mr. Speaker, I hookie back my request."

Representative Poepoe, upon being recognized, asked:

"Mr. Speaker, could we have the Chair explain all the changes in the bill, please?"

Representative Segawa then stated:

"Mr. Speaker, the Senate has changed this bill to restrict no smoking only in public and State-owned buildings, elevators, enclosed meeting or conference rooms where persons gather, enclosed auditoriums or sports arena, or enclosed community centers where persons gather for meetings, parties or other purposes.

They've provided that you may smoke in smoking rooms and other areas that are not enclosed and all other areas where State employees perform normal duties on a daily basis.

They have provided also that any police officer may eject from the premises any person to whom

a citation has been issued and who continues to smoke after he has been so cited."

Representative Abercrombie then asked:

"Would the Chairman yield to a question on it?"

The Chair then asked:

"Representative Segawa, will you yield?"

Representative Segawa replied:

"Mr. Speaker, I refuse to yield"

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 1:55 o'clock p.m.

Representative Kunimura, upon being recognized by the Chair, stated:

"Mr. Speaker, I rise to speak against this measure. I'll say only a few words. I hope, Mr. Speaker, this bill goes down in smoke today!"

Representative Cobb then rose, and upon being recognized by the Chair, stated:

"Yes, Mr. Speaker, before speaking against this bill, I would urge the Chairman to reconsider the action of the agreeing vote simply because of the many public facilities on the mainland, particularly federal facilities, a number of them including all of our major airlines, have smoking and non-smoking sections. And due to the closeness of the vote in the divisive nature of this particular measure, I think this matter could be worked out in conference. . . ."

Representative Abercrombie, on a point of order, stated:

"I can hear Representative Cobb, but I can't see him through all the smoke that's coming up from his desk."

Representative Cobb, upon being directed by the Chair to "proceed", stated:

"If I believe that, Mr. Speaker, he wouldn't have risen on a point of order."

Mr. Speaker, I rise to speak against this bill if there is no motion to reconsider because under the terms of the bill,

as I questioned the Chairman yesterday, we would not only be prohibited from smoking here on the floor of the House but also in the caucus room or any area that's enclosed.

Now, if there is a different interpretation of this particular measure, I would like to hear it at this time."

The Chair then directed Representative Cobb to "proceed with your argument against the bill."

Representative Cobb continued:

"Mr. Speaker, many times in our society, we try to make accommodations. In the major airlines, a smoking section is provided along with the non-smoking section. My recollection is that even the 747 has a ceiling considerably lower than what we have in the chamber of this House, and it would be very feasible for the State, just as many federal facilities do and as many airlines do, to provide this kind of accommodations for smoking and non-smoking sections. Unfortunately, that has not been the case in this bill.

But what I further object to is kind of a disregard for rights all the way down the line. I try to respect the right of a non-smoker by sitting at the far end of the table or sitting in an area where my smoke will not disturb him. If that can't be accomplished, I will either leave the room or put out my cigarette.

Mr. Speaker, there's quite a history to this. A year ago we were handed notices of athletic clinics by the Chairman - some participated; some didn't; that was voluntary. When this bill came up for Third Reading, we were given a lollipop - some ate it; some didn't. I am afraid, Mr. Speaker, if this bill is signed, I am going to present the Governor with a lollipop indicating the mentality and the level of tolerance behind this bill, because I think it is a right for people to decide whether or not they want to smoke.

If we have problems, we're smokers, we're not inconsiderate of the person next to us who is a non-smoker. Surely, the common courtesy would dictate that that individual could either be asked to move or put out his cigarette, or rules and regulations could be devised to have smoking and non-smoking sections. But if this measure passes, there would be nowhere on the floor of this House

or the caucus, under the definitions of this bill where a smoker could indulge.

I think, Mr. Speaker, it would be a better course to put this measure in conference and to try to reach some kind of accommodation rather than having it all one way or the other."

Representative Roehrig then rose, and upon being recognized by the Chair, stated:

"I rise to speak very briefly in favor of this bill.

On page 2 of the bill, the section that starts with line 4, contains this provision - it says: 'This part shall not apply to any smoking rooms and any other areas that are not enclosed and', and this is the important part, 'all other areas where State employees perform normal duties on a daily basis.' And, Mr. Speaker, I think that that is reasonably interpreted to include the floor of the House, the caucus rooms and the various rooms where we have committee meetings as being those places where we perform our normal duties on a daily basis; so the fears of the last speaker, I don't think, are well founded in light of the very clear provisions of this measure, and I would suggest that that fear should be allayed.

Thank you."

Representative Cayetano, on a point of information, asked:

"Mr. Speaker, in view of the remarks made by the previous speaker about the bill, I voted for the bill the last time, the House version. Now I am reconsidering my vote. But, I would like to ask the three colleagues sitting next to me, Representatives Kunimura, Peters and Shito, if I may, Mr. Speaker, if I reconsider my vote on this bill, will they promise to stop smoking for the rest of the session?"

Representative Lum then rose, and upon being recognized by the Chair, stated:

"I rise to speak against this particular measure.

The first time this particular bill went through the House, I sat back quietly and listened to the conversation and discussion and I think it's important that we don't play games with the

legislation that we pass.

I think this bill will create a lot of confusion. First of all, on one hand, it says you're not to smoke, and it identifies the areas you're not to smoke in. And then it turns around and marks out an exception. I don't think we have very much smoking up in the gallery here and, at this point, if we wanted to prohibit them from smoking, we could put signs up there. But according to the way I read this particular provision, it says: 'Exception: other areas where State employees perform normal duties on a daily basis.'

In the gallery, we have up there sitting some employees from the different offices that we have in this building and their duty is to come here and watch the conversation, keep track of the bills, perform duties they normally perform on behalf of the Legislature, either by way of a staff member or each individual legislator.

I don't know how to interpret this. I think this means that you cannot prohibit smoking in this area. It says this is an exception - that's what the bill does, in my opinion. I'm not an attorney, so I really can't say that that's the only thing it does.

The other thing is that it has a fine of \$100 and that's a rather severe fine. A person speeding - when he's putting not only his own life but other people's lives in danger - he's fined \$25. Here a person with a lighted cigarette, walking around in a room unknowingly - tourist or something like that - walking around, can be fined \$100. I just question the rationale here.

I know this makes good publicity. I know this makes people who submitted the bill seem like they're for the non-smoker. But let me assure you there are a lot of smokers out there. This bill does not take into consideration their personal rights.

Now, I am a smoker myself, occasionally. I refrain from smoking my cigar most of the time. I smoke a pipe occasionally. I don't smoke cigarettes. I do it because of the pressures of this body. I never smoked before this. But I do say this in all seriousness, that this bill is an infringement on the social style of living of an individual.

One of the basic principles that I was brought up with is that the government that governs the least is probably the best government. And when you start getting to the point of telling us how to live our social lives, I think there is a problem there.

We have areas where we have taken into consideration that there are non-smokers as well as smokers. We have taken into consideration these things. These are the things that we have done throughout the business aspect of business areas. Why can't we do that with the State government?

There are a lot of people that visit here. They come and visit us in the gallery, but occasionally would like to smoke and so they can go outside and smoke. Now, I believe that we have an open top here so maybe we can say that's not an enclosed area. But I don't know about the walkways. Is that not an enclosed area? What is an enclosed area? Does it mean that you have to be in a room like this? These are some of the questions I have about this bill.

I hate to see this bill just pass like this without more thought and consideration, and I wish that each and every member would remember that there is a smoker out there that has a problem too, if this bill is passed.

Thank you, Mr. Speaker."

Representative Cobb then rose on a point of information and stated:

"I respect very much the remarks of the Judiciary Chairman, and as a matter of clarifying the legislative intent, I do wish the Chairman of the Health Committee would yield merely on the question of whether or not his interpretation is the same as our Chairman on Judiciary, relative to smoking in this chamber or the caucus room. Since he's the Chairman of the Health Committee and the determination of legislative intent is rather crucial in this area, then the question, hopefully, should be answered."

The Chair then asked Representative Segawa: "Will you yield?"

Representative Segawa replied:

"Mr. Speaker, I accept these amendments that the Senate has

inserted into the House bill and I assume the words have provided that smoking is allowed where daily business is conducted. I can only explain it to that extent."

Representative Cobb then stated:

"Mr. Speaker, I think it's crucial that we get a clarification because we have a possible disagreement between two subject matter chairmen relative to the applicability of this particular measure on the floor of the House or in the caucus room. I think the matter should be resolved before we vote on the bill."

The Chair then stated:

"Let's proceed with the vote."

The motion was put by the Chair and carried, and H.B. No. 2169-76, HD 1, as amended, passed Final Reading by a vote of 30 ayes to 16 noes, with Representatives Clarke, Cobb, Inaba, Kawakami, Kunimura, Lee, Lum, Lunasco, Medeiros, Naito, Oda, Peters, Santos, Shito, Sutton and Uechi voting no, and Representatives Carroll, Fong, Ikeda, Kamalii and Machida being excused.

The Chair directed the Clerk to note that H.B. No. 2169-76, HD 1, SD 1, had passed Final Reading at 2:10 o'clock p.m.

At 2:10 o'clock p.m., upon the request of Representative Peters, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:11 o'clock p.m.

APPOINTMENT OF CONFERENCE COMMITTEES

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 79, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Roehrig, Chairman; Uechi, Lee, Yamada, Carroll and Medeiros were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1775-76, SD1, and the request for a conference on the subject matter of said amendments, Representative Roehrig, Chairman; Yamada and Medeiros were appointed as

Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1853-76, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Roehrig, Chairman; Kondo and Carroll were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2709-76, SD 2, and the request for a conference on the subject matter of said amendments, Representatives Roehrig, Chairman; Segawa, Naito, Stanley, Carroll and Santos were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2958-76, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Roehrig, Chairman; Takamine and Fong were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 75, SD 2, and the request for a conference on the subject matter of said amendments, Representatives Roehrig, Chairman; Kondo, Stanley and Medeiros were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1786-76, SD1, and the request for a conference on the subject matter of said amendments, Representatives Yamada, Chairman; Cayetano, Naito and Fong were appointed as Managers on the part of the House at such conference.

The Chair, at this time, made the additional appointment of Representatives Mizuguchi and Fong as Managers on the part of the House at the conference on H.B. No. 934, HD 2.

At 2:14 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House stood in recess until 6:30 o'clock p.m. this evening.

EVENING SESSION

The House of Representatives reconvened at 6:50 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Representative Yamada moved that the House reconsider its action taken on H.B. No. 2617-76, HD 1, as amended by the Senate, seconded by Representative Uechi and carried.

By unanimous consent, action to agree was deferred until Monday, April 5, 1976.

APPOINTMENT OF CONFERENCE COMMITTEES

In accordance with the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 83, HD 1, and the request for a conference on the subject matter of said amendments, Representatives Uechi, Chairman; Inaba, Lunasco, Suwa and Clarke were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3261-76, HD 2, and the request for a conference on the subject matter of said amendments, Representatives Uechi, Chairman; Inaba, Ho, Suwa and Hakoda were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1998-76, and the request for a conference on the subject matter of said amendments, Representatives Yamada, Chairman; Yap and Medeiros were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2501-76, SD 2, and the request for a conference on the subject matter of said amendments, Representatives Yamada, Chairman; Yap, Uechi and Medeiros were appointed as Managers on the part of the House at such conference.

At 6:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives
reconvened at 6:59 o'clock p.m.

ADJOURNMENT

At 6:59 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, April 5, 1976.

FIFTY-SECOND DAY

Monday, April 5, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Barrett Lindsey of Saint Andrews Cathedral, after which the Roll was called showing all members present with the exception of Representatives Blair, Lee and Naito, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-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 Fifty-First Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 291a to 325) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 291a) transmitting Senate Concurrent Resolution No. 11, requesting that formulation of the State Plan emphasize maximum use of private capital to achieve plan goals, which was adopted by the Senate on April 2, 1976, was placed on file.

By unanimous consent, action on S.C.R. No. 11 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 292) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 62, HD 1, and the request for a conference on the subject matter of said amendments, Senators Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 293) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 639, HD 1, and the request for a conference on the subject matter of said amendments, Senators Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 294) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1801, HD 1, and the request for a conference on the subject matter of said amendments, Senators O'Connor, Chairman; Takitani and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 295) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2022-76, HD 1, and the request for a conference on the subject matter of said amendments, Senators Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 296) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 3103-76, and the request for a conference on the subject matter of said amendments, Senators Hara, Chairman; Ching and Saiki were appointed as Managers on

the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 297) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 3248-76, HD 1, and the request for a conference on the subject matter of said amendments, Senators Chong, Chairman; Nishimura and Saiki were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 298) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 3262-76, HD 2, and the request for a conference on the subject matter of said amendments, Senators Wong, Chairman; Hulten and Henderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 299) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 528, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; O'Connor and George were appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair has appointed Representatives Roehrig, Chairman; Cayetano and Sutton as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 300) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 714, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; Young and

Henderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair has appointed Representatives Shito, Chairman; Kawakami, Kiyabu, Yap and Ikeda as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 301) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1187, SD 2, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 302) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1191, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 303) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1577, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; Hara, Takitani, Wong, Taira, George and Saiki were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 304) informing

the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1794-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 305) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1998-76, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; O'Connor and George were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 306) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2121-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Wong, Chairman; Toyofuku and Anderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 307) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2226-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the

House was deferred.

A communication from the Senate (Sen. Com. No. 308) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2333-76, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Wong, Chairman; Nishimura, Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 309) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2394-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Kawakami; Chairman; Blair, Cayetano, Kihano, Kondo, Shito, Hakoda and Ikeda as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 310) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2501-76, SD 2, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; Kuroda, Takitani and George were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 311) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2643-76, and had requested a conference on the subject matter of said amendments,

in consequence of which Senators Wong, Chairman; Toyofuku and Anderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 312) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2739-76, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; Chong and Saiki were appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Roehrig, Chairman; Stanley and Medeiros as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 313) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2745-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Wong, Chairman; Toyofuku and Anderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 314) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2827-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 315) informing the House that the Senate had disagreed

to the amendments proposed by the House to Senate Bill No. 2830-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Wong, Chairman; Nishimura, Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 316) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 75, SD 2, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; Hara, Chong, O'Connor and George were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 317) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1775-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; O'Connor and Leopold were appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 318) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1853-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators O'Connor, Chairman; Taira and George were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 319) informing the House that the Senate had disagreed

to the amendments proposed by the House to Senate Bill No. 1992-76, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; Chong, Takitani, Hara and George were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 320) informing the House that the Senate had, on April 2, 1976, discharged Senators Wong, Toyofuku and Anderson as Managers on the part of the Senate to consider the amendments proposed by the House to Senate Bill No. 2121-76, SD 1, which were disagreed to by the Senate; and had appointed Senators Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares as the Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 321) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2467-76, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Yim, Chairman; King and George were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 322) informing the House that the Senate had, on April 2, 1976, discharged Senators Wong, Toyofuku and Anderson as Managers on the part of the Senate to consider the amendments proposed by the House to Senate Bill No. 2643-76, which were disagreed to by the Senate; and has appointed Senators Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares as the Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 323) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2709-76, SD 2, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; O'Connor, Chong and Saiki were appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 324) informing the House that the Senate had, on April 2, 1976, discharged Senators Wong, Toyofuku and Anderson as Managers on the part of the Senate to consider the amendments proposed by the House to Senate Bill No. 2745-76, SD 1, which were disagreed to by the Senate; and has appointed Senators Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson and Soares as the Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 325) transmitting Senate Concurrent Resolution No. 102, memorializing the late Governor John A. Burns, which was adopted by the Senate on April 5, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 102 was adopted.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 25 to 31) were read by the Clerk and were disposed of as follows:

A communication from J. T. Shropshire, Clerk of the Senate, Commonwealth of Virginia (Misc. Com. No. 25) transmitting a copy of Senate Joint Resolution No. 36, applying to Congress to initiate proceedings for the purpose of amending the Constitution of the United States to provide restrictions on Congressional

appropriations, was placed on file.

A communication from the Honorable Hiram L. Fong, United States Senator (Misc. Com. No. 26) acknowledging receipt of a copy of House Resolution No. 248, urging the Civil Aeronautics Board to authorize reinstitution of senior citizen discount fares for air travel within Hawaii, was placed on file.

A communication from Francis C. Hurney, Secretary, Federal Maritime Commission (Misc. Com. No. 27) acknowledging receipt of House Resolution No. 392, regarding recent proposed rate increases, was placed on file.

A communication from W. C. Rowe, Consul, Australian Consulate (Misc. Com. No. 28) acknowledging receipt of a copy of House Concurrent Resolution No. 84, was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 29) acknowledging receipt of a copy of House Resolution No. 248, urging the Civil Aeronautics Board to authorize reinstatement of senior citizen discount fares for air travel within Hawaii, was placed on file.

A communication from Dorothy Greenwell Mitchell (Misc. Com. No. 30) acknowledging receipt of a copy of House Resolution No. 313, was placed on file.

A communication from Ollie Burkett, Executive Director, Hospital Association of Hawaii (Misc. Com. No. 31) acknowledging receipt of House Resolution No. 468, was placed on file.

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

Upon reconvening at 11:13 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Blair, Lee and Naito.

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

Representative Cobb introduced 18 ninth grade students from Kaimuki Intermediate School. They were accompanied by their teachers, Mrs. Kinoshita and Miss Susan Fujihara.

Representative Kimura then introduced

110 sixth grade students from Maemae Elementary School. They were accompanied by their teachers, Mrs. Young, Mrs. Arrington, Mrs. Zane, Mrs. Akana, Mrs. Iseri and Mrs. Omuro.

Representative Kamalii then introduced personal friends of hers, Councilman and Mrs. Don E. Carpenter.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 539 to 544) and concurrent resolutions (H.C.R. No. 107 and S.C.R. No. 11) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
539	Jointly to the Committees on Youth and Elderly Affairs and Education
540	Committee on Water, Land Use, Development, and Hawaiian Homes
541	Committee on Consumer Protection and Commerce
542	Committee on Judiciary
543	Committee on Education
544	Jointly to the Committees on Finance and Legislative Management
<u>H.C.R. No.</u>	
107	Committee on Consumer Protection and Commerce
<u>S.C.R. No.</u>	
11	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance

COMMITTEE REASSIGNMENT

H.R. No. 530 was re-referred to the Committee on Culture and the Arts.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1:

By unanimous consent, action on Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1, was deferred one day. (Appropriation measure)

Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1:

By unanimous consent, action on Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1, was deferred one day. (Appropriation measure)

Stand. Com. Rep. No. 829-76 on H.R. No. 422 (Deferred from April 2, 1976):

On motion by Representative Yuen, seconded by Representative Oda and carried, the report of the joint Committee was adopted and H.R. No. 422, entitled: "HOUSE RESOLUTION URGING MAXIMUM UTILIZATION OF HAWAII PRODUCED AGRICULTURAL PRODUCTS IN THE STATE SCHOOL LUNCH AND OTHER MEAL PROGRAMS ADMINISTERED BY THE DEPARTMENT OF EDUCATION", was adopted.

Stand. Com. Rep. No. 830-76 on H.R. No. 407 (Deferred from April 2, 1976):

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 407, entitled: "HOUSE RESOLUTION REQUESTING THE ACQUISITION OF PARCEL A IN THE SALT LAKE AREA FOR RECREATIONAL PURPOSES", was referred to the Committee on Finance.

Stand. Com. Rep. No. 831-76 on H.C.R. No. 64 (Deferred from April 2, 1976):

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO CONDUCT AN INVENTORY OF SAND, ROCK AND LIME DEPOSITS IN HAWAII", was adopted.

Stand. Com. Rep. No. 832-76 on H.R. No. 370 (Deferred from April 2, 1976):

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 370, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO CONDUCT AN INVENTORY OF SAND, ROCK AND LIME DEPOSITS IN HAWAII", was adopted.

Stand. Com. Rep. No. 833-76 on H.R. No. 332 (Deferred from April 2, 1976):

Representative Kawakami moved that the report of the Committee be adopted and H.R. No. 332 be adopted, seconded by Representative Ho.

Representative Santos then rose, stating:

"Mr. Speaker, I rise to speak in favor of House Resolution No. 332."

Directed by the Chair to "proceed", Representative Santos stated:

"Mr. Speaker, the purpose of this resolution is to request the Department of Land and Natural Resources to conduct a joint National and State Parks comprehensive historical research study, a joint archaeological surface survey, and a biological survey of the Kalawao Peninsula and adjacent valleys. The purpose of this study is to inventory the values of this area, to evaluate their present condition, and to determine their justification for preservation.

Mr. Speaker, although numerous archaeological sites have been noted and the area has great historic significance, I submit that there has been no in-depth study or analysis of the historical or archaeological significance of the Kalaupapa Peninsula to date.

Therefore, Mr. Speaker, a comprehensive study of the local history of the Kalaupapa Settlement and an archaeological and biological site survey are essential pre-requisites to any meaningful evaluation of the potentials for establishing Kalaupapa as either a National or State Park. Then, and only then, can decisions relative to the further and future use of this land area be made.

Mr. Speaker, I urge the members of this honorable body to vote 'aye'

on House Resolution No. 332. Thank you."

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

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 332, entitled: "HOUSE RESOLUTION REQUESTING A HISTORICAL-ARCHEOLOGICAL STUDY OF KALAUPAPA, MOLOKAI", was adopted by a roll call vote of 49 ayes to 1 no, with Representative Blair voting no, and Representative Lee being excused.

Stand. Com. Rep. No. 834-76 on H.R. No. 338 (Deferred from April 2, 1976):

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 338, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEDICATE THE 35 ACRE PARCEL OF LAND AT THE CORNER OF KOMO MAI DRIVE AND KAAHUMANU STREET FOR PARK AND RECREATIONAL PURPOSES", was adopted.

Stand. Com. Rep. No. 835-76 on S.C.R. No. 24, SD 1 (Deferred from April 2, 1976):

Representative Kawakami moved that action on Stand. Com. Rep. No. 835-76 on S.C.R. No. 24, SD 1, be deferred one day and the Chair, noting that there were no objections, so ordered.

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

S.B. No. 2527-76, SD 1:

Representative Roehrig moved that action on S.B. No. 2527-76, SD 1, be deferred one day and the Chair, noting that there were no objections, so ordered.

S.B. No. 2929-76:

By unanimous consent, action on S.B. No. 2929-76 was deferred to the end of the calendar.

Stand. Com. Rep. No. 837-76 on S.C.R. No. 62 (Deferred from April 2, 1976):

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and S.C.R. No. 62, entitled: "SENATE CONCURRENT RESOLUTION PROCLAIMING THE MONTH OF APRIL AS MENTAL HEALTH MONTH IN HAWAII", was adopted.

Stand. Com. Rep. No. 838-76 on H.R. No. 491 (Deferred from April 2, 1976):

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 491, entitled: "HOUSE RESOLUTION RECOGNIZING APRIL 1976 AS CANCER CONTROL MONTH", was adopted.

Stand. Com. Rep. No. 839-76 on H.C.R. No. 40 (Deferred from April 2, 1976):

On motion by Representative Ho, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE PERPETUATION OF HAWAIIAN GAMES", was adopted.

Stand. Com. Rep. No. 840-76 on H.R. No. 267 (Deferred from April 2, 1976):

On motion by Representative Ho, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 267, entitled: "HOUSE RESOLUTION RELATING TO THE PERPETUATION OF HAWAIIAN GAMES", was adopted.

Stand. Com. Rep. No. 841-76 on H.R. No. 281 (Deferred from April 2, 1976):

On motion by Representative Stanley, seconded by Representative Lee and carried, the report of the Committees

was adopted and H.R. No. 281, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE SOCIAL AND ECONOMIC IMPACT OF OVERSEAS IMMIGRATION ON STATE AND COUNTY SERVICES AND EXPENDITURES", was referred to the Committee on Legislative Management.

At 11:25 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:35 o'clock a.m., the Vice Speaker assumed the rostrum.

STANDING COMMITTEE REPORT

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 842-76) informing the House that House Resolution Nos. 539 to 548, and House Concurrent Resolution No. 107, have been printed and distributed.

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

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 549 to 551) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 549) saluting the Aloha Soccer Festival and its founder Dr. Peter Wilcox was jointly offered by Representatives Poepoe, Ushijima, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kimura, Kiyabu, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Roehrig, Sakima, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Poepoe, seconded by Representative Ushijima and carried, H.R. No. 549 was adopted.

A resolution (H.R. No. 550) congratulating and extending best wishes to Myrah Itsuno Higa, 1976 Cherry Blossom Queen was jointly offered by Representatives Ushijima, Mizuguchi, Cayetano, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Clarke, Cobb, Evans, Fong, Garcia,

Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Mizuguchi and carried, H.R. No. 550 was adopted.

At this time, Representative Ushijima introduced Queen Myrah, to the members of the House.

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

Representative Cayetano then stated:

"I would just like to bring to the attention of this body that this is the second time--second year in a row--that a girl from the 19th District has won the title."

The Chair then appointed Representatives Ushijima, Fong, Blair, Mizuguchi and Cayetano to escort Queen Myrah to the rostrum whereupon she addressed the members of the House as follows:

"Good morning! Before I start, may I also introduce my court and those who made it possible, the Japanese Junior Chamber of Commerce; Princess Eri Lynn Shimatsu; two of my three attendants, according to alphabetical names, Jan Reiko Hironaka and Colleen Hanayo Miyakawa; President, Richard Boskie; and General Manager of the 24th Cherry Blossom Festival, Mr. Clifford Yara.

Good morning, Mr. Speaker and honorable members of the House of Representatives and guests. The Honolulu Japanese Junior Chamber of Commerce, along with the 1976 court of the 24th Cherry Blossom Festival, would like to extend our sincerest appreciation for inviting us to be a part of your session this morning.

I would also like to, at this time, ask for your support again next year when the 1977 Cherry Blossom Festival will be celebrating its Silver Anniversary.

Thank you and do have a good day."

A resolution (H.R. No. 551) congratulating the 1976 Cherry Blossom Court was jointly offered by Representatives Ushijima, Mizuguchi, Cayetano, Ajifu, Akizaki, Amaral, Blair, Carroll, Clarke, Cobb, Evans, Fong, Garcia, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lee, Lum, Lunasco, Machida, Medeiros, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Mizuguchi and carried, H.R. No. 551 was adopted.

At this time, Representative Ushijima introduced the lovely members of the Cherry Blossom Court, stating:

"Mr. Speaker, the lovely members of the 1976 Cherry Blossom Court are present here with us. I believe the Cherry Blossom Queen, Miss Higa, had introduced them to the members of this honorable body but, at this time, I would like to also introduce them and properly recognize them with the presentation of some leis. There are several members--colleagues of ours--who were former JC's or present JC members who would like to do the honors."

Representative Ushijima then introduced the Princess, Eri Lynn Shimatsu, attendants, Jan Reiko Hironaka, Lynn Yoshie Kinoshita and Colleen Hanayo Miyakawa; Richard Boskie, President; Clifford Yara, General Manager of the 24th Cherry Blossom Festival; and Ray Tanaka, photographer.

Representatives Yamada, Kawakami and Kiyabu then presented carnation leis to the Princess and the attendants.

At 11:49 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 Speaker resumed the rostrum.

By unanimous consent, the following resolutions (H.R. Nos. 552 to 5561) and concurrent resolutions (H.C.R. Nos. 108 to 111) were referred to the Committee on Legislative Management and further action was deferred

until tomorrow, April 6, 1976:

A resolution (H.R. No. 552) requesting action to provide for appropriate control of public lands associated with harbor operations of the Department of Transportation and to ensure proper disposition of revenues derived from such public lands was jointly offered by Representatives Blair, Cayetano and Kiyabu.

A resolution (H.R. No. 553) requesting a review of various aspects of the recreational boating and small boat harbors program was jointly offered by Representatives Cayetano, Blair, Ikeda, Kiyabu and Takamura.

A resolution (H.R. No. 554) requesting a study of the feasibility of the mining and use of lava for building materials was jointly offered by Representatives Takamine, Abercrombie, Akizaki, Blair, Cobb, Ho, Inaba, Kawakami, Kimura, Lee, Lunasco, Mizuguchi, Naito, Oda, Roehrig, Sakima, Segawa, Shito, Suwa, Yap and Yuen.

A resolution (H.R. No. 555) requesting the University of Hawaii to conduct a study on the feasibility of closing the section of Dole Street between the entrances of the Lower Campus Road and the East-West Road was offered by Representative Sakima.

A resolution (H.R. No. 556) requesting a study on assigning a full-time district court in Kona, Hawaii was jointly offered by Representatives Inaba, Roehrig, Segawa, Suwa and Takamine.

A resolution (H.R. No. 557) requesting the Department of Social Services and Housing to amend the State's Comprehensive Annual Service Program Plan was offered by Representative Stanley.

A resolution (H.R. No. 558) requesting the United States Congress to extend the General Revenue Sharing program was offered by Representative Stanley.

A resolution (H.R. No. 559) requesting a study of the concept of a sunset provision for regulatory boards and commissions was offered by Representative Stanley.

A resolution (H.R. No. 560) requesting the Department of Budget and Finance to make available more information on General Revenue Sharing or its successor act was offered by Representative Stanley.

A resolution (H.R. No. 561) requesting the return of Makua Valley to the State of Hawaii was jointly offered by Representatives Peters, Abercrombie, Akizaki, Blair, Garcia, Ho, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Mizuguchi, Oda, Sakima, Segawa, Suwa, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

A concurrent resolution (H.C.R. No. 108) requesting action to provide for appropriate control of public lands associated with harbor operations of the Department of Transportation and to ensure proper disposition of revenues derived from such public lands was jointly offered by Representatives Blair, Cayetano and Kiyabu.

A concurrent resolution (H.C.R. No. 109) requesting the Governor and the Mayors of the several counties to review and make recommendations to the Ninth State Legislature regarding the Arthur Young & Company report entitled "An Analysis of the Assignment of Responsibilities and Funding of Transportation in Hawaii" was jointly offered by Representatives Cayetano and Kiyabu.

A concurrent resolution (H.C.R. No. 110) requesting a housing project on land purchased for the Vineyard Street Garage was jointly offered by Representatives Shito, Abercrombie, Akizaki, Cayetano, Cobb, Hakoda, Ikeda, Inaba, Kihano, Kiyabu, Kunimura, Lunasco, Machida, Morioka, Naito, Peters, Sakima, Santos, Stanley, Sutton, Takamine, Takamura, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

A concurrent resolution (H.C.R. No. 111) requesting a study of the effectiveness of community mental health centers and their relationship with the Hawaii State Hospital was jointly offered by Representatives Segawa, Blair, Evans, Lee, Naito, Sakima, Santos, Shito, Takamine, Takamura and Yamada.

COMMITTEE REASSIGNMENTS

The following resolutions were re-referred as follows:

<u>H.R. Nos.</u>	<u>Re-referred to:</u>
211	Jointly to the Committees on Education and Higher Education
528	Committee on Environmental Protection

539 Committee on Education

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 2473-76, HD 1, SD 1, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 2473-76, HD 1, and H.B. No. 2473-76, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained the amendments, stating:

"Mr. Speaker, the Senate merely made technical changes in this bill which relates to a staggered system of motor vehicle registration. There are no substantive changes made."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2473-76, HD 1, and H.B. No. 2473-76, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO A STAGGERED SYSTEM OF MOTOR VEHICLE REGISTRATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2593-76, HD 1, SD 1, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 2593-76, HD 1, and H.B. No. 2593-76, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained the amendments, stating:

"Mr. Speaker, the Senate changed the House bill to provide that there need not be notices posted on the land unless it is improved land, which is the existing law, because it will be extremely cumbersome with their present staff to do so and this would not, in my estimation, cut out the thrust of it.

I think it is a minor change and, therefore, I am agreeable to it. I think this is an important measure that should pass."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2593-76, HD 1, and H.B. No. 2593-76, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURE OF REAL PROPERTY TAX LIENS", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2698-76, HD 1, SD 2, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 2698-76, HD 1, and H.B. No. 2698-76, HD 1, SD 2, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained the amendments, stating:

"Mr. Speaker, this actually had a Senate Draft 2 on it. Senate Draft 2 is identical to House Draft 1 so there is no change from the House position."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2698-76, HD 1, and H.B. No. 2698-76, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING TICKETS", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

By unanimous consent, H.B. No. 2928-76, HD 1, SD 1, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 2928-76, HD 1, and H.B. No. 2928-76, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained the amendments, stating:

"Mr. Speaker, the Senate in this particular bill relating to the adoption of adults merely added to the bill the technical language changes on the various related sections of the Hawaii Revised Statutes that are affected by this particular bill. Your House Judiciary Committee had reworded the definition section

to accomplish that but the Senate, in making its change, achieved the same result as the House did in a different manner and it is not a substantive change and after we read it over, we felt that it was adequate under the circumstances and so it is agreeable."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2928-76, HD 1, SD 1, and H.B. No. 2928-76, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION OF ADULTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 3239-76, HD 2, SD 1, was taken from the Clerk's desk.

Representative Roehrig moved that the House agree to the amendments proposed by the Senate to H.B. No. 3239-76, HD 2, and H.B. No. 3239-76, HD 2, SD 1, having been read throughout, pass Final Reading, seconded by Representative Uechi.

Representative Roehrig then explained the amendments, stating:

"This is a bill relating to electric guns, Mr. Speaker. The Senate made it a misdemeanor to violate the provisions and also put an exemption in that it would exclude cattle prods from the definition of the electric gun that we were trying to outlaw. This is the substance of the change."

Representative Abercrombie then rose and upon being recognized by the Chair, stated:

"Mr. Speaker, I wish to speak briefly in favor of this measure. I note that the newspapers have carried to us that other states who have failed to do this have had the tragedy of having these electric guns used in the commission of armed robberies and murders as recently as five days ago, and I think that it very important that we pass it at this time."

Representative Cobb then rose and upon being recognized by the Chair, asked:

"Can we amend the motion to read House Draft 2?"

The Chair replied:

"The intent was to reflect that it is House Draft 2."

Representative Roehrig then rose and stated:

"It is House Draft 2. That is correct. It is House Draft 2, Senate Draft 1."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 3239-76, HD 2, and H.B. No. 3239-76, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2473-76 had passed Final Reading at 12:08 o'clock p.m.; H.B. No. 2593-76 at 12:09 o'clock p.m.; H.B. No. 2698-76 at 12:10 o'clock p.m.; H.B. No. 2928-76 at 12:11 o'clock p.m. and H.B. No. 3239-76 at 12:13 o'clock p.m.

DEFERRED MATTER FROM EARLIER ON THE CALENDAR

S.B. No. 2929-76 (Deferred from April 2, 1976):

On motion by Representative Yamada, seconded by Representative Yap, S.B. No. 2929-76, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN LICENSES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Carroll and Sutton being excused.

The Chair directed the Clerk to note that S.B. No. 2929-76 had passed Third Reading at 12:15 o'clock p.m.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 3213-76, HD 1, SD 1, was taken from the Clerk's desk.

Representative Yamada moved that the House agree to the amendments proposed by the Senate to H.B. No. 3213-76, HD 1, and H.B. No. 3213-76, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained the amendments, stating:

"The House originally amended the professional corporation section. The Senate, in turn, felt that boxing did not come under this section

so instead amended the regular corporation section. That is the only change they made."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 3213-76, HD 1, and H.B. No. 3213-76, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL BOXING CORPORATIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1185, HD 1, SD 1, was taken from the Clerk's desk.

Representative Cayetano moved that the House agree to the amendments proposed by the Senate to H.B. No. 1185, HD 1, and H.B. No. 1185, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Kiyabu.

Representative Cayetano then explained the amendments, stating:

"Mr. Speaker, the title of this bill is, 'Relating to Disclosure by Liquid Fuel Distributors.'"

Originally, the House version was just a housekeeping bill which would conform reporting dates with the federal law. Since then, the Senate has amended the bill to hold that all statements submitted to the Department of Regulatory Agencies shall be held confidential. Originally, the House bill provided that those statements be made a matter of public record.

The explanation for the Senate amendment, Mr. Speaker, is that it was felt that public disclosure of this kind of information would create unfair competition among our liquid fuel distributors. Your Committee on Energy and Transportation checked this matter out with the Department of Planning and Economic Development and checked out the Senate testimony and we find that the amendment is consistent with federal law so, therefore, I ask that the amendment be approved."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1185, HD 1, and H.B. No. 1185, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE BY LIQUID FUEL DISTRIBUTORS", having

been read throughout, passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Abercrombie, Carroll, Roehrig and Sutton voting no.

By unanimous consent, H.B. No. 2136-76, HD 1, SD 1, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H.B. No. 2136-76, HD 1, and H.B. No. 2136-76, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained the amendment, stating:

"Mr. Speaker, the title is, 'Relating to Expenditure of Public Money and Public Contracts.'

Primarily, this deals with deposit accompanying bills. We have in the House draft the words, 'no less than appeared' and the Senate had changed it to 'not less than' so it is a matter of style, Mr. Speaker."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2136-76, HD 1, and H.B. No. 2136-76, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2155-76, HD 1, SD 1, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H.B. No. 2155-76, HD 1, and H.B. No. 2155-76, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained the amendment, stating:

"Mr. Speaker, this relates to the general obligation bonds of the State.

Primarily, in setting the 6 percent per annum interest to 8 percent in line 9, the House had the word 'of'. The Senate had changed the word to 'or' but it does not change, in any way, the language of the

bill. It merely corrects a typographical error, Mr. Speaker."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2155-76, HD 1, and H.B. No. 2155-76, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL OBLIGATION BONDS OF THE STATE", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2236-76, SD 1, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H.B. No. 2236-76, and H.B. No. 2236-76, SD 1, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained the amendments, stating:

"Mr. Speaker, this measure relates to the real property tax penalty for delinquency.

As you know, the present existing statute sets the penalty to 10 percent but this having to face quite a bit of problem in certain areas. This bill has said the Director of Taxation may set the delinquent date and penalty to no more than 10 percent, Mr. Speaker, and, primarily, the Senate changed the wording and style so as far as that is concerned, there is no substantive change, Mr. Speaker."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2236-76, and H.B. No. 2236-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXES", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2717-76, SD 1, was taken from the Clerk's desk.

Representative Kawakami moved that the House agree to the amendments proposed by the Senate to H.B. No. 2717-76, and H.B. No. 2717-76, SD 1, having been read throughout, pass Final Reading, seconded by Representative Ho.

Representative Kawakami then explained the amendments, stating:

"Mr. Speaker, on this House bill, the Senate made typographical corrections on page 2 and on page 16. There are no other changes."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2717-76, and H.B. No. 2717-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2718-76, SD 2, was taken from the Clerk's desk.

Representative Kawakami moved that the House agree to the amendments proposed by the Senate to H.B. No. 2718-76, and H.B. No. 2718-76, SD 2, having been read throughout, pass Final Reading, seconded by Representative Ho.

Representative Kawakami then explained the amendments, stating:

"Mr. Speaker, the Senate has amended this bill by deleting the word 'approximately' and including 'or more' and few other changes which gives the Department the flexibility in developing residential homes within the different project areas throughout the State."

At 12:24 o'clock p.m., on request by Representative Kawakami, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:30 o'clock p.m., Representative Kawakami stated:

"Mr. Speaker, I would like to point it out that this particular bill... this changes language to existing appropriation. This is not a brand new appropriation."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2718-76, and H.B. No. 2718-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CIP FOR HAWAIIAN HOME LANDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2377-76, SD 2, was taken from the Clerk's desk.

Representative Kawakami moved that the House agree to the amendments proposed by the Senate to H.B. No. 2377-76, and H.B. No. 2377-76, SD 2, having been read throughout, pass Final Reading, seconded by Representative Ho.

Representative Kawakami then explained the amendments, stating:

"Mr. Speaker, the Senate has amended this bill by increasing the interest for small fishing vessel loan programs from 5 1/2 to 7 1/2 percent. That is the major change in this bill and other changes are technical and style changes."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2377-76, and H.B. No. 2377-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FISHING VESSEL LOAN PROGRAMS", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 3129-76, HD 1, SD 1, was taken from the Clerk's desk.

Representative Yuen moved that the House agree to the amendments proposed by the Senate to H.B. No. 3129-76, HD 1, and H.B. No. 3129-76, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Oda.

Representative Yuen then explained the amendments, stating:

"Mr. Speaker, the Senate amendments are very technical in nature but the intent is basically the same of that of the House measure."

Representative Amaral then rose and asked:

"Would the Chairman of the Education Committee explain just a little bit for us what this section now does?"

Representative Yuen replied:

"The Senate amendment provides for the recognition of agreements which do not provide for the option. The law provides that contracts can be extended if there is an option but not all contracts have such an

option so the Senate is recognizing that provision in the contract, or that omission of that provision in the contract."

At 12:34 o'clock p.m., on request by Representative Lum, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:35 o'clock p.m., Representative Kamalii asked for a roll call vote on H.B. No. 3129-76, HD 1, SD 1.

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 3129-76, HD 1, and H.B. No. 3129-76, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS CONTRACTS", having been read throughout, passed Final Reading by a roll call vote of 40 ayes to 8 noes, with Representatives Amaral, Carroll, Evans, Ikeda, Kamalii, Larsen, Santos and Sutton voting no, and Representatives Blair, Stanley and Takamura being excused.

By unanimous consent, H.B. No. 3020-76, HD 1, SD 1, was taken from the Clerk's desk.

Representative Yuen moved that the House agree to the amendments proposed by the Senate to H.B. No. 3020-76, HD 1, and H.B. No. 3020-76, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Oda.

Representative Yuen then explained the amendments, stating:

"Mr. Speaker, the title of this bill is, 'Relating to School Personnel.' In essence, it is the same bill that was passed over by the House to the Senate. The only amendment is that we allow those probationary teachers who are hired as of September 1, 1975, to have that as credit."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 3020-76, HD 1, and H.B. No. 3020-76, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERSONNEL", having been read throughout, passed Final Reading by a vote of 51 ayes.

Representative Ajifu then rose, stating:

"Point of information. On the previous bill before the last--H.B. No. 3129-76--

the vote by the Clerk had 8 noes. I have 9 on my list."

At 12:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:41 o'clock p.m., the Chair asked:

"Representative Ajifu, are you satisfied?"

Representative Ajifu answered:

"Yes, Mr. Speaker. Thank you."

By unanimous consent, H.B. No. 24, HD 2, SD 2, was taken from the Clerk's desk.

Representative Sakima moved that the House agree to the amendments proposed by the Senate to H.B. No. 24, HD 2, and H.B. No. 24, HD 2, SD 2, having been read throughout, pass Final Reading, seconded by Representative Kunimura.

Representative Sakima then explained the changes made by the Senate, stating:

"The only changes that the Senate made was we didn't have a date and they put a date, July 1, 1976."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 24, HD 2, and H.B. No. 24, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT FINANCIAL AID", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 3213-76 had passed Final Reading at 12:15 o'clock p.m.; H.B. No. 1185 at 12:17 o'clock p.m.; H.B. No. 2136-76 at 12:19 o'clock p.m.; H.B. No. 2155-76 at 12:20 o'clock p.m.; H.B. No. 2236-76 at 12:22 o'clock p.m.; H.B. No. 2717-76 at 12:23 o'clock p.m.; H.B. No. 2718-76 at 12:31 o'clock p.m.; H.B. No. 2377-76 at 12:32 o'clock p.m.; H.B. No. 3129-76 at 12:39 o'clock p.m.; H.B. No. 3020-76 at 12:40 o'clock p.m. and H.B. No. 24 at 12:41 o'clock p.m.

At this time, Representative Santos was recognized by the Chair and she stated:

"Mr. Speaker, I have the distinct

privilege to make this very special announcement. Members of this honorable body and Mr. Speaker, today is Representative Ike Sutton's birthday and several members of the House here have leis to present to him and, Mr. Speaker, the honoree has made a special request that his colleague from the 15th district sing 'Happy Birthday' to him."

Leis were then presented to Representative Sutton by Representatives Santos, Ikeda, Evans, Kamalii, Naito and Stanley.

The Chair then said:

"We have a special surprise for the young fellow."

At 12:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of having Representatives Kihano, Kunimura and Peters entertain Representative Sutton.

Upon reconvening at 12:51 o'clock p.m., the Chair asked:

"Representative Sutton, do you have any few words of wisdom to pass on at this particular time?"

Representative Sutton answered:

"Mr. Speaker, my wife told me not to upset anybody today so I say to you, Kaha heo helu u kama onolani onaa lelua--back to Methuselah."

Representative Lunasco then rose and remarked:

"Mr. Speaker, for the first time, we know who is the boss in the house."

The Chair then stated:

"On behalf of the majority members, the Chair would like to thank Mrs. Sutton and Representative Sutton for the delicious cake that we have consumed in the Majority Caucus Room."

Representative Sutton said:

"Mr. Speaker, on behalf of my wife, could I make one statement here? She would like to join with me in saying that you Democrats can have your cake and eat it too."

Representative Abercrombie then remarked:

"I think you, as an attorney, should know that."

The Chair then said:

"This is his day so let's end it at that."

At 12:57 o'clock p.m., on request by Representative Suwa, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:58 o'clock p.m.

ADJOURNMENT

At 12:59 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. tomorrow, Tuesday, April 6, 1976, in memory of the late John A. Burns.

FIFTY-THIRD DAY

Tuesday, April 6, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Norman Okasako of the Nanaikapono Protestant Church, after which the Roll was called showing all members present.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Second Day.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 326 to 362) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 326) transmitting Senate Concurrent Resolution No. 10, SD 1, which was adopted by the Senate on April 5, 1976, was placed on file.

By unanimous consent, action on S.C.R. No. 10, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 327) transmitting Senate Concurrent Resolution No. 19, SD 1, which was adopted by the Senate on April 5, 1976, was placed on file.

By unanimous consent, action on S.C.R. No. 19, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 328) transmitting Senate Concurrent Resolution No. 103, which was adopted by the Senate on April 5, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 103 was adopted.

A communication from the Senate

(Sen. Com. No. 329) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 83, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Francis Wong, Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T.C. Yim, Patsy Young, D.G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 330) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 682, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 331) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 934, HD 2, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Donald Nishimura, Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 332) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 942, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King,

Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 333) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1810, HD 2, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 334) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1997-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 335) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1998-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 336) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House

Bill No. 2001-76, HD 2, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Donald Nishimura, Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 337) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2100-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 338) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2130-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Dennis O'Connor, Joseph Kuroda and Mary George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 339) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2131-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Dennis O'Connor and John Leopold had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 340) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2135-76, HD 1, as amended, and the request for a conference on the subject matter of said amend-

ments, Senators Donald Nishimura, Chairman; Dennis O'Connor and Mary George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 341) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2227-76, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Robert Taira, Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 342) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2237-76, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 343) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2253-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Patsy Young, Chairman; George Toyofuku and Richard Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 344) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2335-76, HD 2, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Mamoru Yamasaki, Stanley Hara,

John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the House at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 345) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2359-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Robert Taira, Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 346) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2371-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Anson Chong and Patricia Saiki had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 347) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2617-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Dennis O'Connor and Mary George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 348) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2678-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Dennis O'Connor and Mary George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 349) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2700-76, HD 2, as amended, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Stanley Hara, Dennis O'Connor, Anson Chong, Richard Wong and Mary George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 350) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2782-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Dennis O'Connor, Donald Ching, Duke Kawasaki and Patricia Saiki had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 351) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2786-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Dennis O'Connor, Robert Taira and Mary George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 352) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2894-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Patsy Young, Dennis O'Connor and Mary George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 353) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2932-76, HD 2, as amended, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura,

Chairman; Dennis O'Connor, Anson Chong, Robert Taira and Mary George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 354) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2949-76, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 355) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2984-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Patsy Young, Dennis O'Connor, Anson Chong and Mary George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 356) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2987-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 357) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 3196-76, HD 2, as amended, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Dennis O'Connor, Anson Chong, Robert Taira and Mary George had

been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 358) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 3230-76, HD 2, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddgy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 359) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 3261-76, HD 2, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Francis Wong, Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 360) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 3299-76, HD 1, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Francis Wong, Mamoru Yamasaki, Stanley Hara, John Hulten, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 361) informing the House that Senator Richard Wong has been added as another Manager on the part of the Senate at the conference on Senate Bill No. 2139-76, SD 1, as amended, was placed on file.

A communication from the Senate

(Sen. Com. No. 362) informing the House that Senate Bill No. 525, SD 1, had passed Final Reading in the Senate on April 5, 1976, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, was placed on file.

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

Representative Cobb introduced 80 fifth grade students from Wilson Elementary School. They were accompanied by their teachers, Mrs. Lucille Berlin, Mrs. Sue Bergman and Mrs. Kathleen Chock.

Representative Kunimura introduced "two very important people from Kauai". They were Mr. Fujita, County Engineer, and Mr. Kurita, Economic Development Director.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 552 to 561) and concurrent resolutions (H.C.R. Nos. 108 to 111 and S.C.R. Nos. 10 and 19) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
552	Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Energy and Transportation, then to the Committee on Finance
553	Jointly to the Committees on Energy and Transportation and Water, Land Use, Development, and Hawaiian Homes
554	Committee on Water, Land Use, Development, and Hawaiian Homes
555	Committee on Higher Education
556	Committee on Judiciary
557	Committee on Public Assistance and Human Services
558	Committee on Finance
559	Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management

- 560 Committee on Finance
- 561 Committee on Water,
Land Use, Development,
and Hawaiian Homes

H.C.R. Nos.

- 108 Jointly to the Committees
on Water, Land Use,
Development, and Hawaiian
Homes and Energy and
Transportation, then to the
Committee on Finance
- 109 Committee on Energy
and Transportation, then
to the Committee on Finance
- 110 Committee on Housing
- 111 Committee on Health,
then to the Committee on
Legislative Management

S.C.R. Nos.

- 10 Committee on Water, Land
Use, Development, and
Hawaiian Homes
- 19 Jointly to the Committees
on Environmental Protection
and Water, Land Use,
Development, and Hawaiian
Homes

COMMITTEE REASSIGNMENT

House Resolution No. 541 was re-referred jointly to the Committees on Consumer Protection and Commerce and Labor and Public Employment.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Ajifu and carried, the rules were suspended for the purpose of allowing members to offer resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 562 to 565) and concurrent resolution (H.C.R. No. 112) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 562) expressing recognition, appreciation, and Aloha to United States Judge in Bankruptcy: William B. Cobb was jointly offered by Representatives

Wakatsuki, Carroll, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, 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 Garcia, seconded by Representative Poepoe and carried, H.R. No. 562 was adopted.

Representative Cayetano then rose to make some remarks in support of the resolution, stating:

"Mr. Speaker, I think the resolution amply states the accomplishments of Judge Cobb. But I would like to add a few personal observations, if I may, stemming from my personal experience with him.

Mr. Speaker, as a young attorney, having passed the bar approximately five years ago, there arose on a quick occasion when I had to appear before Judge Cobb. I recalled that this particular case I didn't know the answer to a question involving a bankruptcy case and I felt much trepidation and fear that two things would happen: One, that I proceeded to go to court and I would proceed to make an ass out of myself; and two, that my client, having seen me do that, would ask for his money back.

So, Mr. Speaker, during the recess, I sought Judge Cobb's counsel about this particular problem and he was very helpful to me. And that was not the first occasion - many more followed after that.

And since then, of course, I've become an experienced member of the bar. I've also found, Mr. Speaker, that Judge Cobb's attitude toward young lawyers - his helping them - is very typical and there are many young attorneys and experienced attorneys in the legal profession today who owe him a debt of gratitude.

I think the legal profession will miss him. I know I will. And I want to wish him the best of luck.

Thank you."

Representative Kunimura, upon

being recognized, asked:

"May I be permitted to say a few words on behalf of this resolution?"

The Chair replied:

"Permission is granted."

Representative Kunimura went on, stating:

"Yes, Mr. Speaker, I remember very well coming back from service with the 442nd and coming back to Hawaii; then we found Hawaii to be the same old Hawaii - land of unequal opportunity. And many of us who came back very young, learned to kill, had deep resentment about the war because we fought the war we felt was in vain. Many of us, and especially myself, advocated for a while maybe we ought to have another revolution by the bullet.

But it took men like Colonel Cobb, and I always refer to my dear friend as the Colonel, who taught us that violence begets violence and that the best way is by a political revolution, and that's by the ballot. And many of us heeded his wise and sage advice and started building up the Democratic Party.

And I will never forget this man like I'll never forget John Anthony Burns because it took only a few people like Colonel Cobb and John A. Burns to turn the tide for the then Territory of Hawaii - that today many of us who represent the broad ethnic and economic segment of this State can look back to the old days when it took real guts to be a Democrat.

I know Colonel Cobb would have been, maybe, a millionaire today if he decided to play ball with the boys, but he chose God-given wisdom and dedication to throw his lot with the small people like us. And we all owe it to Colonel Cobb for the Hawaii we enjoy today.

And I thank you personally Colonel for showing us that in America it's provided for in the Constitution that any time the people, or the majority of the people of the United States, want to change this government, that we should do it by the ballots and not by the bullet.

Thank you very much."

Representative Cobb then rose

and, upon being recognized, stated:

"Mr. Speaker, just one brief note in addition to the remarks of my distinguished colleague from Kauai.

The resolution perhaps was long, but could have been so much longer. Yesterday we mourned the passing of one of our former governors. Perhaps just one additional observation is that when my father served as the Civil Defense Officer for the State of Hawaii, his aide, second in command, was another young struggling Democrat by the name of John Anthony Burns.

I think Representative Cayetano put it succinctly in terms of the many help, much help, that has been given, and on behalf of the members of this House, particularly the members of the legal profession, I just want to say, Colonel, we're going to miss you."

Representative Poepoe then rose and stated:

"Mr. Speaker, I rise to speak in favor of the resolution."

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

"Mr. Speaker, on behalf of the Republican members of the House, we extend to you our aloha and best wishes for many more fruitful years ahead of you."

At this time, Representative Cayetano presented Mrs. Cobb with a lei and Representative Naito presented Judge Cobb with a red carnation lei. Representative Larsen presented them with a certified copy of the resolution.

The Chair then appointed Representatives Cobb, Garcia, Kimura, Ushijima, Poepoe and Ajifu to escort Judge Cobb to the rostrum "to share some of his observations and experiences."

The Chair, at this time, introduced Judge Cobb, saying:

"Members of the House, ladies and gentlemen, it is my distinct privilege and honor to present to all of you, the Honorable William B. Cobb."

Judge Cobb then approached the rostrum and stated:

"Thank you, Mr. Speaker.

My esteemed friends, ladies and gentlemen. When these remarks were being made, I wondered who they were talking about. I don't recognize myself and many of the accomplishments that were made. I can only quote very loosely the language of the *Thanatopsis* of William Cullen Bryant in which he says something to the effect that you should so live as to do no injustice to any living person.

I can't express the depth of my feelings to this honorable body. I know your problems; I've been through the mill; I've had occasion to agree, and occasions to disagree, with my colleagues on many occasions, and fortunately we were able, as you ladies and gentlemen are able, to resolve our differences amicably, in a friendly and cooperative spirit for the benefit of the most people.

And I want to thank you on behalf of my son, who is one of your esteemed members, his wife, our grandson, and the members of my family for the compliments you have paid me, and I hope that I may be able to still be of service to the people and the State of Hawaii after my retirement on the 30th of this month.

Thank you again, and best wishes, and God Bless you."

Representative Cobb then rose and stated:

"Mr. Speaker, although she had not requested this introduction and, in fact, didn't wish it, I think it is only appropriate that I introduce the woman behind the man; the woman who has given so much, his wife and my mother, Lee Ann Cobb."

At 11:42 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 11:46 o'clock a.m.

A resolution (H.R. No. 563) commending the winners of the 1976 "Ability Counts" Survey Contest was jointly offered by Representatives Garcia and Lee.

On motion by Representative Garcia, seconded by Representative Lee and carried, H.R. No. 563 was adopted.

Representative Garcia then introduced Thomas Yamachika, Farrington High School, first place winner; Michael Kusaka, Farrington High School, second place winner; Sue Nakamura, Farrington High School, third place winner; Jose Queja, Farrington High School, fourth place winner; James McCarthy, Iolani School, fifth place winner; and Mr. Shigemi Goto, DAV, Hawaii Chapter, one of the sponsoring organizations.

Representative Garcia also introduced the following who were seated in the gallery: Mr. Kiyoshi Minami, Principal of Farrington High School; Mrs. Ellen Uyehara, teacher at Farrington High School; Mrs. Mary Miyawaki, counselor at Farrington High School; and the members of the Governor's Committee on Handicapped.

Representative Sakima presented the honorees with certified copies of the resolution.

A resolution (H.R. No. 564) honoring and commending Donald P. Yannell for his contribution to community work was jointly offered by Representatives Clarke, Ajifu, Akizaki, Amaral, Carroll, Cayetano, Cobb, Evans, Fong, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Santos, Segawa, Sutton, Takamine, Takamura, Yamada, Yap and Yuen.

On motion by Representative Clarke, seconded by Representative Ajifu and carried, H.R. No. 564 was adopted.

Representative Clarke then rose and stated:

"This is the type of young man in Hawaii - up and coming - the type of young man we would like to see hang around. He came over to Kailua a few years ago, and instead of going to the bank to see him, he came to see us.

He contributed greatly to the community in the fact that is in the resolution. He is not only the president of the Kaneohe Business group right now, but he has accepted again for another year. And, the membership is well over 130; when he accepted membership, it was only 100. That is the kind of gentlemen we are honoring today.

And, I would like to introduce, at this time, Mr. Donald Yannell. With him today, the fairest of the fair, his wife, Margaret."

At this time, Representative Evans presented the honoree with a white carnation lei and Representative Ajifu presented Mrs. Yannell with a red carnation lei.

Representative Clarke presented Mr. Yannell with a certified copy of the resolution.

A resolution (H.R. No. 565) extending congratulations and best wishes to Robert Moore upon his retirement was jointly offered by Representatives Peters, Ho, Akizaki, Amaral, Blair, Cayetano, Cobb, Evans, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Morioka, Naito, Oda, Sakima, Santos, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Uechi and Yamada.

On motion by Representative Peters, seconded by Representative Ho and carried, H.R. No. 565 was adopted.

Representative Peters then rose and stated:

"Mr. Speaker, I guess today is the day for recognizing some very outstanding members of Hawaii; and with Mr. Moore, obviously there is no objection. It certainly gives me a tremendous amount of pleasure to introduce this resolution in his behalf, recognizing, of course, that he has devoted many hours, efforts and service to the people of Waianae.

So, without further ado, Mr. Speaker, I would like to have yourself and my colleagues, as well as members of the audience, to give a very warm aloha to Mr. Robert Moore.

He is also joined today by a person who has assisted him for many years, his very beautiful wife, Mrs. Moore."

Representative Ho then presented the honoree with a certified copy of the resolution and Representative Stanley presented him with a white carnation lei while Representative Kunimura did the honors to Mrs. Moore.

A concurrent resolution (H.C.R. No. 112) expressing recognition, appreciation, and aloha to United States Judge in Bankruptcy: William

B. Cobb was jointly offered by Representatives Wakatsuki, Carroll, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Garcia, seconded by Representative Poepoe and carried, H.C.R. No. 112 was adopted.

At 12:01 o'clock p.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 12:21 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1 (Deferred from April 5, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 783-76 and S.B. No. 2932-76, SD 1, was deferred one day.

Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1 (Deferred from April 5, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 786-76 and S.B. No. 1801-76, SD 1, was deferred one day.

Stand. Com. Rep. No. 835-76 on S.C.R. No. 24, SD 1 (Deferred from April 5, 1976):

On motion by Representative Kawakami, seconded by Representative Ho and carried, Stand. Com. Rep. No. 835-76 and S.C.R. No. 24, SD 1, were recommitted to the Committee on Water, Land Use, Development, and Hawaiian Homes.

S.B. No. 2527-76, SD 1:

By unanimous consent, action on S.B. No. 2527-76, SD 1, was deferred one day.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 842-76) informing the House that House Resolution Nos. 539 to 548, and House Concurrent Resolution No. 107, have been printed and distributed.

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

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 843-76) recommending that H.R. No. 473 be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.R. No. 473, entitled: "A RESOLUTION REQUESTING CONGRESS TO AMEND THE INTERNAL REVENUE CODE TO PROMOTE THE SALE OF RESIDENTIAL LAND SUBJECT TO LEASEHOLDS", was referred to the Committee on Finance.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 844-76) recommending that H.R. No. 459, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 459, HD 1, entitled: "A RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF CREATING A NEW GOVERNMENTAL SYSTEM COMPRISING ALL OR PART OF WINDWARD OAHU", was referred to the Committee on Legislative Management.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 845-76) recommending that H.R. No. 538, 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. 538, HD 1, entitled: "A RESOLUTION EXPRESSING LEGISLATIVE ENDORSEMENT FOR THE ESTABLISHMENT AND OPERATION OF A MASS REARING LABORATORY ON OAHU FOR RESEARCH

RELATING TO THE ERADICATION OF FRUIT FLIES", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 846-76) recommending that H.R. No. 416 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 416, entitled: "A RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO DISESTABLISH THE HAWAII BICENTENNIAL INTERNATIONAL MARINE EXPOSITION COMMISSION", was adopted.

The Chair, at this time, with the Chairpersons involved consenting, re-referred S.C.R. No. 37, SD 1, to the Committee on Water, Land Use, Development, and Hawaiian Homes only.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 847-76) recommending that S.C.R. No. 37, SD 1, 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.C.R. No. 37, SD 1, be referred to the Committee on Culture and the Arts, that S.C.R. No. 37, SD 1, be adopted.

The motion was seconded by Representative Ho.

Representative Evans then rose to speak in favor of the resolution, stating:

"Mr. Speaker, for several years the Kaneohe Outdoor Circle, supported by the Kaneohe Community Council, the Kailua Community Council, the Council of Presidents, the Sierra Club and many other civic and community groups on Oahu, has sought to preserve Kaneohe Bay in the form of a living park.

Under the dedicated leadership of Sara Sheely and advice of Ted Livingston, the story of this park concept was spread to all areas of our island. The groundswell of support that developed, as a result, have culminated in this resolu-

tion.

Kaneohe Bay is the focal point of not only my representative district, but also of the 23rd and 25th representative district--within its boundaries are centered many historic, scenic and cultural points of interest--running from Kualoa, where the alii were trained, through many beautiful fish ponds in Heeia, Kahaluu and Kaneohe to the once and future beautiful coral beds.

Through support of resolutions such as this, it is hoped that someday Kaneohe Bay will be returned to its former beautiful State for all the people of Oahu.

I can still remember the annual clam dig, the torch fishing and the glass bottom boats. In supporting this resolution, I hope that my children and yours will again be able to share these and other Kaneohe Bay experiences.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and notwithstanding the recommendation of the Committee, S.C.R. No. 37, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE KANEOHE OUTDOOR CIRCLE IN SPONSORING THE IMPLEMENTATION OF THE 'KANEOHE BAY PARK' CONCEPT, NOW A PART OF THE 1976 AMERICAN REVOLUTION BICENTENNIAL OBSERVANCE IN THE STATE OF HAWAII", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 848-76) recommending that H.R. No. 108, 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. 108, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE WAIMANALO VENDOR PROBLEM", was adopted.

At 12:27 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:28 o'clock p.m.

Representative Kawakami, for the

Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 849-76) recommending that H.R. No. 456, as amended in HD 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 849-76 and H.R. No. 456, HD 1, was deferred to the end of the calendar.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 850-76) recommending that H.C.R. No. 97, as amended in HD 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 850-76 and H.C.R. No. 97, HD 1, was deferred to the end of the calendar.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 851-76) recommending that H.C.R. No. 72 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. 72, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO DISESTABLISH THE HAWAII BICENTENNIAL INTERNATIONAL MARINE EXPOSITION COMMISSION", was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 852-76) recommending that H.R. No. 509 be adopted.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 509, entitled: "HOUSE RESOLUTION ENDORSING NATIONAL COLLEGE 'PITCH IN' WEEK: 5TH TO 9TH APRIL, 1976", was adopted.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 853-76) recommending that H.R. No. 11 be adopted.

On motion by Representative Stanley, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 11, entitled: "HOUSE RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE RELOCATION OF THE CHILDREN'S

PROTECTIVE SERVICES CENTER TO KAPIOLANI HOSPITAL", 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. 854-76) recommending that H.R. No. 353 be adopted.

On motion by Representative Stanley, seconded by Representative Lee and carried, the report of the joint Committee was adopted and H.R. No. 353, entitled: "HOUSE RESOLUTION REQUESTING CONGRESSIONAL ACTION TO ESTABLISH ADJUSTABLE QUOTAS FOR IMMIGRATION WITHOUT RESTRICTION FOR IMMEDIATE FAMILY", 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. 855-76) recommending that H.C.R. No. 59 be adopted.

On motion by Representative Stanley, seconded by Representative Lee and carried, the report of the joint Committee was adopted and H.C.R. No. 59, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESSIONAL ACTION TO ESTABLISH ADJUSTABLE QUOTAS FOR IMMIGRATION WITHOUT RESTRICTION FOR IMMEDIATE FAMILY", was adopted.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 856-76) recommending that H.R. No. 138 be adopted.

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 138, entitled: "HOUSE RESOLUTION SUPPORTING UNITED STATES HOUSE BILL 2522, A BILL TO PROVIDE FEDERAL PROGRAMS OF EDUCATIONAL, EMPLOYMENT, AND OTHER ASSISTANCE TO AREAS WITH HEAVY CONCENTRATIONS OF FOREIGN-BORN PERSONS", was adopted.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 857-76) recommending that H.C.R. No. 22 be adopted.

On motion by Representative Stanley,

seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 22, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING UNITED STATES HOUSE BILL 2522, A BILL TO PROVIDE FEDERAL PROGRAMS OF EDUCATIONAL, EMPLOYMENT, AND OTHER ASSISTANCE TO AREAS WITH HEAVY CONCENTRATIONS OF FOREIGN-BORN PERSONS", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 858-76) recommending that H.R. No. 30 be adopted.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 30, entitled: "HOUSE RESOLUTION REQUESTING THE STATE SUPREME COURT TO CONSIDER THE ADOPTION OF THE UNIFORM RULES OF EVIDENCE OF THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 859-76) recommending that H.R. No. 339 be adopted.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 339, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII SUPREME COURT AND THE HAWAII BAR ASSOCIATION TO CONSIDER THE ESTABLISHMENT OF A MECHANISM FOR THE CERTIFICATION OF SPECIALIZATION FOR ATTORNEYS", was adopted.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 860-76) recommending that H.R. No. 340 be adopted.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the majority of the Committee was adopted and H.R. No. 340, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII SUPREME COURT AND THE HAWAII BAR ASSOCIATION TO REQUIRE MANDATORY CLASSES ON THE CODE OF PROFESSIONAL RESPONSIBILITY", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No.

861-76) recommending that H.R. No. 341, as amended in HD 1, be adopted.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 341, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE SUPREME COURT OF HAWAII TO ENCOURAGE ALL PRACTICING ATTORNEYS TO DEVOTE A CERTAIN PERCENTAGE OF THEIR WORKING HOURS TO PRO BONO WORK", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 862-76) recommending that H.R. No. 342 be adopted.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 342, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII SUPREME COURT AND THE HAWAII BAR ASSOCIATION TO CONSIDER INSTITUTING MANDATORY CONTINUING EDUCATION OF ATTORNEYS AS A CONDITION TO CONTINUE PRACTICE OF LAW IN HAWAII", was adopted.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 863-76) recommending that H.R. No. 29 be adopted.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the majority of the Committee was adopted and H.R. No. 29, entitled: "HOUSE RESOLUTION REQUESTING THE SUPREME COURT OF THE STATE OF HAWAII AND THE BAR ASSOCIATION OF HAWAII TO STUDY AND TO CONSIDER THE ADMISSION OF THE ELECTRONIC FORMS OF MEDIA INTO STATE COURT ROOMS", was adopted, with Representative Sutton voting no.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 864-76) recommending that S.B. No. 2224-76 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 Committee was adopted and S.B. No. 2224-76, entitled: "A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 7, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 2224-76 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. 572 to 576) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 572) congratulating Mrs. Barbara Tanner, winner of the Certification of Excellence award in community health nursing was jointly offered by Representatives Kondo, Akizaki, Amaral, Blair, Garcia, Ho, Inaba, Kihano, Kimura, Kiyabu, Kunimura, Lee, Lum, Lunasco, Machida, Mizuguchi, Morioka, Oda, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Kondo, seconded by Representative Santos and carried, H.R. No. 572 was adopted.

A resolution (H.R. No. 573) commending Chairman Edward Matsushita, conductors and participants of the 6th Annual Maui District Music Festival was jointly offered by Representatives Machida, Akizaki, Amaral, Blair, Carroll, Cayetano, Evans, Ho, Inaba, Kamalii, Kiyabu, Kondo, Larsen, Lee, Lum, Lunasco, Mizuguchi, Morioka, Naito, Oda, Sakima, Santos, Segawa, Stanley and Yuen.

On motion by Representative Machida, seconded by Representative Kondo and carried, H.R. No. 573 was adopted.

A resolution (H.R. No. 574) congratulating the 5th and 6th grade students of Kaahumanu and Royal Elementary Schools for the excellent anti-smoking posters which they provided for the hearing on H.B. 2169-76 was jointly offered by Representatives Blair and Stanley.

On motion by Representative Blair, seconded by Representative Stanley and carried, H.R. No. 574 was adopted.

A resolution (H.R. No. 575) extending congratulations to the Kalani High School Golf Team, the Falcons, upon winning the Oahu Interscholastic Association 1976 Golf Championship was jointly offered by Representatives Kiyabu, Ajifu, Akizaki, Blair, Evans, Garcia, Hakoda, Inaba, Kawakami, Kimura, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Peters, Sakima, Santos, Segawa, Shito, Suwa, Takamine, Takamura, Ushijima, Yap and Wakatsuki.

On motion by Representative Kiyabu, seconded by Representative Naito and carried, H.R. No. 575 was adopted.

A resolution (H.R. No. 576) expressing the recognition, appreciation, and aloha of the Legislature to P. Quentin Tomich, the State Animal Ecologist, and distinguished conservationist was jointly offered by Representatives Takamine, Abercrombie, Akizaki, Blair, Cayetano, Clarke, Cobb, Evans, Garcia, Hakoda, Ho, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Lee, Lum, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Peters, Roehrig, Sakima, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Uechi, Yamada, Yap and Yuen.

On motion by Representative Takamine, seconded by Representative Segawa and carried, H.R. No. 576 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 566 to 571) and concurrent resolution (H.C.R. No. 113) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 7, 1976:

A resolution (H.R. No. 566) requesting a moratorium on construction of residential high-rise buildings in the Kaimuki and Kapahulu communities except for facilities providing housing and care for the elderly was offered by Representative Kiyabu.

A resolution (H.R. No. 567) requesting the Hawaii Visitors Bureau and the neighbor island tourism promotional organizations to develop a comprehensive plan for tourism promotion in the State of Hawaii was jointly offered by Representatives Machida, Akizaki, Blair, Carroll, Cayetano, Evans, Ho, Inaba, Kamalii, Kiyabu, Larsen, Lee, Lum, Lunasco, Mizuguchi, Morioka, Naito, Oda, Sakima, Santos, Segawa, Stanley and Yuen.

A resolution (H.R. No. 568) requesting the development of a loan program for Hawaiian Homes was jointly offered by Representatives Peters, Kunimura, Akizaki, Amaral, Blair, Cayetano, Cobb, Evans, Ho, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Morioka, Naito, Oda, Sakima, Santos, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Uechi and Yamada.

A resolution (H.R. No. 569) requesting a study of lease expirations and uniform due process rights for termination of leases was offered by Representative Stanley.

A resolution (H.R. No. 570) requesting a study of the structure and organization of the agencies of the State was offered by Representative Lee.

A resolution (H.R. No. 571) requesting a feasibility study of a deferred compensation program for public employees was jointly offered by Representatives Peters, Lee and Kunimura.

A concurrent resolution (H.C.R. No. 113) requesting a moratorium on construction of residential high-rise buildings in the Kaimuki and Kapahulu communities except for facilities providing housing and care for the elderly was offered by Representative Kiyabu.

STANDING COMMITTEE REPORT

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 865-76) recommending that S.B. No. 1758-76, SD 2, HD 2, pass Third Reading.

Representative Poepoe, at this time, asked:

"It's a House Draft and we have a letter from the President?"

The Chair replied:

"That is correct."

Representative Poepoe then asked:

"Is the letter being distributed to the members or read in the Journal?"

At 12:36 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:00 o'clock p.m., Representative Ushijima stated:

"Mr. Speaker, may the Journal reflect that S.B. No. 1758-76, SD 2, HD 2, is being placed on the calendar for passage on Third Reading for tomorrow and that this is the one exception to the internal agreement made with the Senators."

The Chair then stated:

"If there is no objections, so ordered."

By unanimous consent, consideration of Stand. Com. Rep. No. 865-76 on S.B. No. 1758-76, SD 2, HD 2, was deferred until tomorrow, April 7, 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 11:30 o'clock a.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 849-76 on H.R. No. 456, HD 1:

Representative Kawakami moved that the report of the Committee be adopted and that H.R. No. 456, HD 1, be adopted, seconded by Representative Ho.

Representative Larsen then rose and stated:

"I would like to rise and speak in favor of these two resolutions, but to express some concerns, concerning both of them. Can I talk about both of them together?"

The Chair answered:

"You will speak on H.R. No. 456 and when we take up H.C.R. No. 97, we will make a request and insert your remarks."

Representative Larsen then thanked the Chair and proceeded, stating:

"To begin with, I believe the title on both these resolutions is incorrect in that it requests the DLNR to designate both Hulopoe-Manele Bay as marine conservation districts.

This, in itself, is a misnomer since the resolution talks specifically about setting these restrictions on Hulopoe Bay. I hope this can be corrected before the misnomer is

carried much further.

The resolution is talking about a marine conservation district in Hulopoe Bay. I'm in favor of the idea of making Hulopoe a conservation area where we would have similar provisions that now apply to Hanauma Bay on this island. All marine life would be exempt from fishing and it would be allowed to build back to the point where it could be enjoyed by the residents as well as visitors. I think this is a good provision.

My objection stems from the part of the conservation district by making Hulopoe Bay an area where no one would be allowed to anchor; to come to visit and to drop anchor in the bay. Some of the testimony raised indicated that anchorages, boats dropping their hooks, would tear up coral and that type of thing. But there are great parts of the bay that are nothing but sand bottom.

Other testimony, from sailors throughout the State that visit there, indicated that they drop in the sand only and that the anchoring in the coral beds was not something that was done on purpose, but only by accident.

The problem comes in limiting the anchoring in this bay, since many times it is a port in a storm. I myself have anchored there several times - going all the way back to 1937. And when I was on Lanai as a resident, I also fished the bay and I also was subject to harassment by sharks. When we were fishing outside, kawakawa would be taken off their lines; and it's not something that is subject to increasing shark densities as a result of garbage. I think these parts of the testimony were a little bit exaggerated.

I am in sympathy with the residents of Lanai and that many people are now crowding into their choice bay.

I am also in sympathy with the people on this island and other islands where additional population makes living conditions less desirable than we used to have them, but these are the facts of life.

I strongly object to the State DOT or the Department of Land and Natural Resources passing regulations that would limit anchoring in Hulopoe Bay and I would like the record to so state my objections on both these resolutions.

Thank you, Mr. Speaker."

Representative Carroll then rose to speak in favor of the resolution, stating:

"I rise to speak in favor of H.R. No. 456, HD 1, and I ask that my remarks be adopted and incorporated as applying to H.C.R. No. 97, HD 1.

Mr. Speaker, as has been pointed out by Representative Larsen, the Hulopoe Bay for deeper draft vessels is probably the only safe refuge for people sailing westward from the island of Hawaii, and possibly even out of the south of Maui.

I had correspondence relative to this matter with Mr. Christopher Cobb, and discussing specifically the question of anchoring in Hulopoe Bay. And in a letter to me dated February 24, 1976, he states to me that, 'Please let me assure you that at no time did our department even advocate that anchoring within Hulopoe Bay be completely prohibited; however, since one of the major objections of the proposal is the protection, the preservation of the live coral as well as other benthic biota within the area, and since earlier underwater observation did reveal what appeared to be anchor drag marks of live coral beds, with consequent destruction to the coral, our department has requested and recommended to the DOT that they adopt regulations prohibiting the anchoring of vessels over live coral beds within Hulopoe Bay.'

The bay contained, as Representative Larsen has indicated, extensive beds of sand and dead coral flats over which the anchoring of boats would not damage, would not induce damage, to marine life; and, consequently, we do not object to boats anchoring in such areas.

And with that in mind, Mr. Speaker, and I trust for the record, and I hope perhaps some direction to the DOT, I would urge everyone to vote in favor of this resolution.

Thank you."

The Chair then stated:

"Mr. Clerk, will you insert into the record the remarks made by Representative Larsen relative to H.R. No. 456, HD 1, as applicable to H.C.R. No. 97, HD 1."

The Clerk replied:

"I will, Mr. Speaker."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 456, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE HULOPOE-MANELE BAY, LANAI, A MARINE CONSERVATION DISTRICT", was adopted.

Stand. Com. Rep. No. 850-76 on H.C.R. No. 97, HD 1:

Representative Kawakami moved that the report of the Committee be adopted and that H.C.R. No. 97, HD 1, be adopted, seconded by Representative Ho.

Entered herewith, as requested, are the remarks of Representative Larsen:

"To begin with, I believe the title on both these resolutions is incorrect in that it requests the DLNR to designate both Hulopoe-Manele Bay as marine conservation districts.

This, in itself, is a misnomer since the resolution talks specifically about setting these restrictions on Hulopoe Bay. I hope this can be corrected before the misnomer is carried much further.

The resolution is talking about a marine conservation district in Hulopoe Bay. I'm in favor of the idea of making Hulopoe a conservation area where we would have similar provisions that now apply to Hanauma Bay on this island. All marine life would be exempt from fishing and it would be allowed to build back to the point where it could be enjoyed by the residents as well as visitors. I think this is a good provision.

My objection stems from the part of the conservation district by making Hulopoe Bay an area where no one would be allowed to anchor; to come to visit and to drop anchor in the Bay. Some of the testimony raised indicated that anchorages, boats dropping their hooks, would tear up coral and that type of thing. But there are great parts of the Bay that are nothing but sand bottom.

Other testimony, from sailors throughout the State that visit there, indicated that they drop in the sand only and that

the anchoring in the coral beds was not something that was done on purpose, but only by accident.

The problem comes in limiting the anchoring in this bay since many times it is a port in a storm. I myself have anchored there several times - going all the way back to 1937. And when I was on Lanai as a resident, I also fished the bay and I also was subject to harassment by sharks. When we were fishing outside, kawakawa would be taken off their lines; and it's not something that is subject to increasing shark densities as a result of garbage. I think these parts of the testimony were a little bit exaggerated.

I am in sympathy with the residents of Lanai and that many people are now crowding into their choice bay.

I am also in sympathy with the people on this island and other islands where additional population makes living conditions less desirable than we used to have them, but these are the facts of life.

I strongly object to the State DOT or the Department of Land and Natural Resources passing regulations that would limit anchoring in Hulopoe Bay and I would like the record to so state my objections on both these resolutions.

Thank you, Mr. Speaker."

The following are the remarks of Representative Carroll, relative to H.R. No. 456, HD 1, and applicable to H.C.R. No. 97, HD 1:

"I rise to speak in favor of H.R. No. 456, HD 1, and I ask that my remarks be adopted and incorporated as applying to H.C.R. No. 97, HD 1.

Mr. Speaker, as has been pointed out by Representative Larsen, the Hulopoe Bay for deeper draft vessels is probably the only safe refuge for people sailing westward from the island of Hawaii, and possibly even out of the south of Maui.

I had correspondence relative to this matter with Mr. Christopher Cobb, and discussing specifically the question of anchoring in Hulopoe Bay. And in a letter to me dated February 24, 1976, he states to me that, 'Please let me assure you that at no time did our department even advocate that anchoring within

Hulopoe Bay be completely prohibited; however, since one of the major objections of the proposal is the protection, the preservation of the live coral as well as other benthic biota within the area, and since earlier underwater observation did reveal what appeared to be anchor drag marks of live coral beds, with consequent destruction to the coral, our department has requested and recommended to the DOT that they adopt regulations prohibiting the anchoring of vessels over live coral beds within Hulopoe Bay.'

The bay contained, as Representative Larsen has indicated, extensive beds of sand and dead coral flats over which the anchoring of boats would not damage, would not induce damage, to marine life; and, consequently, we do not object to boats anchoring in such areas.

And with that in mind, Mr. Speaker, and I trust for the record, and I hope perhaps some direction to the DOT, I would urge everyone to vote in favor of this resolution.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.C.R. No. 97, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE HULOPOE-MANELE BAY, LANAI, A MARINE CONSERVATION DISTRICT", was adopted.

APPOINTMENT OF CONFERENCE COMMITTEES

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2294-76, SD 2, and the request for a conference on the subject matter of said amendments, Representatives Segawa, Chairman; Yuen, Mizuguchi, Stanley, Santos and Clarke were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1821-76, and the request for a conference on the subject matter of said amendments, Representatives Segawa, Chairman; Lee and Kamalii were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1577, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Uechi, Chairman; Kawakami, Ho, Abercrombie and Lum were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2139-76, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Machida, Chairman; Morioka, Lunasco, Kawakami, Inaba, Ikeda and Medeiros were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2467-76, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Cayetano, Chairman; Kiyabu, Takamura, Cobb, Blair, Evans and Larsen were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1824-76, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Kawakami, Chairman; Morioka, Lunasco and Fong were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2121-76, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Stanley, Chairman; Segawa, Mizuguchi and Clarke were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1187, SD 2, and the request for a conference on the subject matter of said amendments, Representatives Suwa, Chairman; Akizaki, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Mizuguchi, Morioka, Peters, Amaral, Clarke, Hakoda, Kamalii Lum and Sakima were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1191, and the request for a conference on the subject matter of said amendments, Representatives Suwa, Chairman; Akizaki, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Mizuguchi, Morioka, Peters, Amaral, Clarke, Hakoda, Kamalii and Lum were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2226-76, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Suwa, Chairman; Akizaki, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Mizuguchi, Morioka, Peters, Amaral, Clarke, Hakoda, Kamalii and Lum were appointed as Managers on the part of the House at such conference.

At 1:12 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:14 o'clock p.m.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2333-76, and the request for a conference on the subject matter of said amendments, Representatives Suwa, Chairman; Akizaki, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Mizuguchi, Morioka, Peters, Amaral, Clarke, Hakoda, Kamalii and Lum were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2643-76, and the request for a conference on the subject matter of said amendments, Representatives Suwa, Chairman; Akizaki, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Mizuguchi, Morioka, Peters, Amaral, Clarke, Hakoda, Kamalii Lum and Lee were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2745-76, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Suwa, Chairman; Akizaki,

Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Mizuguchi, Morioka, Peters, Amaral, Clarke, Hakoda, Kamalii, Lum and Lee were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2827-76, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Suwa, Chairman; Akizaki, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Mizuguchi, Morioka, Peters, Amaral, Clarke, Hakoda, Kamalii, Lum and Lee were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2830-76, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Suwa, Chairman; Akizaki, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Mizuguchi, Morioka, Peters, Amaral, Clarke, Hakoda, Kamalii and Lum were appointed as Managers on the part of the House at such conference.

COMMITTEE REASSIGNMENTS

The following were re-referred as follows:

<u>H.R. No.</u>	<u>Re-referred to:</u>
552	Committee on Energy and Transportation, then to the Committee on Finance

<u>H.C.R. No.</u>	
108	Committee on Energy and Transportation, then to the Committee on Finance

The Chair, at this time, made the following announcement.

"The Chair would like to remind all conferees to let your Chairpersons know where you can be contacted. Be available at all times and at all hours."

ADJOURNMENT

At 1:17 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. tomorrow, Wednesday, April 7, 1976.

FIFTY-FOURTH DAY

Wednesday, April 7, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Olin B. Pendleton of Kokokahi Church, after which the Roll was called showing all members present with the exception of Representatives Garcia, Kawakami, Kiyabu, Kunimura, Lee, Oda, Peters, Roehrig and Uechi, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-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 Fifty-Third Day was approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 124 to 125) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 124) transmitting the cost data on wage increases agreed to with the following HGEA units: Unit 2, Blue Collar, Supervisory; Unit 3, White Collar, Non-supervisory; Unit 4, White Collar, Supervisory; Unit 8, University of Hawaii, Administrative, Professional and Technical; and Unit 13, Professional and Scientific, which was prepared in accordance with Section 89-10(B), Hawaii Revised Statutes, was placed on file.

A message from the Governor (Gov. Msg. No. 125) informing the House that on April 6, 1976, he signed the following bills into law:

Senate Bill No. 2885-76 as Act 4, entitled: "RELATING TO AMENDMENTS TO DISTRICT BOUNDARIES BY THE STATE LAND USE COMMISSION AND TO SPECIAL USE PERMITS";

House Bill No. 449 as Act 5, entitled: "RELATING TO MOTOR VEHICLE DRIVER LICENSING"; and

House Bill No. 1994 as Act 6, entitled: "RELATING TO THE REAL PROPERTY HOME EXEMPTION";

was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 363 to 382) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 363) informing the House that the President has, on April 6, 1976, discharged Senator Mary George as Manager on the part of the Senate to consider the amendments proposed by the House to Senate Bill No. 2501-76, SD 2, and has appointed Senator Patricia Saiki as the Manager on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 364) informing the House that the President has, on April 6, 1976, added Senator Patricia Saiki as another Manager on the part of the Senate at the conference on House Bill No. 2700-76, HD 2, SD 1, was placed on file.

A communication from the Senate (Sen. Com. No. 365) informing the House that the amendments proposed by the House to Senate Bill No. 110, SD 2, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 366) informing the House that the amendments proposed by the House to Senate Bill No. 1784-76, SD 2, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 367) informing the House that the amendments proposed by the House to Senate Bill No. 1793-76, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 368) informing the House that the amendments proposed by the House to Senate Bill No. 1832-76, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 369) informing the House that the amendments proposed by the House to Senate Bill No. 1838-76, SD 2, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 370) informing the House that the amendments proposed by the House to Senate Bill No. 1855-76 were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 371) informing the House that the amendments proposed by the House to Senate Bill No. 1949-76, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 372) informing the House that the amendments proposed by the House to Senate Bill No. 2092-76, SD 2, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 373) informing the House that the amendments proposed by the House to Senate Bill No. 2140-76, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 374) informing the House that the amendments proposed by the House to Senate Bill No. 2225-76, SD 2, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate

(Sen. Com. No. 375) informing the House that the amendments proposed by the House to Senate Bill No. 2321-76, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 376) informing the House that the amendments proposed by the House to Senate Bill No. 2326-76, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 377) informing the House that the amendments proposed by the House to Senate Bill No. 2334-76 were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 378) informing the House that the amendments proposed by the House to Senate Bill No. 2519-76, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 379) informing the House that the amendments proposed by the House to Senate Bill No. 2526-76 were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 380) informing the House that the amendments proposed by the House to Senate Bill No. 2703-76, SD 2, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 381) returning House Concurrent Resolution No. 16 which was adopted by the Senate on April 6, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 382) transmitting Senate Concurrent Resolution No. 105, congratulating the Papaya Administrative Committee, which was adopted

by the Senate on April 6, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 105 was adopted.

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

Representative Cobb introduced 57 second and third grade students from Aina Haina Elementary School. They were accompanied by their teachers, Mrs. Bertha Leong, Mrs. Margaret Furukawa and Ms. Janet Look.

Representative Sutton introduced Mr. and Mrs. H. Moore from Victoria, Canada.

Representative Evans introduced Dr. and Mrs. Bruce Dunn and their children, Mike, Trisha, Nancy and John, from Santa Cruz, California.

At 11:14 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:16 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Garcia, Kawakami, Kiyabu, Kunimura, Lee, Oda, Peters and Roehrig.

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. 577 to 580) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 577) expressing recognition and appreciation of Iwalani Frear Smith Mottl as distinguished counselor to the school children, teachers, and citizens of Hawaii was jointly offered by Representatives Takamura, Morioka, Hakoda, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Ho, Ikeda, 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, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Takamura, seconded by Representative Morioka and carried, H.R. No. 577 was adopted.

At this time, Representative Abercrombie rose, stating:

"Mr. Speaker, I just wish to say that Iwalani is the kind of person who makes it possible to those of us who were not fortunate enough to be born in the islands, once having arrived in the islands, to realize that this is where we want to make our home and carry on our lives, our careers, and our destinies. She is the kind of person that made me realize and enabled me to have, throughout my life in the island, the idea that the aloha spirit was something that was not an abstraction, but an everyday reality."

Representative Takamura then introduced the honoree, Ms. Mottl, to the members of the House.

Representative Morioka then presented Ms. Mottl with a red carnation lei; Representative Evans, on behalf of the Elementary School Counselors of the Hawaii School Counselors' Association, presented her a bouquet of red roses, and Representative Hakoda presented her with a certified copy of the resolution.

Representative Takamura then introduced to the members of the House other members of the family and friends of Ms. Mottl, as follows: Mr. Nolle Smith, Sr., father; Mr. Nolle Smith, Jr., son; Ms. Brook Young, niece; Lei Lundberg, sister; Mr. Ernest Sneiderman, a good friend; and Ms. Margaret Lock, DOE Counselor.

Representative Takamura then introduced 30 students from Palolo School and the following: Mrs. Emiko Nakamura, Principal of Palolo School; Duesdada Dudoit, advisor to the student council; teachers of the reading class, Mr. Yoshiaki Kimura and his educational aide, Mrs. Sumie Sagawa; and from the special education class, Ms. Diane Suzuki and Mrs. Thelma Yamamoto, teachers, and eight parents from the Follow-Through Program.

A resolution (H.R. No. 578) congratulating Colleen Ninomiya for winning

the annual business career development program award for 1976 was jointly offered by Representatives Ikeda, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Hakoda, Ho, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

On motion by Representative Ikeda, seconded by Representative Hakoda and carried, H.R. No. 578 was adopted.

At this time, Representative Ikeda introduced Ms. Colleen Ninomiya to the members of the House.

Representative Hakoda then presented the honoree with a red carnation lei and Representative Ikeda presented her with a certified copy of the resolution.

A resolution (H.R. No. 579) commending Miss Ailyn G. Parubrub upon her achieving high honors in the Distributive Education Clubs of America (DECA) was jointly offered by Representatives Clarke, Ajifu, Akizaki, Amaral, Carroll, Cayetano, Cobb, Evans, Fong, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Sutton, Takamine, Yamada and Yap.

On motion by Representative Clarke, seconded by Representative Ajifu and carried, H.R. No. 579 was adopted.

At this time, Representative Clarke introduced the following to the members of the House: Miss Ailyn G. Parubrub, the honoree; Mr. Lester Sakamoto, DECA Advisor; Mr. and Mrs. Sergio Parubrub, her parents; and Mr. Harold Chong, Principal of Castle High School.

A resolution (H.R. No. 580) commending the Department of Education on its Education Week display was jointly offered by Representatives Yuen, Oda, Ikeda, Abercrombie, Ajifu, Amaral, Blair, Cayetano, Garcia, Inaba, Kawakami, Lee, Machida, Medeiros, Naito, Poepoe, Sakima, Santos, Shito, Sutton and Takamura.

On motion by Representative Yuen, seconded by Representative Oda and carried, H.R. No. 580 was adopted.

At this time, Representative Yuen introduced Mr. Charles Clark to the members of the House.

Representative Oda then presented Mr. Clark with a certified copy of the resolution.

At this time, the Clerk read H.R. No. 549, saluting the Aloha Soccer Festival and its founder, Dr. Peter Wilcox, which was adopted on April 5, 1976, to the members of the House.

Representative Poepoe then introduced Dr. Peter Wilcox to the members of the House, and stated:

"Accompanying Dr. Wilcox are a number of distinguished guests from the Philippines, China and San Diego. May I ask him to make the introductions this morning, Mr. Speaker."

Dr. Wilcox then introduced the following guests, stating:

"Mr. Speaker, ladies and gentlemen of the Legislature, it is my great pleasure to be on the floor of this House. I thank you once for the courtesy and the time you have given us to expose my wonderful guests from our distant countries in Asian and Oriental friendships to Hawaii for the very first time. I believe that we have arranged for the normal courtesy of the wonderful floral leis to different delegates here. Before I do that, I would like to introduce them, if I may. There's an interpretation required to some degree; please bear with me.

First of all, General Woo who represents the President of the Republic of China; Colonel Wang, his aide; Mr. Chai, the advisor to the Republic Soccer Team; a very, very distinguished visitor to Hawaii in the name of industry and also as the sponsor and benefactor of the Team Japan, the most wonderful and humble man I have ever met in business in my whole career-- Mr. Honda of Honda Motor Company of Tokyo; Mr. Sawada, executive of the corporation and friendly interpreter for Mr. Honda; Mr. Taga who is the advisor to the Team Japan, Honda Motor Company of Tokyo; Mr. Fernando Alvarez who represents

the Republic of the Philippines, and he expresses mabuhais and alohas from President Marcos for that delegation; and last, but not least, probably the most dynamic man in international soccer when it comes to signing contracts, the man who persisted for four years until he finally signed the incomparable Pele, I give you Mr. Clive Toye, the President of the New York Cosmos.

I also bring, regretfully to some degree, the apology of Pele and the other members of his team for their absence, but like true professionals, they are under their coaches' orders; they are sweating it out on the field, training so they are able to perform to their best for all of Hawaii tonight at the stadium, but the greetings of Pele and the team are also with Mr. Toye at this moment.

Mr. Speaker, may I thank you on behalf of the Aloha Soccer Festival."

At 11:40 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 11:54 o'clock a.m.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 566 to 571) and concurrent resolution (H.C.R. No. 113) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
566	Committee on Housing
567	Committee on Tourism
568	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
569	Committee on Housing, then to the Committee on Legislative Management
570	Committee on Labor and Public Employment, then to the Committee on Legislative Management
571	Committee on Labor and Public Employment, then to the Committee on Finance

H.C.R. No.

113 Committee on Housing

COMMITTEE REASSIGNMENT

H.C.R. No. 102 was re-referred to the Committee on Culture and the Arts.

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. 783-76 on S.B. No. 2932-76, SD 1:

By unanimous consent, action on Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1, was deferred one day. (Appropriation measure)

Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1:

By unanimous consent, action on Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1, was deferred one day. (Appropriation measure)

S.B. No. 2527-76, SD 1 (Deferred from April 6, 1976):

Representative Roehrig moved that S.B. No. 2527-76, SD 1, having been read throughout, pass Third Reading, seconded by Representative Garcia.

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

Upon reconvening at 11:56 o'clock a.m., the motion was put by the Chair and carried, and S.B. No. 2527-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Uechi being excused.

S.B. No. 1758-76, SD 2, HD 2 (Deferred from April 6, 1976):

Representative Shito moved that S.B. No. 1758-76, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Cayetano.

Representative Sutton then rose, stating:

"Mr. Speaker, may I speak on this bill--in favor of it--showing my concerns?"

Directed by the Chair to "proceed", Representative Sutton stated:

"Mr. Speaker, these are five old friends of ours of the Housing Committee that have been merged into an omnibus bill now known as House Draft 2, Senate Draft 2. Evidently, we have had quite a bit of drafting here, Mr. Speaker.

The purpose of this bill was to make improvements in numerous aspects of the Housing Development Program and it overhauls the mortgage priority; it overhauls the release necessary so as to interest mainland mortgage firms to come down here and invest their money in housing. In addition, there were substantive changes in the bill, a design to correct the labyrinthine and obfuscating language. That is not a bad word, sir.

Now, we found a shortage of housing here in Hawaii, Mr. Speaker, particularly for those of low and moderate income and we re-defined what constituted modern income. The Legislature, furthermore, had a feeling that Act 105 was not accomplishing the mission and they attempted in the House, under the chairmanship of a very able chairman, to put five different bills but these have come back in an omnibus situation.

I am a little concerned, Mr. Speaker, about Section 15 of our Constitution which states that no law should be passed except by bill and each law shall embrace but one subject and this one subject is exceedingly broad here relating to housing. We are attempting to interest the mortgage people from the East and I am sort of sorry to see that we didn't get the Senate to recognize Section 15 to that degree. However, I am satisfied in my own mind that this will accomplish the mission if this particular part isn't challenged, and I don't believe that we will see a challenge.

Now, Mr. Speaker, the executive

orders are allowed in this housing so that the Governor can implement this and it is an exceedingly serious situation here in Hawaii that we do not have adequate housing. Our surveys indicated the shortage is high at 25,000 units and if this solves the situation, even though our brethren of the Senate have made an omnibus out of our very clarified thing, I will vote in favor of it and will urge my colleagues to do so.

Thank you."

Representative Abercrombie then rose on a point of personal privilege and remarked:

"I would like to indicate for purposes of clarification that, while the previous speaker has been known to thinking labyrinthine terms, he has never been known to obfuscate."

The Chair asked:

"Representative Sutton, do you have a rebuttal?"

Representative Sutton replied:

"Mr. Speaker, if you would represent me and just put in a plea of nolle prosequi."

The Chair then said:

"The Chair is very particular about his clients."

The motion was put by the Chair and S.B. No. 1758-76, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Evans and Lunasco voting no, and Representative Uechi being excused.

The Chair directed the Clerk to note that S.B. No. 2527-76 had passed Third Reading at 11:56 o'clock a.m. and S.B. No. 1758-76 had passed Third Reading at 11:59 o'clock a.m.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 866-76) informing the House that House Resolution Nos. 549 to 576, House Concurrent Resolution Nos. 108 to 113, Standing Committee Report Nos. 843-76 to 865-76, and Standing Committee Report Nos.

867-76 to 872-76, 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. 867-76) recommending that H.R. No. 428, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Kunimura, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.R. No. 428, HD 1, entitled: "HOUSE RESOLUTION 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 referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 868-76) recommending that H.R. No. 429, 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. 429, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A FEASIBILITY STUDY ON THE LICENSING AND REGULATION OF RETIREMENT HOMES", was referred to the Committee on Legislative Management.

Representatives Uechi and Machida, for the Committees on Agriculture and Tourism, presented a report (Stand. Com. Rep. No. 869-76) recommending that H.R. No. 522 be adopted.

On motion by Representative Inaba, seconded by Representative Morioka and carried, the report of the joint Committee was adopted and H.R. No. 522, entitled: "HOUSE RESOLUTION CONGRATULATING THE HAWAII FARM BUREAU FEDERATION ON ITS SELECTION AS THE HOST FOR THE 1977 AMERICAN FARM BUREAU FEDERATION CONVENTION TO BE HELD IN HONOLULU, HAWAII IN 1977 AND ENDORSING THE SELECTION OF THE FARMER TO FARMER TOURS

AS THE OFFICIAL AGENCY TO HANDLE TRAVEL ARRANGEMENTS", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 870-76) recommending that H.R. No. 487 be adopted.

On motion by Representative Inaba, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.R. No. 487, entitled: "HOUSE RESOLUTION REQUESTING CONTINUED EFFORTS TO PROMOTE THE KONA COFFEE INDUSTRY", was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 871-76) recommending that H.R. No. 501, as amended in HD 1, be adopted.

Representative Sakima moved that H.R. No. 501, HD 1, be adopted, seconded by Representative Takamura.

Representative Abercrombie then rose, stating:

"Mr. Speaker, I would like to speak briefly in favor of this resolution."

Directed by the Chair to "proceed", Representative Abercrombie stated:

"Mr. Speaker, in the course of our hearings in the Committee, it became apparent that there was a differential in the fee schedule paid in the University system for lecturers. Those who worked in the community colleges were being paid a flat fee while those who worked in the University of Hawaii system in Manoa were being paid according to classification and grade. The Committee addressed this problem in this resolution and the subsequent concurrent resolution is the result.

I am very happy to say that the results of our efforts in this area seem to have borne fruit in that, apparently the contract which was negotiated and is now being finalized between the University of Hawaii Professional Assembly and the State reflects the concerns embodied in this resolution and I look forward to seeing equity for lecturers in terms of their pay scale in the upcoming contract and I think that it is to the credit of the Higher Education Committee members who pressed forward with this once it was discovered, and I am pleased to say that the

efforts, I hope, will continue, I should say, in seeing that we get full economic justice for the lecturers in terms of the overall teaching situation at the University in the months to come as well.

Thank you."

The motion was put by the Chair and carried, and H.R. No. 501, HD 1, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 872-76) recommending that H.C.R. No. 91, as amended in HD 1, be adopted.

Representative Sakima moved that H.C.R. No. 91, HD 1, be adopted, seconded by Representative Takamura.

Representative Abercrombie then rose, stating:

"May the remarks I have made on House Resolution No. 501 be incorporated in the record for the House Concurrent Resolution No. 91 as well."

There being no objections, the Chair "so ordered."

The following is the remarks of Representative Abercrombie:

"Mr. Speaker, in the course of our hearings in the Committee, it became apparent that there was a differential in the fee schedule paid in the University system for lecturers. Those who worked in the community colleges were being paid a flat fee while those who worked in the University of Hawaii system in Manoa were being paid according to classification and grade. The Committee addressed this problem in this concurrent resolution and the subsequent concurrent resolution is the result.

I am very happy to say that the results of our efforts in this area seem to have borne fruit in that, apparently the contract which was negotiated and is now being finalized between the University of Hawaii Professional Assembly and the State reflects the concerns embodied in this resolution and I look forward

to seeing equity for lecturers in terms of their pay scale in the upcoming contract and I think that it is to the credit of the Higher Education Committee members who pressed forward with this once it was discovered, and I am pleased to say that the efforts, I hope, will continue, I should say, in seeing that we get full economic justice for the lecturers in terms of the overall teaching situation at the University in the months to come as well.

Thank you."

The motion was put by the Chair and carried, and H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION 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 adopted.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 581 to 591) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 6, 1976:

A resolution (H.R. No. 581) requesting the Department of Health to prepare a plan for the implementation of social rehabilitation residential facilities for the treatment of mental patients was jointly offered by Representatives Segawa, Amaral, Clarke, Evans, Lee, Lum, Mizuguchi, Oda, Santos, Stanley and Takamine.

A resolution (H.R. No. 582) relating to no-fault insurance coverage for public assistance recipients was offered by Representative Stanley.

A resolution (H.R. No. 583) directing the Department of Transportation to open car pool lanes along Moanalua Freeway to motorcyclists carrying a passenger was jointly offered by Representatives Cayetano and Kiyabu.

A resolution (H.R. No. 584) requesting the Department of Education to review the present distribution of non-formula, support staff in the school districts and justification for such distribution was jointly offered by Representatives Cayetano, Akizaki, Carroll, Clarke, Evans, Ho, Ikeda, Kawakami, Kimura, Kiyabu, Kondo, Lee, Mizuguchi,

Sakima, Segawa, Shito, Suwa, Takamura, Uechi, Ushijima, Yap and Wakatsuki.

A resolution (H.R. No. 585) requesting that the Department of Education implement a campus maintenance incentive program in the public schools was jointly offered by Representatives Peters, Akizaki, Blair, Cayetano, Cobb, Ho, Inaba, Kihano, Kiyabu, Kunimura, Lum, Lunasco, Medeiros, Mizuguchi, Morioka, Santos, Segawa, Suwa, Takamura and Yamada.

A resolution (H.R. No. 586) requesting an alternative means of jury selection was jointly offered by Representatives Peters, Akizaki, Blair, Ho, Kiyabu, Kondo, Lunasco, Mizuguchi, Takamura and Uechi.

A resolution (H.R. No. 587) directing the Department of Education to seek legal redress in damages from the parents of children who vandalize or otherwise cause property damage to public school facilities was jointly offered by Representatives Peters, Akizaki, Amaral, Blair, Cayetano, Cobb, Ho, Inaba, Kihano, Kiyabu, Kunimura, Lum, Lunasco, Medeiros, Mizuguchi, Morioka, Santos, Segawa, Suwa, Takamura and Yamada.

A resolution (H.R. No. 588) requesting establishment of a compliance program to enforce affirmative action in the private sector of the State of Hawaii was jointly offered by Representatives Stanley, Santos, Kamalii, Evans and Ikeda.

A resolution (H.R. No. 589) requesting the United States Congress to enact the Family Research Act of 1975 (S. 2250) was jointly offered by Representatives Ikeda, Evans, Kamalii, Kunimura, Naito, Sakima, Santos and Stanley.

A resolution (H.R. No. 590) requesting the State Board of Public Accountancy to drop requirements for mandatory continuing education was jointly offered by Representatives Poepoe and Ajifu.

A resolution (H.R. No. 591) requesting an interim investigation of the implementation of the Employment Security Law was offered by Representative Lee.

The following resolutions (H.R. Nos. 592 to 595) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 592) honoring

Pele for his efforts in developing the game of soccer in Hawaii was jointly offered by Representatives Poepoe, Abercrombie, Akizaki, Amaral, Blair, Clarke, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Larsen, Lum, Lunasco, Machida, Naito, Oda, Peters, Santos, Segawa, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Poepoe, seconded by Representative Ushijima and carried, H.R. No. 592 was adopted.

A resolution (H.R. No. 593) extending congratulations to the Castle High School Theater Guild on the successful production of Fiddler on the Roof was jointly offered by Representatives Ajifu, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Evans, Garcia, Hakoda, Ho, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Medeiros, Morioka, Naito, Oda, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Suwa, Takamine, Takamura, Uechi, Yap, Yuen and Wakatsuki.

On motion by Representative Ajifu, seconded by Representative Evans and carried, H.R. No. 593 was adopted.

A resolution (H.R. No. 594) celebrating National Library Week and Library/Legislative Day was jointly offered by Representatives Yuen, Akizaki, Amaral, Ho, Ikeda, Inaba, Kawakami, Kiyabu, Lunasco, Machida, Mizuguchi, Naito, Oda, Poepoe, Sakima, Santos, Segawa, Shito, Takamine and Takamura.

On motion by Representative Yuen, seconded by Representative Oda and carried, H.R. No. 594 was adopted.

A resolution (H.R. No. 595) congratulating the boys and girls tennis teams of Kalani High School, 1976 Oahu Interscholastic Association tennis champions was jointly offered by Representatives Ikeda, Ajifu, Akizaki, Amaral, Cayetano, Clarke, Cobb, Evans, Fong, Hakoda, Ho, Inaba, Kamalii, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Uechi, Yamada and Yuen.

On motion by Representative Ikeda,

seconded by Representative Larsen and carried, H.R. No. 595 was adopted.

THIRD READING

S.B. No. 2224-76:

On motion by Representative Yamada, seconded by Representative Yap, S.B. No. 2224-76, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Uechi being excused.

The Chair directed the Clerk to note that S.B. No. 2224-76 had passed Third Reading at 12:07 o'clock p.m.

At 12:08 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:23 o'clock p.m.

APPOINTMENT OF CONFERENCE COMMITTEES

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1794-76, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Roehrig, Chairman; Cayetano and Sutton were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1830-76, and the request for a conference on the subject matter of said amendments, Representatives Lee, Chairman; Peters, Stanley and Santos were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1886, and the request for

a conference on the subject matter of said amendments, Representatives Lee, Chairman; Peters, Sakima, Yuen and Larsen were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1992, and the request for a conference on the subject matter of said amendments, Representatives Roehrig, Chairman; Uechi, Yap and Santos were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2713-76, HD 2, and the request for a conference on the subject matter of said amendments, Representatives Lee, Chairman; Machida, Mizuguchi, Takamine and Fong were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2812-76, HD 1, and the request for a conference on the subject matter of said amendments, Representatives Peters, Chairman; Machida, Naito, Takamine, Kamalii and Santos were appointed as Managers on the part of the House at such conference.

At this time, the Chair made the following announcement:

"Reminder to all conferees. Check with your chairpersons as to where you can be reached and be available at all hours."

ADJOURNMENT

At 12:30 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. tomorrow, Thursday, April 8, 1976.

FIFTY-FIFTH DAY

Thursday, April 8, 1976

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

The Divine Blessing was invoked by the Reverend Kenneth Ashitomi of the Honolulu Holiness Church, after which the Roll was called showing all members present.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Fourth Day.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 126 to 129) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 126) transmitting copies of the annual report prepared by the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, pursuant to Section 329-3, Hawaii Revised Statutes, was placed on file.

A message from the Governor (Gov. Msg. No. 127) transmitting copies of a report on the cost data on wage increases for Judiciary employees in accordance with Section 89-10(b) of the Hawaii Revised Statutes, was placed on file.

A message from the Governor (Gov. Msg. No. 128) transmitting copies of "Energy Resources Coordinator 1975 Annual Report" which was prepared by the Department of Planning and Economic Development in response to Chapter 196-4, Hawaii Revised Statutes, was placed on file.

A message from the Governor (Gov. Msg. No. 129) transmitting copies of the Annual Report of the State Commission on Aging for the fiscal year ending June 30, 1975, pursuant to Act 225, Session Laws of Hawaii, 1974, was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 383 to 385) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 383) returning House Concurrent Resolution No. 74, HD 1, which was adopted by the Senate on April 7, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 384) returning House Concurrent Resolution No. 112 which was adopted by the Senate on April 7, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 385) returning House Bill No. 2170-76 which passed Third Reading in the Senate on April 7, 1976, was placed on file.

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

Representative Sutton introduced Mr. and Mrs. Wilbur Adams who are visiting from Wenatchee, Washington.

Representative Cobb introduced 35 ninth grade students from Kaimuki Intermediate School. They were accompanied by their teachers, Mrs. Kinoshita and Mrs. Fujihara.

Representative Kondo introduced 35 seventh and eighth grade students from Paia School on Maui. They were accompanied on the trip to Honolulu by their teachers, Mr. Fukami, Mr. Fujimoto and Mrs. Sevilla.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 581 to 591) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
581	Committee on Health
582	Jointly to the Committees on Consumer Protection and Commerce and Public

Assistance and Human
Services

- 583 Committee on Energy
and Transportation
- 584 Committee on Education
- 585 Committee on Education,
then to the Committee
on Finance
- 586 Committee on Judiciary
- 587 Committee on Education
- 588 Committee on Labor and
Public Employment
- 589 Committee on Higher
Education
- 590 Committee on Consumer
Protection and Commerce
- 591 Committee on Labor and
Public Employment

COMMITTEE REASSIGNMENTS

The following were re-referred
as follows:

- | <u>H.R. Nos.</u> | <u>Re-referred to:</u> |
|------------------|--|
| 436 | Jointly to the Committees
on Agriculture and Water,
Land Use, Development,
and Hawaiian Homes |
| 437 | Jointly to the Committees
on Agriculture and Water,
Land Use, Development,
and Hawaiian Homes |
| 553 | Committee on Energy
and Transportation |

- | <u>H.C.R. Nos.</u> | |
|--------------------|--|
| 76 | Jointly to the Committees
on Agriculture and Water,
Land Use, Development,
and Hawaiian Homes |
| 77 | Jointly to the Committees
on Agriculture and Water,
Land Use, Development,
and Hawaiian Homes |

- | <u>S.C.R. No.</u> | |
|-------------------|--|
| 19 | Committee on Environmental
Protection |

SUSPENSION OF RULES

On motion by Representative Kimura,
seconded by Representative Ajifu
and carried, the rules were suspended
for the purpose of allowing members
to offer resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R.
Nos. 597 to 599 and 607 to 613) and
concurrent resolution (H.C.R.
No. 114) were read by the Clerk
and were disposed of as follows:

A resolution (H.R. No. 597) honoring
and commending Koji Ariyoshi for
his service and contributions to
the people of Hawaii was jointly
offered by Representatives Takamura,
Abercrombie, Ajifu, Akizaki, Blair,
Cayetano, Clarke, Cobb, Fong,
Garcia, Hakoda, Ho, Ikeda, Inaba,
Kawakami, Kihano, Kimura, Kiyabu,
Kondo, Kunimura, Larsen, Lee,
Lum, Lunasco, Machida, Medeiros,
Mizuguchi, Morioka, Naito, Oda,
Peters, Poepoe, Sakima, Santos,
Segawa, Shito, Stanley, Sutton,
Suwa, Takamine, Uechi, Ushijima,
Yamada, Yap, Yuen and Wakatsuki.

Representative Takamura moved
that the resolution be adopted, seconded
by Representative Takamine.

Representative Kunimura then
rose to speak in support of the resolu-
tion, stating:

"Mr. Speaker and members of
the House, a resolution of this type
usually comes after a great person
has expired, or is about to expire.

This is a happy day for me, and
yet, I rise with sadness in my heart
that the recipient of this resolution
cannot be here with us because
of his illness.

So often, in the course of human
history, great men and great ladies
have been nailed to the cross, shot
by the firing squad, relegated to
almost poverty and great suffering
because of their beliefs. It started
so many years ago, almost 2,000
years ago, when our Lord Jesus
was nailed to the cross. He refused,
at that time, to accept what was
accepted to be right, that nobody
should speak against the Emperor.

Well, this man, Mr. Speaker and
members of this House, also took
that path to stand for what he believed

to be right. I doubt if Mr. Ariyoshi ever went to church, but he had God in his heart because he stood up for us, the plantation workers on the sugar plantations and the pineapple plantations; the dock workers on the waterfront; the taxi drivers; the busboys; the waitresses; the students; those of us that did not have the right to be heard - the right to stand and say what we believe in.

He was one of those that refused, even at great financial loss, even at being tried before the people's court here in Hawaii, accused of advocating the violent overthrow of our government and later proven not guilty - Mr. Speaker, how many times more do we have to go through this? When can our country truly be a country of free men, of people with every right to speak their minds? When will the pendulum swing the other way? I think it's a body like this, and it rests in our school system - that's our only guarantee that we can enjoy the full freedom our forefathers guaranteed us in our Constitution.

Mr. Speaker, Koji Ariyoshi stood for many things, but one thing will go down in the history of at least the State of Hawaii, that Koji Ariyoshi was a man of peace, a man that did not advocate violence, strike action, brutal physical action, but he advocated the right of every individual to stand, even at being prosecuted and convicted, to expound their strong belief in freedom.

Let us this day, Mr. Speaker, dedicate at least one day of this session to this very great man who came through greatness, not through political recognition; not through our governmental system; but in his own way--in his quiet way went about talking to people, and talking with people, and especially the young people of the State of Hawaii.

Mr. Speaker, I would like to request that when we adopt this resolution, we adopt this resolution by a rising vote.

Thank you."

The motion was put by the Chair and carried by a rising vote and H.R. No. 597 was adopted.

Representative Takamura, at this time, introduced Roger Ariyoshi, son of Koji Ariyoshi, who accepted

the certified copy of the resolution in behalf of his father.

A resolution (H.R. No. 598) congratulating Sarah Sheeley, President of the Kaneohe Outdoor Circle, was jointly offered by Representatives Evans, Ajifu, Akizaki, Amaral, Carroll, Cayetano, Clarke, Ho, Ikeda, Kihano, Kimura, Larsen, Lunasco, Machida, Medeiros, Mizuguchi, Peters, Segawa, Sutton and Takamura.

On motion by Representative Evans, seconded by Representative Ajifu and carried, H.R. No. 598 was adopted.

At this time, Representative Evans introduced the honoree and her husband, Commander Elmer Sheeley, stating:

"Mr. Speaker, often times when people come to our islands to live, it takes many years for them to make the transgression from malihini to kamaaina. And, then again, there are those persons when they come to live here in Hawaii are almost instantaneously kamaaina and they carry with them the aloha spirit wherever they go - and such is the honoree for today. She exemplifies the aloha spirit."

Representative Ajifu presented Mrs. Sheeley with a carnation lei and Representative Kamalii presented Commander Sheeley with a lei. Representative Evans presented them with certified copies of the resolution.

Representative Evans also, at this time, introduced and acknowledged "the Kaneohe Outdoor Circle for all their work for the people of our district." There were six members of the group who were seated in the gallery.

A resolution (H.R. No. 599) congratulating Patrick J. DeCosta for his outstanding service to the community was jointly offered by Representatives Evans, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kunimura, Larsen, Lee, Lum, Lunasco, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Sakima, Santos, Shito, Sutton, Takamura, Yap and Yuen.

On motion by Representative Evans, seconded by Representative Ajifu and carried, H.R. No. 599 was

adopted.

Representative Evans in introducing the honoree and his wife, Denise, stated:

"Mr. Speaker, if this sounds like Kaneohe Day at the State House, I guess it is. We show our biases because we're pretty proud of the people who work in our district and who serve it well. Pat is no stranger to many of you, and I guess we can call him 'Mr. Kaneohe' - he exemplifies the spirit of Kaneohe."

Representative Evans presented the honoree with a red carnation lei and Representative Clarke presented Mrs. DeCosta with a white carnation lei and Representative Ajifu presented them with certified copies of the resolution.

At 11:43 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 11:50 o'clock a.m.

A resolution (H.R. No. 607) recognizing the efforts of school librarians during National Library Week was jointly offered by Representatives Ikeda, Abercrombie, Amaral, Blair, Evans, Ho, Inaba, Kawakami, Machida, Medeiros, Oda, Sakima, Santos, Shito, Takamura and Yuen.

On motion by Representative Ikeda, seconded by Representative Oda and carried, H.R. No. 607 was adopted.

A resolution (H.R. No. 608) recognizing the observance of National Secretaries Week, April 18 to 24, 1976, was jointly offered by Representatives Poepoe, Ajifu, Akizaki, Carroll, Cobb, Evans, Hakoda, Kawakami, Kiyabu, Kondo, Larsen, Lum, Medeiros, Naito, Oda, Sakima, Santos, Segawa, Shito, Suwa, Takamine, Ushijima, Yap and Wakatsuki.

On motion by Representative Poepoe, seconded by Representative Ushijima and carried, H.R. No. 608 was adopted.

A resolution (H.R. No. 609) congratulating Kalua Makalena for winning the Oahu Interscholastic Association Individual Golf title was jointly offered by Representatives Oda, Ajifu, Akizaki, Carroll, Clarke, Cobb, Evans, Garcia, Ikeda, Kihano, Lee, Lunasco, Machida, Mizuguchi,

Morioka, Peters, Poepoe, Sakima, Stanley, Takamura, Uechi, Ushijima, Yamada and Yuen.

On motion by Representative Garcia, seconded by Representative Lunasco and carried, H.R. No. 609 was adopted.

A resolution (H.R. No. 610) congratulating the winners of the 1976 State Land Judging contest was jointly offered by Representatives Amaral, Kondo, Machida and Santos.

On motion by Representative Amaral, seconded by Representative Santos and carried, H.R. No. 610 was adopted.

A resolution (H.R. No. 611) honoring the Xi Kappa Chapter of Beta Sigma Phi Sorority for their community service to the Leeward Community was jointly offered by Representatives Cayetano, Abercrombie, Akizaki, Blair, Cobb, Evans, Fong, Ikeda, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lee, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Peters, Sakima, Santos, Segawa, Shito, Suwa, Takamine, Takamura, Yamada and Yuen.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, H.R. No. 611 was adopted.

A resolution (H.R. No. 612) honoring the Filipino Women's League for their outstanding community service was jointly offered by Representatives Cayetano, Abercrombie, Akizaki, Blair, Cobb, Evans, Fong, Ikeda, Inaba, Kihano, Kiyabu, Kondo, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Peters, Sakima, Santos, Segawa, Suwa, Takamine, Takamura, Yamada and Yuen.

On motion by Representative Cayetano, seconded by Representative Kihano and carried, H.R. No. 612 was adopted.

A resolution (H.R. No. 613) congratulating Edward E. Johnston and offering best wishes was jointly offered by Representatives Poepoe, Ajifu, Akizaki, Amaral, Carroll, Clarke, Cobb, Evans, Hakoda, Ikeda, Inaba, Kawakami, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lum, Lunasco, Medeiros, Naito, Oda, Sakima, Santos, Segawa, Shito, Sutton, Suwa, Takamine, Uechi, Ushijima, Yap and Wakatsuki.

On motion by Representative Poepoe,

seconded by Representative Ajifu and carried, H.R. No. 613 was adopted.

A concurrent resolution (H.C.R. No. 114) congratulating the International Association of Lions Clubs Convention in Hawaii was jointly offered by Representatives Wakatsuki, Abercrombie, Ajifu, Akizaki, Amaral, 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, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap and Yuen.

Representative Kunimura moved that the resolution be adopted, seconded by Representative Ushijima.

Representative Sutton then rose and stated:

"Mr. Speaker, I'm a Lion in Kuhio, which is the best den in District 50, and I want to speak in support of this resolution.

I think it will help the zoo keeper because certainly the first week of June, our Lions in Waikiki will make a return to the lions in the zoo."

The motion was put by the Chair and carried and H.C.R. No. 114 was adopted.

At this time, Representative Yap introduced the following: William Carvalho, District Governor, District 50; Cyril Chung, Stan Nakasone, George Nakamura and Robert Inouye, Deputy District Governors, Oahu; Paul Fernandez, Harry Yee and William Ferem, past International Directors; and official photographer, Mr. Takey Tobi.

Representative Kimura presented them with certified copies of the resolution.

Representative Yap, at this time, stated:

"Mr. Speaker, if I may let you know, we just got through signing a proclamation for a tree planting month throughout the State of Hawaii. The Governor has just helped us plant a kukui nut tree. I hope it's a male tree."

Representative Cobb, upon being recognized, stated:

"Having spoken before the Lions and enjoyed their comradeship, I was wondering if it would be possible, at sometime during today's proceedings, if we could ask our elected Lions to give the suitable roaring welcome that I heard so many times at the luncheons and found very enjoyable."

The Chair replied:

"Representative Cobb, we'll consider that request at the end of today's session."

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 Speaker assumed the rostrum.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1 (Deferred from April 7, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1, was deferred one day.

Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1 (Deferred from April 7, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1, was deferred one day.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 873-76) informing the House that Standing Committee Report Nos. 875-76 to 894-76, have been printed and distributed.

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

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com.

Rep. No. 874-76) informing the House that House Resolution Nos. 577 to 595, have been printed and distributed.

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

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 875-76) recommending that H.R. No. 524, as amended in HD 1, be adopted.

Representative Yuen moved that the report of the Committee be adopted and that H.R. No. 524, HD 1, be adopted.

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

"Mr. Speaker, I would like to hear the Chairman's comments on the report. He was planning to give them."

Representative Yuen asked:

"Mr. Speaker, with your permission, I just wanted to state, for the record, that on page 289, we ought to insert the 'House of Representatives' in place of the word 'Legislature' - with your permission?"

The Chair replied:

"No objections." "Will you make that correction, Mr. Clerk."

The Clerk answered:

"I will, Mr. Speaker."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 524, HD 1, entitled: "HOUSE RESOLUTION ISSUING A CHALLENGE TO THE DEPARTMENT OF EDUCATION AND THE BOARD OF EDUCATION TO ANSWER THE CONCERNS OF THE PEOPLE REGARDING PUBLIC EDUCATION IN HAWAII", 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. 876-76) recommending that H.C.R. No. 76 be adopted.

On motion by Representative Inaba, seconded by Representative Kawakami and carried, the report of the joint

Committee was adopted and H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF AN AGRICULTURAL PARK AT KE-AHOLE, KONA, HAWAII", 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. 877-76) recommending that H.R. No. 437 be adopted.

On motion by Representative Inaba, seconded by Representative Kawakami and carried, the report of the joint Committee was adopted and H.R. No. 437, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF AN AGRICULTURAL PARK AT KE-AHOLE, KONA, HAWAII", 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. 878-76) recommending that H.C.R. No. 77 be adopted.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the joint Committee was adopted and H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF AN AGRICULTURAL PARK IN KONA, HAWAII", 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. 879-76) recommending that H.R. No. 436 be adopted.

On motion by Representative Inaba, seconded by Representative Kawakami and carried, the report of the joint Committee was adopted and H.R. No. 436, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF AN AGRICULTURAL PARK IN KONA, HAWAII", was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 880-76) recommending that H.R. No. 485, as amended in HD 1, be adopted.

Representative Garcia moved that the report of the Committee be adopted and that H.R. No. 485, HD 1, be

adopted.

Representative Sutton, speaking in favor of the resolution, stated:

"Mr. Speaker, I am very happy to see that the bill that you, as our leader, helped us pass last year on corporate take-over has been effective in preventing a take-over of a local company - Aloha Airlines. I think it was your great vision which enabled us to have on the books the statute which prohibited anything in the way of a silent situation and allowed the complete resolution of this in the favor of retaining Aloha Airlines as a local company. I want to thank you, Mr. Speaker."

Representative Poepoe then rose and stated:

"Mr. Speaker, I rise to speak in favor of the resolution."

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

"Mr. Speaker, I think we should pass the accolades over to the Chairman of the Consumer Protection and Commerce Committee too!"

The Chair remarked:

"I have no objections."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 485, entitled: "HOUSE RESOLUTION COMMENDING THE STOCKHOLDERS OF ALOHA AIRLINES FOR RESISTING THE TAKEOVER OF THEIR COMPANY BY THE MAINLAND INTERESTS", was adopted.

Representative Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 881-76) recommending that H.R. No. 474, as amended in HD 1, be adopted.

On motion by Representative Yamada, seconded by Representative Garcia and carried, the report of the majority of the Committee was adopted and H.R. No. 474, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY INTO THE ADVISABILITY OF COMPULSORY EDUCATION FOR REAL ESTATE LICENSEES", was adopted.

Representative Yamada, for the Committee on Consumer Protection

and Commerce, presented a report (Stand. Com. Rep. No. 882-76) recommending that H.R. No. 475 be adopted.

On motion by Representative Yamada, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 475, entitled: "HOUSE RESOLUTION REQUESTING A STUDY INTO THE ESTABLISHMENT OF A SELF-INSURED PROGRAM FOR REAL ESTATE ERRORS AND OMISSIONS INSURANCE", was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 883-76) recommending that S.C.R. No. 32 be adopted.

The Chair, at this time, with all Chairpersons involved consenting, re-referred S.C.R. No. 32 to the Committee on Consumer Protection and Commerce only.

Representative Yamada moved that the report of the Committee be adopted and, notwithstanding the report of the Committee that S.C.R. No. 32 be referred to the Committee on Finance, that S.C.R. No. 32 be adopted.

Representative Naito seconded the motion.

The motion was put by the Chair and carried and the report of the Committee was adopted and notwithstanding the recommendation of the Committee, S.C.R. No. 32, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A THOROUGH REVIEW AND REVAMPING OF THE PRESENT APPROACH TO THE REGULATION OF CABLE TELEVISION SYSTEMS", was adopted.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 884-76) recommending that H.R. No. 458, as amended in HD 1, be adopted.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the majority of the Committee was adopted and H.R. No. 458, HD 1, entitled: "HOUSE RESOLUTION 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

adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 885-76) recommending that H.R. No. 490 be adopted.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 490, entitled: "HOUSE RESOLUTION DIRECTING THE DEPARTMENT OF TRANSPORTATION TO OPEN CAR POOL LANES ALONG MOANALUA FREEWAY DURING NON-PEAK TRAFFIC HOURS TO THE GENERAL PUBLIC", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 886-76) recommending that H.R. No. 502 be adopted.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 502, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO PURCHASE AND IMPLEMENT USE OF SPECIAL HILL CLIMBING BUSES", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 887-76) recommending that H.R. No. 264 be adopted.

On motion by Representative Naito, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 264, entitled: "HOUSE RESOLUTION EXPRESSING APPRECIATION TO MEMBERS OF THE COMMUNITY HEALTH CARE TEAM FOR THEIR HIGH STANDARDS OF HEALTH CARE AND REQUESTING THE GOVERNOR OF HAWAII TO DESIGNATE A HEALTH CARE DAY", was adopted.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 888-76) recommending that H.R. No. 529 be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Peters, the report of the Committee was adopted and H.R. No. 529, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO ESTABLISH A PSEUDO-

PROGRAM STRUCTURE FOR INCOME MAINTENANCE AND WORK-RELATED ASSISTANCE PROGRAMS IN THE PLANNING, PROGRAMMING, BUDGETING SYSTEM", was referred to the Committee on Finance.

Representatives Stanley and Lee, for the majority of the Committees on Public Assistance and Human Services and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 889-76) recommending that H.R. No. 83 be adopted.

On motion by Representative Stanley, seconded by Representative Lee and carried, the report of the majority of the joint Committee was adopted and H.R. No. 83, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE ESTABLISHMENT OF A DEPARTMENT OF ECONOMIC SECURITY", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 890-76) recommending that S.C.R. No. 44 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and S.C.R. No. 44, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES GOVERNMENT TO RESTORE AND RETURN THE ISLAND OF KAHOO LAWE TO THE STATE OF HAWAII", was adopted.

Representatives Sakima and Yuen, for the Committees on Higher Education and Education, presented a report (Stand. Com. Rep. No. 891-76) recommending that H.R. No. 379, as amended in HD 1, be adopted.

Representative Sakima moved that the report of the Committee be adopted and that H.R. No. 379, HD 1, be adopted.

Representative Stanley, upon being recognized, stated:

"Mr. Speaker, I would like to point, for the benefit of my colleagues, that this resolution is of particular concern to me and the other female representatives. And, I'd like to point out that a woman's place is in the House."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 379, HD 1, entitled: "HOUSE

RESOLUTION REQUESTING HIGHER EDUCATION FOCUS ON ENCOURAGING WOMEN INTO NONTRADITIONAL AND NEW NON-STEREOTYPED OCCUPATIONS, was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 892-76) recommending that H.R. No. 40, 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. 40, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE REQUIREMENTS FOR FACULTY ADVANCEMENT IN THE COMMUNITY COLLEGE SYSTEM", was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 893-76) recommending that H.R. No. 37, 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. 37, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO ESTABLISH A FORMAL MECHANISM WHICH WOULD ENABLE LIBERAL ARTS COURSES AT THE COMMUNITY COLLEGES TO SATISFY REQUIREMENTS OF A BACCALAUREATE DEGREE SEEKING PROGRAM", was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 894-76) recommending that H.R. No. 62, as amended in HD 1, be adopted.

Representative Yuen moved that the report of the Committee be adopted and that H.R. No. 62, HD 1, be adopted.

Representative Abercrombie then asked:

"I would like to ask the Chairman of the Education Committee to yield to a question on this?"

The Chair asked:

"Representative Yuen, will you yield?"

Representative Yuen replied:

"Mr. Speaker, for Representative Abercrombie, definitely yes!"

Representative Abercrombie asked:

"Mr. Speaker, I would like to know if the study of oriental medicine at the UH Medical School will include the study of Aphrodisiacs?"

Representative Yuen remarked:

"I'm enrolling, Mr. Speaker."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 62, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UH MEDICAL SCHOOL TO CONSIDER THE DEVELOPMENT OF ORIENTAL MEDICINE IN ITS CURRICULA", was adopted.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 596, 600 to 606 and 614 to 632) and concurrent resolutions (H.C.R. Nos. 115 to 121) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 9, 1976:

A resolution (H.R. No. 596) requesting the City and County of Honolulu Department of Transportation Services to implement express bus service for students from the Pearl City-Pearl Ridge area to the University of Hawaii was jointly offered by Representatives Cayetano and Mizuguchi.

A resolution (H.R. No. 600) requesting a study on the impact and implications of the elimination of the general excise tax on certain occupations was jointly offered by Representatives Kihano, Ajifu, Akizaki, Amaral, Cayetano, Clarke, Cobb, Evans, Inaba, Kawakami, Kimura, Kiyabu, Kondo, Lee, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Suwa, Takamine and Takamura.

A resolution (H.R. No. 601) requesting the Congress of the United States to reaffirm the national communications policy of "Universal Service" and reaffirm the "Home Rule" authority of State Public Utilities Commission was jointly offered by Representatives Yamada, Akizaki, Blair, Cobb, Inaba, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lee, Medeiros,

Mizuguchi, Sakima, Shito, Stanley, Suwa, Takamine, Uechi, Ushijima, Yap and Yuen.

A resolution (H.R. No. 602) relating to jury duty in the State of Hawaii was jointly offered by Representatives Kihano, Ajifu, Akizaki, Cayetano, Clarke, Cobb, Inaba, Kawakami, Kimura, Kiyabu, Kondo, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Poepoe, Santos, Segawa, Shito, Sutton, Suwa, Takamine and Takamura.

A resolution (H.R. No. 603) requesting the Department of Land and Natural Resources to examine a portion of Koauka Loop as a neighborhood park site was jointly offered by Representatives Cayetano and Mizuguchi.

A resolution (H.R. No. 604) requesting the legislative auditor to examine road repair and resurfacing policies of the City and County of Honolulu was jointly offered by Representatives Kiyabu and Akizaki.

A resolution (H.R. No. 605) requesting the governor to establish by executive order a Juvenile Justice Coordinating Council was offered by Representative Roehrig.

A resolution (H.R. No. 606) requesting a fact-finding study of all aspects of prostitution in Hawaii relevant to appropriate legislation was offered by Representative Roehrig.

A resolution (H.R. No. 614) requesting a study of the extent of providing fraud in the State Medicaid Program was offered by Representative Peters.

A resolution (H.R. No. 615) requesting the State Department of Health to revise regulations relating to the use of ventilation stacks was jointly offered by Representatives Segawa, Clarke, Evans, Kihano, Kunimura, Larsen, Lum, Peters, Sakima, Yamada and Yuen.

A resolution (H.R. No. 616) requesting a review of governmental policies on fringe benefits for public employees was offered by Representative Lee.

A resolution (H.R. No. 617) requesting the establishment of a special committee to resolve the land tenure problem of the Milolii-Hoopulua area of South Kona, Hawaii, was jointly offered by Representatives Inaba, Kawakami, Roehrig, Segawa, Suwa and Takamine.

A resolution (H.R. No. 618) requesting a study of the practicability of new reporting and disclosure requirements concerning standards of conduct for State officers and employees was offered by Representative Roehrig.

A resolution (H.R. No. 619) relating to general excise tax exemptions for commissioned agents was offered by Representative Poepoe.

A resolution (H.R. No. 620) requesting the City and County of Honolulu to conduct appropriate basic studies prior to deciding to eliminate local police stations was jointly offered by Representatives Poepoe, Ajifu, Clarke, Evans, Medeiros and Yuen.

A resolution (H.R. No. 621) relating to eligibility requirements for general assistance was offered by Representative Carroll.

A resolution (H.R. No. 622) requesting a study of mandatory sentencing was offered by Representative Roehrig.

A resolution (H.R. No. 623) requesting the House Committee on Energy and Transportation to review the Statewide Airport Systems Plan was jointly offered by Representatives Cayetano and Kiyabu.

A resolution (H.R. No. 624) requesting a study of the enforcement of University of Hawaii's policy relating to faculty members' outside employment was jointly offered by Representatives Ho, Abercrombie, Cobb, Garcia, Inaba, Kawakami, Lunasco, Morioka, Oda, Sakima, Takamine, Takamura, Uechi and Yap.

A resolution (H.R. No. 625) requesting expeditious protection of the unique environment of Molokini was jointly offered by Representatives Machida, Ajifu, Amaral, Cayetano, Fong, Inaba, Kawakami, Kihano, Kimura, Kondo, Kunimura, Lee, Mizuguchi, Morioka, Oda, Peters, Sakima, Shito, Stanley, Suwa, Uechi, Yamada and Yap.

A resolution (H.R. No. 626) requesting the Department of Transportation to declare a moratorium on the issuance of new live aboard permits was offered by Representative Cayetano.

A resolution (H.R. No. 627) requesting the Governor of the State of Hawaii to appoint a committee to review special areas of planning and land use was jointly offered

by Representatives Wakatsuki, Akizaki and Suwa.

A resolution (H.R. No. 628) requesting the Department of Personnel Services to develop and implement a classification and compensation plan for the school health aides was jointly offered by Representatives Machida, Mizuguchi, Akizaki, Fong, Garcia, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lee, Morioka, Oda, Peters, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Suwa, Uechi, Ushijima, Yamada, Yap and Yuen.

A resolution (H.R. No. 629) requesting a study into the advisability of establishing a separate license for resident managers was offered by Representative Yuen.

A resolution (H.R. No. 630) requesting a report on the efforts of the Department of Social Services and Housing to implement the recommendations of the Greenleigh Report was offered by Representative Takamura (by request).

A resolution (H.R. No. 631) requesting the Department of Personnel Services to institute a voluntary job sharing program was offered by Representative Fong.

A resolution (H.R. No. 632) planning for future expansion and requirements was offered by Representative Yap.

A concurrent resolution (H.C.R. No. 115) requesting a study on the impact and implications of the elimination of the general excise tax on certain occupations was jointly offered by Representatives Kihano, Ajifu, Akizaki, Cayetano, Clarke, Cobb, Evans, Inaba, Kawakami, Kimura, Kiyabu, Kondo, Lee, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Suwa, Takamine and Takamura.

A concurrent resolution (H.C.R. No. 116) requesting the acquisition of parcel A in the Salt Lake area for recreational purposes was offered by Representative Garcia.

A concurrent resolution (H.C.R. No. 117) requesting a study of the extent of providing fraud in the State Medicaid Program was offered by Representative Peters.

A concurrent resolution (H.C.R. No. 118) requesting the State Commission on Government Reorganization

to study the feasibility of removing all correctional activities from the Department of Social Services and Housing and establishing a new State governmental agency was offered by Representative Kamalii.

A concurrent resolution (H.C.R. No. 119) requesting a study of mandatory sentencing was offered by Representative Roehrig.

A concurrent resolution (H.C.R. No. 120) requesting the Governor of the State of Hawaii to appoint a committee to review special areas of planning and land use was jointly offered by Representatives Wakatsuki, Akizaki and Suwa.

A concurrent resolution (H.C.R. No. 121) requesting a report on the efforts of the Department of Social Services and Housing to implement the recommendations of the Greenleigh Report was offered by Representative Takamura (by request).

At this time, Representative Kunimura stated:

"May I request that you encourage the members of the House of Representatives who are not on the Conference Committees to stick around and be the cheering section because it gets pretty lonely at night."

At 12:18 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:20 o'clock p.m.

The Chair, at this time, appointed Representative Yamada to replace Representative Stanley as Manager on the part of the House at the conference on S.B. No. 1830-76.

The Chair then made the following announcement:

"The Chair would like to remind all members, this being the 55th day, the last day for introduction of substantive resolutions up to 5:00 o'clock p.m."

ADJOURNMENT

At 12:21 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. tomorrow, Friday, April 9, 1976.

FIFTY-SIXTH DAY

Friday, April 9, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:00 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by the Reverend Eli Carter of Our Lady of Perpetual Help Church, after which the Roll was called showing all members present with the exception of Representatives Kunimura, Roehrig, Uechi, Wakatsuki and Yamada, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-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 Fifty-Fifth Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 386 to 391) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 386) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1758-76, SD 2, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Young, Chairman; Toyofuku and Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Shito, Chairman; Kiyabu, Kondo and Lum as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 387) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1886, and the request for a conference on the subject matter of said amendments, Senators Toyofuku, Chairman; Taira and Henderson had been appointed as Managers on the part of the Senate

at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 388) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2713-76, HD 2, and the request for a conference on the subject matter of said amendments, Senators Toyofuku, Chairman; R. Wong, Yamasaki and Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 389) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2812-76, HD 1, and the request for a conference on the subject matter of said amendments, Senators Toyofuku, Chairman; Taira and Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 390) returning House Concurrent Resolution No. 114, which was adopted by the Senate on April 9, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 391) transmitting Senate Concurrent Resolution No. 93, relating to Kalaupapa residents, which was adopted by the Senate on April 9, 1976, was placed on file.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 32 to 36) were read by the Clerk and were disposed of as follows:

A communication from William T. Manley, Acting Administrator, United States Department of Agriculture (Misc. Com. No. 32) acknowledging receipt of House Resolutions Nos. 181 and 295 relating to agricultural price reporting, was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 33) acknowledging receipt of a copy of House Resolution No. 421, expressing

the grave concern of the State House of Representatives regarding the U.S. Department of Agriculture's proposed food stamp regulations, was placed on file.

A communication from the Honorable Elmer F. Cravalho, Mayor, County of Maui (Misc. Com. No. 34) acknowledging receipt of House Resolution No. 185, requesting counties to amend building and zoning codes regarding farm operations, and responding to same with certain comments, was placed on file.

A communication from the Honorable Carl Albert, Speaker, United States House of Representatives (Misc. Com. No. 35) acknowledging receipt of a copy of House Resolution No. 421, was placed on file.

A communication from Betty J. Bell, Administrator, G.N. Wilcox Memorial Hospital and Health Center (Misc. Com. No. 36) acknowledging receipt of House Resolution No. 468, was placed on file.

At this time, the Chair directed the Clerk to note the presence of Representatives Kunimura, Roehrig, Uechi and Yamada.

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

Representative Sutton introduced Mrs. Frank Bauer and Mrs. Alvin Ganzer. They are guests of Mrs. Louise Shingle Stevenson whose father, Robert Shingle, was a former President of the Territorial Senate.

Representative Shito then introduced 28 juniors and seniors from Waipahu High School. They were accompanied by their teachers, Ms. Catherine Wakayama and Mr. Kenneth Choy.

Representative Kondo introduced 20 fourth, fifth and sixth grade students from Kam III School on Maui. They were accompanied by their teacher, Mrs. Gerry Matsuda, and an aide, Mrs. Elaine Enoki.

Representative Kondo then introduced 40 high school students from Molokai High School. They were accompanied by Mr. and Mrs. Anthony Wickes, Mr. Fred Bicoy, Mr. Glenn Borden and Mrs. Molly Biggs, chaperones.

Representative Kondo then introduced 111 eighth grade students from Kam

III School on Maui. They were accompanied by their teacher, Mr. Larry Joyo, and chaperones, Mrs. Carolyn Joyo, Mrs. Caroline Mantalbo, Mrs. Sylvia Ng, Miss Christine Wada, Mr. Mike Schotzberger and Mr. Clyde Uyehara.

Representative Kimura then introduced 9 students in grades 7 through 9 from the Honolulu Junior Academy. They were accompanied by their teacher, Mrs. Sue Sakima, who is Representative Sakima's daughter-in-law.

Representative Kiyabu then introduced 50 fifth and sixth grade students from Waikiki Elementary School. They were accompanied by their teachers, Miss Setsuko Shimizu and Mrs. Eleanor Fernandes, and a parent, Mrs. Yvonne Miranda.

Representative Peters then introduced a choral group, "Na Leo O Nanaikapono", composed of approximately 90 fourth, fifth and sixth grade students of Nanaikapono Elementary School, who gave their renditions of old Hawaii by way of songs and dances in the rotunda area earlier in the morning. They were accompanied by Mr. Byron Yoshina, Principal; Earlyne Albano, teacher; and educational aides, Genevieve Nahulu and Pearl Chai. Also accompanying the group were parents, Lei Hoochuli, Nona Taylor, Ree Kalehuawehe, Lei Kauwale, Genevieve Cuesta, Arviella Kelii and Kathleen Meyers.

The Chair then stated: "The Chair, at this time, would like to thank the students, teachers and principal from Nanaikapono Elementary School for the excellent performance performed today. Thank you very much."

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. 633 to 635) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 633) honoring the respected and venerable Master Braulio Pedoy, Escrima expert extraordinaire was jointly offered

by Representatives Kihano, Lunasco, Cayetano, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Clarke, Ho, Inaba, Kawakami, Kimura, Kiyabu, Kondo, Larsen, Lee, Lum, Machida, Medeiros, Mizuguchi, Oda, Sakima, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada and Yuen.

On motion by Representative Kihano, seconded by Representative Lunasco and carried, H.R. No. 633 was adopted.

At this time, Representative Kihano introduced the honoree, Mr. Pedoy, and his son, Edward, who is the Chief Instructor of the Pedoy School of Escrima, to the members of the House.

Representative Ho then presented Mr. Pedoy with a red carnation lei.

At this time, a radiogram from the Honorable Spark Matsunaga, Member of Congress, was read by the Clerk, as follows:

"Permit me by this means to join with the Hawaii State House of Representatives, which is honoring you today with a resolution introduced by Representative Daniel Kihano, in expressing to you my own sincere appreciation for your many contributions to the people of Hawaii.

Your unselfish devotion to the preservation of Escrima, and your efforts to introduce it in Hawaii, are truly representative of the traits which have made our Aloha State so well known and envied throughout the world for its harmonious blend of many diverse cultures. Because you are responsible for it, you can indeed be proud of the commitment of the State Foundation on Culture and the Arts, through its support of the Philippine Heritage Development Program, to the perpetuation of Escrima.

I regret that congressional duties here in Washington, D.C., prevent my expressing my appreciation to you in person. Nevertheless, you have my best wishes for a most enjoyable day and many rewarding years to come.

Aloha and best wishes."

Mrs. Molina from Representative Spark Matsunaga's office then presented Mr. Pedoy with a red carnation lei.

Representative Kihano then introduced to the members of the House the following: Mr. Rudy Alapag, President of the Hinabanyag Club; Mr. Jose Menchavez; and Mrs. Bea Santos Ranis, member of the State Foundation on Culture and Arts.

Certified copies of the resolution were then presented to Mr. Pedoy and the other recipients by Representative Kihano.

A resolution (H.R. No. 634) lauding the Distributive Education Clubs of America's Waipahu High School Chapter and its members who were awarded at the 1976 Distributive Education Clubs of America State competition was jointly offered by Representatives Kihano, Shito, Abercrombie, Ajifu, Akizaki, Blair, Cayetano, Clarke, Ho, Inaba, Kawakami, Kimura, Kiyabu, Kondo, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Sakima, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada and Yuen.

On motion by Representative Kihano, seconded by Representative Shito and carried, H.R. No. 634 was adopted.

Representative Kihano then introduced the First Place winners as follows: Joy Katsura, outstanding student of the year; Mona Katahira, producing the best distributive manual; and Sharlette Mun, best merchandising information manual. Second Place winners introduced were Anna Paragoso, job interviewing; Cecilia Tanigawa, merchandise information manual production; and Gary Wakui, distributive education boy of the year. Third Place winners introduced were Cynthia Moniz and Belinda Sibonga, marketing. Accompanying the group was Mrs. Jean Miyahara, Advisor.

Carnation leis were presented to the honorees by Representatives Cayetano, Kunimura, Peters and Shito. Representative Kihano presented the certified copies of the resolution.

A resolution (H.R. No. 635) congratulating the Hawaii Congress of Parents and Teachers on the celebration of their 50th Anniversary Year was jointly offered by Representatives Evans, Abercrombie, Ajifu, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Fong, Garcia, Hakoda, Ikeda, Kamalii, Kawakami, Kimura, Kiyabu, Kondo, Larsen, Lum, Lunasco, Machida, Medeiros, Morioka, Oda,

Poepoe, Suwa, Takamine, Takamura, Uechi, Yap and Yuen.

On motion by Representative Evans, seconded by Representative Hakoda and carried, H.R. No. 635 was adopted.

At this time, Representative Evans introduced to the members of the House the following: Mr. Reginald Lau, President, Hawaii PTA; Mrs. Rose Pfund, First Vice President; Ms. Flora Beggs, Executive Secretary, Hawaii PTA; and Mr. Wayne Protheroe, Fourth Vice President, Hawaii PTA.

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

At 11:47 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 11:55 o'clock a.m.

ORDER OF THE DAY

DEFERRED RESOLUTION

The following concurrent resolution (S.C.R. No. 93) was disposed of as follows:

S.C.R. No.

93 Committee on Health,
 then to the Committee
 on Finance

COMMITTEE REASSIGNMENT

H.R. No. 279 was re-referred to the Committee on Public Assistance and Human Services, then to the Committee on Legislative Management.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 895-76) informing the House that House Resolution Nos. 596 to 632, House Concurrent Resolution Nos. 114 to 121 and Standing Committee Report Nos. 896-76 to 903-76, have been printed and distributed.

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

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 896-76) recommending that H.R. No. 441 be adopted.

Representative Segawa moved that the report of the Committee be adopted and H.R. No. 441 be adopted, seconded by Representative Yap.

Representative Yap then rose and stated:

"Mr. Speaker, I would like to call the members attention to the third 'Whereas' and the recent comment made by the Department of Health regarding the use of serological tests stated that syphilis is a disease of adult male homosexuals. If that is the case, it is true--what happens to our teenagers who get married before the age of 18?

So this resolution asks the Department of Health to substantiate the merits of this statement and I urge every member to vote 'aye' on H.R. No. 441."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 441, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF THE REQUIREMENT OF A SEROLOGICAL TEST PRIOR TO MARRIAGE", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 897-76) recommending that H.R. No. 440 be adopted.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 440, entitled: "HOUSE RESOLUTION REQUESTING FORMULATION OF A PLAN FOR THE CONTROL OF VENEREAL DISEASE", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 898-76) recommending that H.C.R. No. 82 be adopted.

Representative Segawa moved that the report of the Committee be adopted and H.C.R. No. 82 be adopted, seconded by Representative Naito.

Representative Yap then rose and stated:

"Mr. Speaker, I would like to make a few comments in favor of this resolution."

Directed by the Chair to "proceed", Representative Yap stated:

"I have a clipping here which states that in the year 1975, last year, there were 3,126 known cases of VD and gonorrhea. If this trend continues, it will be more than triple by 1978, 1979, because a statement was made in hearing that for every one that has been known to have had the disease and treated, there are at least one or two more outside running loose, not being detected.

Mr. Speaker, by no means is this an opener for vending machine prophylactic, but there may have to come a time when we will pass another bill over to the Senate and hope it will come back. I think it was told that maybe our bill on prophylactic in a vending machine didn't have a color code for sizes. So I hope when the next one goes over that we have. . ."

At this point, Representative Carroll rose, stating:

"Mr. Speaker, I think this is stretching the point."

Representative Abercrombie then remarked;

"Mr. Speaker, I will take that the resolution adequately takes into account one of the previous comments--the situation of the target of opportunity in not having time to get to the machine."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING FORMULATION OF A PLAN FOR THE CONTROL OF VENEREAL DISEASE", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 899-76) recommending that H.C.R. No. 109 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 H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND THE MAYORS OF THE SEVERAL COUNTIES TO REVIEW

AND MAKE RECOMMENDATIONS TO THE NINTH STATE LEGISLATURE REGARDING THE ARTHUR YOUNG & COMPANY REPORT ENTITLED 'AN ANALYSIS OF THE ASSIGNMENT OF RESPONSIBILITIES AND FUNDING OF TRANSPORTATION IN HAWAII' ", was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 900-76) recommending that H.C.R. No. 108 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 H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ACTION TO PROVIDE FOR APPROPRIATE CONTROL OF PUBLIC LANDS ASSOCIATED WITH HARBOR OPERATIONS OF THE DEPARTMENT OF TRANSPORTATION AND TO ENSURE PROPER DISPOSITION OF REVENUES DERIVED FROM SUCH PUBLIC LANDS", was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 901-76) recommending that H.R. No. 552 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 H.R. No. 552, entitled: "HOUSE RESOLUTION REQUESTING ACTION TO PROVIDE FOR APPROPRIATE CONTROL OF PUBLIC LANDS ASSOCIATED WITH HARBOR OPERATIONS OF THE DEPARTMENT OF TRANSPORTATION AND TO ENSURE PROPER DISPOSITION OF REVENUES DERIVED FROM SUCH PUBLIC LANDS", was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 902-76) recommending that H.R. No. 253 be adopted.

On motion by Representative Cayetano, seconded by Representative Shito and carried, the report of the Committee was adopted and H.R. No. 253, entitled: "HOUSE RESOLUTION REQUESTING IMPROVEMENTS ON THE BELT HIGHWAY", was adopted.

Representative Cayetano, for the Committee on Energy and Trans-

portation, presented a report (Stand. Com. Rep. No. 903-76) recommending that H.R. No. 553 be adopted.

On motion by Representative Cayetano, seconded by Representative Shito and carried, the report of the Committee was adopted and H.R. No. 553, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF VARIOUS ASPECTS OF THE RECREATIONAL BOATING AND SMALL BOAT HARBORS PROGRAM", was adopted.

At 11:59 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 12:00 o'clock noon.

At 12:01 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 12:02 o'clock p.m.

At this time, Representative Cayetano rose, stating:

"Mr. Speaker, before I make some announcements, I have a question on a point of parliamentary procedure for the Chair--may I ask?

Directed by the Chair to "proceed", Representative Cayetano asked:

"Mr. Speaker, the Senate and House have agreed to certain deadlines for amending Senate and House bills. I understand these deadlines can be lifted if both houses agree. My question is, if the leadership for both the Senate and the House get together and agree to lift these deadlines, will the membership be advised in advance?"

The Chair replied:

"It is my understanding that the membership will be advised in advance should they occur."

Representative Cayetano then wished John Sabado, the Assistant Sergeant-at-Arms, a Happy Birthday, on behalf of the members of the House.

Representative Poepoe then rose, stating:

"Mr. Speaker, point of inquiry."

Asked by the Chair to "state your

point", Representative Poepoe stated:

"The calendar determining the passage of bills between houses was waived for one specific bill, Senate Bill 1758, on housing. We have no knowledge on this side for any other part of the calendar being waived, either on decking of conference drafts which is due on Monday or any other bill coming over from the Senate."

At 12:09 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:13 o'clock p.m.

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

"Has the Journal for the 48th Day been made available to the members of the House?"

The Chair replied in the negative and Representative Fong asked:

"That's official?"

The Chair replied:

"They are checking it out now."

Representative Fong then said:

"So it has not been made available?"

The Chair replied:

"That is correct."

At 12:14 o'clock p.m., on motion by Representative Kimura, 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 5:36 o'clock p.m. and the Speaker assumed the rostrum.

CONFERENCE COMMITTEE REPORT

Representative Cayetano, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1499, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 1) recommending that H.B. No. 1499, HD 1, SD 1, as amended in CD 1, pass Final

Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 1 on H.B. No. 1499, HD 1, SD 1, CD 1, was deferred until tomorrow, April 14, 1976, 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, CD 1, were made available to the members of the House at 5:30 o'clock p.m.

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

"Mr. Speaker, it is my understanding that Monday is the deadline for decking of Conference Committee Reports, and I wanted to inquire of the Chair as to how long a Conference Committee Report will have to lay over--whether it is 24 hours, 48 hours or 72 hours."

COMMITTEE REASSIGNMENT

The Chair, with all chairpersons consenting, re-referred House Concurrent Resolution No. 99, HD 1, to the Committee on Higher Education solely.

Representative Abercrombie then rose, stating:

"Point of information, Mr. Speaker, can you repeat that, please?"

The Chair replied: "House Concurrent Resolution No. 99."

Representative Abercrombie then asked:

"Yes, and what are you doing with it?"

The Chair replied:

"Re-referring to the Higher Education Committee."

Representative Abercrombie then asked:

"From where?"

The Chair stated:

"It's from Higher Education Committee and Legislative Management jointly."

Representative Abercrombie then inquired:

"Can you explain why it is not going to Legislative Management?"

Isn't there a cost implication?"

At 5:41 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 5:42 o'clock p.m., the Chair stated:

"The re-referral has been made based on the chairpersons being involved consenting."

Representative Abercrombie then stated:

"Mr. Speaker, I appeal that re-referral."

Representative Poepoe seconded the motion.

The Chair then said:

"The re-referral has been appealed."

At 5:43 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 5:44 o'clock p.m.

The Chair then said:

"The Chair's ruling on the re-referral has been appealed."

Representative Abercrombie then rose and asked:

"May I speak on why I believe the appeal is justified?"

Directed by the Chair to "proceed", Representative Abercrombie stated:

"Thank you, Mr. Speaker. We have a resolution of substance. Under ordinary circumstances, when there is not a clear financial implication to be dealt with by Committee--either Finance or Legislative Management who have jurisdiction in these matters--I would have no objections.

I brought such matters to the attention of the Chair and other people have, as well, either by Committee, by individuals, by chairmen, and I think it's generally been agreed in the House by virtue of the fact that there is no objection to the re-referrals that such implications are not there and, therefore, they go. But in this particular instance, on a tenure situation, on examination of it, there is a cost implication

of several thousand dollars minimum, depending on whether we want something that's just for show or we want something that does, in fact, deal with the implications of the resolution which are quite specific and which is quite far-reaching and I can't understand, for a moment, whether we can say that we should not refer a resolution which involves, if it is passed, the expenditure of thousands of dollars of the University's money when we presently have a situation in which the University has funds withheld in the millions of dollars and the reallocation subsequently within the University.

It has scrubbed all kinds of programs and projects than to pass such a resolution or ignore the fact that this cost implication is there. I think that the referral should go on to Legislative Management because that's when that particular question can be dealt with to see whether or not the resolution is in order in terms of the fiscal responsibility of this body."

The Chair then said:

"The question before the House is, shall the Chair's ruling be upheld? All those who wish to uphold the Chair's ruling will vote 'aye'; all those who oppose will vote 'no'.

All those in favor, say 'aye'; all those who oppose, say 'no'. The 'ayes' have it."

Representative Abercrombie then said:

"I would like to have a roll call

on that. I don't hear it the same way."

The Chair then said:

"Show of hands. . .Lack of sufficient hands. The Chair rules. . ."

Representative Abercrombie interrupted:

"Mr. Speaker, point of order. I wasn't sure whether the members here were raising their hands in respect to your question or waiting for a request for a point of order to be answered. I think there were two things on the floor at the same time."

The Chair then said:

"All those who wish to have a roll call, raise your hands."

The Clerk counted 7 votes.

The Chair then said:

"That is insufficient."

At 5:52 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 6:22 o'clock p.m.

ADJOURNMENT

At 6:24 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, April 12, 1976.