

## FIFTY-SEVENTH DAY

Monday, April 12, 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 Speaker presiding.

The Divine Blessing was invoked by the Reverend Kim On Chong of the Mid-Pacific Institute, after which the Roll was called showing all members present with the exception of Representatives Hakoda and Morioka, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Sixth Day.

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

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

The House of Representatives reconvened at 11:24 o'clock a.m.

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

Representative Yuen introduced fifteen girls from Brownie Troop 419, who were accompanied by their leader, Mrs. Sherryl Kau.

Representative Kimura introduced forty-four members of the McCully Adult Education class. They were accompanied by their instructor, Mrs. Yoshioka.

## ORDER OF THE DAY

## UNFINISHED BUSINESS

Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1 (Deferred from April 9, 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 9, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 786-76 and S.B. No. 1801-76, SD 1, was deferred one day.

Conf. Com. Rep. No. 1 on H.B. No. 1499, HD 1, SD 1, CD 1 (Deferred from April 9, 1976):

By unanimous consent, action was deferred to the end of the calendar.

## STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 904-76) informing the House that House Resolution Nos. 633 to 635, Standing Committee Report Nos. 905-76 to 916-76, Special Committee Report No. 18, Conference Committee Report No. 1 on House Bill No. 1499, HD 1, SD 1, CD 1, and Conference Committee Report No. 2 on House Bill No. 1886, SD 3, CD 1, have been printed and distributed.

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

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 905-76) recommending that H.C.R. No. 4 be referred to the Committee on Legislative Management.

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 4, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE PROGRESSIVE NEIGHBORHOODS PROGRAM TO DETERMINE HOW ITS ORGANIZATION AND MANAGEMENT PROCESSES CAN BE IMPROVED TO PROMOTE THE ACHIEVEMENT OF PROGRAM OBJECTIVES", was referred to the Committee on Legislative Management.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 906-76) recommending that H.C.R. No. 98 be referred to the Committee on Finance.

On motion by Representative Segawa,

seconded by Representative Naito and carried, the report of the Committee was adopted and H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION 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 referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 907-76) recommending that H.C.R. No. 106, 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.C.R. No. 106, HD 1, entitled: "HOUSE CONCURRENT 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 Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 908-76) recommending that H.R. No. 303 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.R. No. 303, entitled: "HOUSE RESOLUTION REQUESTING MODIFICATION OF THE POLICIES AND PRACTICES GOVERNING THE ALLOTMENT OF FUNDS FOR OPERATIONS OF THE STATE'S PUBLIC SCHOOLS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 909-76) recommending that H.C.R. No. 49 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING MODIFICATION OF THE POLICIES GOVERNING THE ALLOTMENT OF FUNDS FOR OPERATIONS OF THE STATE'S PUBLIC SCHOOLS", was adopted.

Representative Suwa, for the Committee on Finance, presented

a report (Stand. Com. Rep. No. 910-76) recommending that H.R. No. 473 be adopted.

Representative Suwa moved that the report of the Committee be adopted and that H.R. No. 473 be adopted, seconded by Representative Akizaki.

Representative Sutton, upon being recognized, stated:

"Good morning."

The Chair then asked:

"For what purpose do you rise?"

Representative Sutton replied:

"Mr. Speaker, I rise to speak in favor of H.R. No. 473."

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

"Mr. Speaker, what we had in mind, in this resolution, is to ask the Congress of the United States, particularly our own congressional delegates, to see if they can't get an amendment to the IRS code and to see if we cannot have something that is more appropriate so that the large estates won't be as reluctant to sell their lands in the fear of having a 48% tax rate as ordinary income rather than capital gain.

And, this amendment will greatly aide our citizenry and will permit the large estates to encourage the sale of fee simple land.

I would urge my colleagues and yourself, Mr. Speaker, to vote favorably on this resolution."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 473, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO AMEND THE INTERNAL REVENUE CODE TO PROMOTE THE SALE OF RESIDENTIAL LAND SUBJECT TO LEASEHOLDS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 911-76) recommending that H.R. No. 529 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, 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 adopted, with Representative Lum voting no.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 912-76) recommending that H.C.R. No. 14 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.C.R. No. 14, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A THOROUGH REVIEW AND REVAMPING OF THE PRESENT APPROACH TO THE REGULATION OF CABLE TELEVISION SYSTEMS", was adopted, with Representative Sutton voting no.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 913-76) recommending that H.R. No. 539, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Oda and carried, the report of the Committee was adopted and H.R. No. 539, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE NEED AND FEASIBILITY OF A YOUTH-FOCUSED LEGAL EDUCATION CURRICULUM FOR GRADES K-12", was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 914-76) recommending that H.R. No. 439, as amended in HD 1, be adopted.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.R. No. 439, HD 1, entitled: "HOUSE RESOLUTION RELATING TO CHECKING ACCOUNT ABUSES", was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 915-76) recommending that H.C.R. No. 81, as amended in HD 1, be adopted.

On motion by Representative Yamada, seconded by Representative Yap

and carried, the report of the Committee was adopted and H.C.R. No. 81, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO CHECKING ACCOUNT ABUSES", was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 916-76) recommending that H.R. No. 519, as amended in HD 1, be adopted.

Representative Sakima moved that the report of the Committee be adopted and that H.R. No. 519, HD 1, be adopted.

Representative Abercrombie then rose and, upon being recognized, asked:

"I would like to rise and speak in favor of this resolution?"

The Chair directed Representative Abercrombie to "proceed" and he stated:

"Mr. Speaker, with the passage of H.R. No. 519, HD 1, we will be requesting the University to present to us a comprehensive analysis of the travel needs for UH students; specifically in the graduate studies field.

Mr. Speaker, this is particularly important if we intend to keep up the quality of our programs in botany, in zoology, in marine research and, more especially so, if we intend to build our astronomy program into being the number one program in the entire world, which the State is perfectly capable of having and should have with the facilities we are now constructing.

It is vitally important, given the peculiar logistical nature of the financial requirements for graduate students in these areas, that they be enabled, hopefully through general funding, to finance the trips that they have to take.

These are extraordinary circumstances, Mr. Speaker. They go far beyond the ordinary requisites of laboratory fees and it is for this reason that we have drafted the resolution. And it is for this reason we hope to address the problem in the 1977-79 biennium budget. Therefore, I would urge everyone to vote for it in the interest of raising the standards of the academic programs of the University of Hawaii."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 519, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN EXAMINATION OF THE UNIVERSITY OF HAWAII'S POLICY REGARDING STUDENT TRAVEL NECESSARY TO FULFILL ACADEMIC PROGRAM REQUIREMENTS", was adopted.

At 11:38 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:41 o'clock a.m.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 917-76) recommending that H.R. No. 589 be adopted.

Upon the request of Representative Ikeda, the following is inserted:

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

As the renowned British writer G. K. Chesterton said, 'the family is the test of freedom; because the family is the only thing that the free man makes for himself and by himself'. And as Dr. Margaret Mead stated, 'as the family goes, so goes the nation'.

The family is the fundamental and most important unit of society. The family is the medium through which we develop a happy, healthy, secure child to become a productive, contributing member of our society. But in today's world, the American family is under tremendous social, economic and political changes and pressures.

I would like to cite a few examples. Today we are faced with a new phenomenon-- the growth of the single parent family. Half of all Americans are living in a different home than five years ago. The average teenager at 16 would have watched 15,000 hours of television compared to 10,000 hours spent in school. The extended family is disappearing. We are faced with alarming statistics in the rise in incidences of child abuse and battered wives. But family life is so commonplace to all of us that these changes and pressures are overlooked; and we often tend to take the family for granted. In our fast paced world, it is becoming increasingly difficult to be an effective parent or to raise

a happy family.

The resolution before us today is to urge Congress to enact the Family Research Act of 1975. That bill provides financial support for a program of research to identify, measure, develop knowledge and to understand the pressures and changes the family undergoes for our increasingly intricate society. This bill sets up a program of research to be executed through agricultural experimental stations and land grant colleges.

Mr. Speaker, by adopting this resolution, we will be expressing our intentions to Congress and the nation that we in Hawaii hold the family in high regard and consider it to the pillar of our society.

Thank you, Mr. Speaker."

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 589, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT THE FAMILY RESEARCH ACT OF 1975 (S. 2250)", was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 918-76) recommending that H.R. No. 520, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 520, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE COMMUNITY SERVICE AND RESEARCH PROGRAMS OF THE UNIVERSITY OF HAWAII", was referred to the Committee on Finance.

#### CONFERENCE COMMITTEE REPORT

Representative Lee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1886, SD 3, presented a report (Conf. Com. Rep. No. 2) recommending that H.B. No. 1886, SD 3, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 2 on H.B. No. 1886, SD 3, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

#### SPECIAL COMMITTEE REPORT

Representatives Stanley and Lee, for the Committees on Public Assistance and Human Services and Labor and Public Employment, which was appointed pursuant to House Resolution No. 130, adopted by the Regular Session of 1975, and directed to conduct a review of the State's Manpower and Training Services Delivery System, presented a report (Spec. Com. Rep. No. 18).

By unanimous consent, the report of the joint Committee was received and placed on file.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 636 to 640) and concurrent resolution (H.C.R. No. 122) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 636) honoring Monte Ito on the occasion of his retirement 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, 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 Yap, seconded by Representative Machida and carried, H.R. No. 636 was adopted.

A resolution (H.R. No. 637) commending the Hawaii Pest Control Association for its efforts in providing valuable services to the people of Hawaii was jointly offered by Representatives Uechi, Abercrombie, Carroll, Cobb, Ho, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lunasco, Machida, Mizuguchi, Naito, Oda, Poepoe, Shito, Sutton, Takamine, Yamada and Yuen.

On motion by Representative Uechi, seconded by Representative Yamada

and carried, H.R. No. 637 was adopted.

A resolution (H.R. No. 638) commending Valerie Dull for her outstanding honors and achievements as a student was jointly offered by Representatives Santos, Amaral, Kamalii, Kondo, Machida and Poepoe.

On motion by Representative Santos, seconded by Representative Amaral and carried, H.R. No. 638 was adopted.

A resolution (H.R. No. 639) congratulating Michael Victorino for excellence in sales representation was jointly offered by Representatives Santos, Amaral, Kamalii, Kondo, Machida and Poepoe.

On motion by Representative Santos, seconded by Representative Amaral and carried, H.R. No. 639 was adopted.

A resolution (H.R. No. 640) commending Joe Meyer on his contributions to our youth and the community was jointly offered by Representatives Yuen, Poepoe, Medeiros, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Sakima, Santos, Segawa, Shito, Sutton, Takamine, Takamura, Uechi and Yap.

On motion by Representative Yuen, seconded by Representative Poepoe and carried, H.R. No. 640 was adopted.

A concurrent resolution (H.C.R. No. 122) congratulating and honoring Allan Yamamoto, one of Hawaii's all time great golfers was jointly offered by Representatives Wakatsuki, Abercrombie, Ajifu, Akizaki, Blair, Clarke, Cobb, Evans, Fong, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lum, Lunasco, Machida, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap and Yuen.

On motion by Representative Machida, seconded by Representative Stanley and carried, H.C.R. No. 122 was adopted.

At 11:45 o'clock a.m., the Chair

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

The House of Representatives reconvened at 11:55 o'clock a.m.

Representative Poepoe, upon being recognized on a point of inquiry, asked:

"Mr. Speaker, the calendar calls for all conference drafts to be decked by midnight. You expect all conference drafts to be decked by midnight tonight?"

The Chair replied:

"I am hopeful."

Representative Poepoe then asked:

"Are we or are we not expecting an extension of that calendar?"

The Chair answered:

"That remains to be seen, Representative Poepoe."

Representative Poepoe continued, saying:

"Mr. Speaker, second point. In the wisdom of the Legislature, we adopted a rule - it's on page 3 of our rule book - in effect determining that we should have forty-eight hours to determine conference drafts. To effect this change, Mr. Speaker, the House must adopt a resolution and direct the Speaker to seek agreement with the Senate. Do you expect to do that today?"

The Chair replied:

"I believe the rules of the House can be suspended by a two-thirds vote of the members of the House."

Representative Poepoe then asked:

"You see, otherwise Mr. Speaker, we are operating under a twenty-four hour deadline to review the conference drafts - is that correct?"

The Chair answered, saying:

"The Chair has stated that whenever the conference drafts are available on the members' desks, the forty-eight hours will be abided by. And if that is not possible, we will have conferences with the minority."

Representative Poepoe then said:

"Okay, Mr. Speaker, going back to page 5 of the OD today, we decked that particular Conference Committee Report No. 2 for twenty-four hours. We can review that at 5 o'clock again tonight?"

The Chair replied:

"That is correct."

Representative Poepoe then asked:

"Mr. Speaker, my third inquiry is, we have heard from the Senate that they do not expect to extend the session. Is that your position too?"

The Chair said:

"It is contemplated that the session will end on time."

Representative Poepoe asked:

"Mr. Speaker, fourth inquiry. Has the Conference Committee on the budget of the CIP and other financial matters met?"

Representative Suwa, upon being called by the Chair to answer the question, stated:

"Mr. Speaker, the answer relative to that - still standing by, and the House is ready to go in any conference that the Senate wishes to on the budget or other money matters."

Representative Poepoe then remarked:

"Mr. Speaker, I am not trying to be facetious or anything. This is the 57th day, and all conference drafts are supposed to be decked today. The budget bill, of course, requires quite a bit of work before we can get it out to us to be even seen. If we are being held up by one particular Senator on one particular threat - tourist tax threat - I believe we ought to take the steps now to seek means to go around him."

Representative Abercrombie, on a point of order, stated:

"I don't think that it's germane in the discussion here, unless Representative Poepoe wants to ask Representative Suwa whether that's the case to make a statement about any Senators or any threats."

The Chair then stated:

"Let's proceed with other announcements."

At this time, Representative Peters rose and stated:

"Mr. Speaker, it certainly is a proud moment for me to make a very auspicious announcement; especially by way of letting my colleagues know that perhaps the youngest member of this honorable body is celebrating his birthday today - a person whom we love; a person whom we fondly refer to as 'Uncle Tony'. That being the case, Mr. Speaker, I would like to have Representative Stanley present him with a lei in the spirit of aloha."

Representative Stanley, at this time, proceeded to do the honors by presenting Representative Kunimura with a birthday lei.

Representative Kawakami then rose and stated:

"In behalf of Representative Yamada and myself, we wish our senior colleague from the 27th district a 'Happy Birthday'. And another note, Mr. Speaker, every year when this occasion takes place, it is an indication that the end of the session is right around the corner."

Representative Uechi, on a point of inquiry, asked:

"I would like to know where the party is."

The Chair remarked:

"We all would like to know that, Representative Uechi."

Representative Kunimura responded by saying:

"Skirting around Representative Uechi's question, Mr. Speaker, may I remind my colleagues from Kauai that they are not supposed to make reference to 'senior' or anything to the effect of age, because if life begins at forty, Mr. Speaker, I am only thirteen years old."

Representative Sakima, upon being recognized, stated:

"Mr. Speaker, Mr. Kunimura is always asking Representative Ike Sutton to sing birthday songs. I think we'd better ask him this morning."

Representative Sutton then rose and the Chair asked:

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

Representative Sutton replied:

"Mr. Speaker, Tony is part of the other part of this House. We are the minority. We have not had any participation. I will represent the minority in a little tiny ditty."

The Chair stated:

"We'll have to take a vote on that."

Representative Sutton then asked:

"Roll Call. Can I have eleven? We just won the Roll Call, sir."

Upon being directed to "proceed", Representative Sutton, at this time, sang "Happy Birthday" to Representative Kunimura.

The Chair then remarked:

"Chair makes one observation - with practice comes improvement."

At 12:05 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 5:19 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 919-76) recommending that H.R. No. 279 be referred to the Committee on Legislative Management.

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 279, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE PROGRESSIVE NEIGHBORHOODS PROGRAM TO DETERMINE HOW ITS ORGANIZATION AND MANAGEMENT PROCESSES CAN BE IMPROVED TO PROMOTE THE ACHIEVEMENT

OF PROGRAM OBJECTIVES", be referred to the Committee on Legislative Management.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 920-76) recommending that H.R. No. 336 be referred jointly to the Committees on Legislative Management and Finance.

Representative Uechi moved that the report of the Committee be adopted and that H.R. No. 336 be referred to the joint Committees on Legislative Management and Finance.

Representative Sutton, upon being recognized by the Chair, said:

"I wish to speak in favor of this resolution, although I do recognize that this is going to Legislative Management and Finance, but I did wish the chairmen of those two committees to hear what I have to say."

The Chair directed him to "proceed", and Representative Sutton stated:

"I am speaking in favor and want them to note that in Act 2, which we've already passed in this session, and which, Mr. Speaker, has been signed by the governor, shall there be a convention to propose revisions or amendments to the Constitution and which shall be placed before the electorate, when you and I are placed before the electorate, Mr. Speaker, that this particular issue is a very important one and we want to have an informed public.

Therefore, I have been told by our Minority Leader, Mr. Poepoe, that all of our research on this subject which we conducted last summer which includes initiative, referendum and recall, may be given to the Legislative Reference Bureau to help, and we concur in this resolution."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 336, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON CONSTITUTIONAL PROBLEMS AND ISSUES TO PROVIDE THE PUBLIC SUFFICIENT INFORMATION TO MAKE AN INFORMED DECISION ON THE NEED FOR A CONSTITUTIONAL CONVENTION", was referred jointly to the Committees on Legislative Management and Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 921-76) recommending that H.R. No. 570 be referred to the Committee on Legislative Management.

On motion by Representative Takamine, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 570, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE STRUCTURE AND ORGANIZATION OF THE AGENCIES OF THE STATE", was referred to the Committee on Legislative Management.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 922-76) recommending that H.R. No. 571, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 571, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY OF A DEFERRED COMPENSATION PROGRAM FOR PUBLIC EMPLOYEES", was referred to the Committee on Finance.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 923-76) recommending that H.R. No. 616 be referred to the Committee on Legislative Management.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 616, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF GOVERNMENTAL POLICIES ON FRINGE BENEFITS FOR PUBLIC EMPLOYEES", was referred to the Committee on Legislative Management.

At 5:22 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:23 o'clock p.m.

Representative Uechi, for the majority of the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 924-76) recommending that H.R. No. 136 be referred to the Committee on Energy and Transportation.

By unanimous consent, action was deferred to the end of the calendar.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 925-76) recommending that H.R. No. 569 be referred to the Committee on Legislative Management.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.R. No. 569, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF LEASE EXPIRATIONS AND UNIFORM DUE PROCESS RIGHTS FOR TERMINATION OF LEASES", was referred to the Committee on Legislative Management.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 926-76) recommending that H.R. No. 510, as amended in HD 1, be referred jointly to the Committees on Finance and Legislative Management.

Representative Uechi moved that the report of the Committee be adopted and that H.R. No. 510, HD 1, be referred jointly to the Committees on Finance and Legislative Management.

Representative Sutton, upon being recognized and directed to "proceed", stated:

"Mr. Speaker, what we had in mind, in this particular area, was to have a study of the financing of elections that has been so perplexed by the Supreme Court case of Buckley vs. Valeo.

As you know, Mr. Speaker, it said that the first amendment is such that we cannot have limitations on spending but that the court was silent on the question of contributions. And, Common Cause has a man who is head of it, sir, who is very beautifully educated. He was educated at Punahou and Stanford, and we're trying to help him. So, I hope that all my colleagues will help John Gardner."

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

"I would like to know from the previous speaker whether the beautiful education included anything besides a Stanford and Punahou education; perhaps a course with Revlon or with one of the beauty colleges here in the State?"

Representative Sutton replied:

"Sir, only a course in real silk."

Representative Cobb, on a point of information, asked:

"I was wondering if the Representative from the 15th District was willing to contribute to the public elections provision."

The Chair then asked:

"Representative Sutton, will you yield?"

Representative Sutton replied:

"Yes, if it's a tax deduction."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 510, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE PUBLIC FINANCING OF ELECTIONS", was referred jointly to the Committees on Finance and Legislative Management.

#### CONFERENCE COMMITTEE REPORTS

Representative Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2678-76, HD 1, presented a report (Conf. Com. Rep. No. 3) recommending that H.B. No. 2678-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 3 on H.B. No. 2678-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1786-76, SD 1, presented a report (Conf. Com. Rep. No. 4) recommending that S.B. No. 1786-76, SD 1, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 4 on S.B. No. 1786-76, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article

III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1786-76, SD 1, HD 1, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1998-76, presented a report (Conf. Com. Rep. No. 5) recommending that S.B. No. 1998-76, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 5 on S.B. No. 1998-76, HD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1998-76, HD 1, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3262-76, HD 2, presented a report (Conf. Com. Rep. No. 6) recommending that H.B. No. 3262-76, HD 2, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 6 on H.B. No. 3262-76, HD 2, SD 1, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2130-76, HD 1, presented a report (Conf. Com. Rep. No. 7) recommending that H.B. No. 2130-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 7 on H.B. No. 2130-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2894-76, HD 1, presented a report (Conf. Com. Rep. No. 8) recommending that H.B. No. 2894-76, HD 1, SD 3, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 8 on H.B. No. 2894-76, HD 1, SD 3, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1824-76, SD 1, presented a report (Conf. Com. Rep. No. 9) recommending that S.B. No. 1824-76, SD 1, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 9 on S.B. No. 1824-76, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1824-76, SD 1, HD 1, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1821-76, presented a report (Conf. Com. Rep. No. 10) recommending that S.B. No. 1821-76, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 10 on S.B. No. 1821-76, HD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1821-76, HD 1, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1830-76, presented a report (Conf. Com. Rep. No. 11) recommending that S.B. No. 1830-76, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 11 on S.B. No. 1830-76, HD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1830-76, HD 1, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Peters, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2812-76, HD 1, presented a report (Conf. Com. Rep. No. 12) recommending that H.B. No. 2812-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 12 on H.B. No. 2812-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2812-76, HD 1, SD 1, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

At 5:21 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:33 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2135-76, HD 1, presented a report (Conf. Com. Rep. No. 13) recommending that H.B. No. 2135-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 13 on H.B. No. 2135-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available

to the members of the House at 5:40 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2467-76, SD 2, presented a report (Conf. Com. Rep. No. 14) recommending that S.B. No. 2467-76, SD 1, HD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 14 on S.B. No. 2467-76, SD 1, HD 2, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2467-76, SD 1, HD 2, CD 1, were made available to the members of the House at 5:40 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2739-76, presented a report (Conf. Com. Rep. No. 15) recommending that S.B. No. 2739-76, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 15 on S.B. No. 2739-76, HD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2739-76, HD 1, CD 1, were made available to the members of the House at 5:40 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2131-76, HD 1, presented a report (Conf. Com. Rep. No. 16) recommending that H.B. No. 2131-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 16 on H.B. No. 2131-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available to the members of the House at 5:40 o'clock p.m.



Representative Roehrig, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1775-76, SD 1, presented a report (Conf. Com. Rep. No. 17) recommending that S.B. No. 1775-76, SD 1, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 17 on S.B. No. 1775-76, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1775-76, SD 1, HD 1, CD 1, were made available to the members of the House at 5:50 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 528, SD 1, presented a report (Conf. Com. Rep. No. 18) recommending that S.B. No. 528, SD 1, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 18 on S.B. No. 528, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 528, SD 1, HD 1, CD 1, were made available to the members of the House at 5:50 o'clock p.m.

Representative Machida, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2139-76, SD 1, presented a report (Conf. Com. Rep. No. 19) recommending that S.B. No. 2139-76, SD 1, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 19 on S.B. No. 2139-76, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2139-76, SD 1, HD 1, CD 1, were made available to the members of the House at 5:50 o'clock p.m.

Representative Segawa, for the Committee on Conference on the

disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2371-76, HD 1, presented a report (Conf. Com. Rep. No. 20) recommending that H.B. No. 2371-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 20 on H.B. No. 2371-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available to the members of the House at 5:50 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2294-76, SD 2, presented a report (Conf. Com. Rep. No. 21) recommending that S.B. No. 2294-76, SD 2, HD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 21 on S.B. No. 2294-76, SD 2, HD 2, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2294-76, SD 2, HD 2, CD 1, were made available to the members of the House at 5:50 o'clock p.m.

#### 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 Final Reading on the basis of a modified consent calendar.

#### DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 3075-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Blair moved that the House agree to the amendments proposed by the Senate to H.B. No. 3075-76, HD 1, and H.B. No. 3075-76, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative

Kondo.

Representative Kunimura then rose and asked:

"Mr. Speaker, I cannot hear what bill number that was. May I request the good Representative to repeat that please?"

Representative Blair answered:

"That's House Bill No. 3075-76, HD 1, SD 2, relating to ownership of solid wastes. I believe the headwear that he is wearing at this moment would be covered by this bill."

The Chair then remarked:

"Representative Kunimura, for a person who cannot hear, that was a pretty quick rise."

Representative Kunimura replied:

"It was on sheer instinct. I didn't hear what he said. I don't think it was nice."

Representative Blair then explained that "basically, the Senate simply added a new category of ownership as between the time of its production and being placed for first pick-up, with the person who produces the waste owning it until such time as it is picked up."

The motion was put by the Chair and carried, and H.B. No. 3075, HD 1, as amended, passed Final Reading by a vote of 49 ayes, with Representatives Hakoda and Morioka being excused.

The Chair directed the Clerk to note that H.B. No. 3075-76, HD 1, SD 2, had passed Final Reading at 5:35 o'clock p.m.

#### DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 2 on H.B. No. 1499, HD 1, SD 1, CD 1:

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, Conf. Com. Rep. No. 2 on H.B. No. 1499, HD 1, SD 1, CD 1, was recommitted to the Committee on Conference.

The Chair, at this time, appointed Representative Kawakami as a conferee on the part of the House on H.B. No. 1499, HD 1, SD 1, CD 1.

At 5:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:39 o'clock p.m.

#### SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Ajifu and carried, the rules were suspended for the purpose of making a motion to reconsider action taken on House Bill No. 1801, HD 1, SD 1.

#### RECONSIDERATION OF ACTION TAKEN

Representative Cayetano moved that the House reconsider its action taken earlier in disagreeing to the amendments proposed by the Senate to H.B. No. 1801, HD 1, seconded by Representative Kiyabu and carried.

Representative Cayetano then gave notice that he will agree to the amendments proposed by the Senate to H.B. No. 1801, HD 1, on April 19, 1976.

#### DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 2171-76, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Lee moved that the House agree to the amendments proposed by the Senate to H.B. No. 2171-76, HD 1, and H.B. No. 2171-76, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Lee then explained that "this has to do with the OHSA law and it's a matter of technical changes to conform with federal OHSA provisions. And, the Senate had corrected a typographical error on page 12, lines 5 and 13, so that the existing law will still read, 'no bond shall be required from the department as a prerequisite to the granting of a restraining order'."

Representative Kunimura, on a point of information, asked:

"Well, I have my flaps up and I still cannot hear. I would like

to request the Speaker to instruct all individuals getting up to speak, to speak in a loud and clear voice. What was the number again, Mr. Speaker?"

Representative Lee answered:

"House Bill No. 2171-76, HD 1, SD 1."

At 5:41 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:15 o'clock p.m.

Representative Abercrombie then rose and asked:

"Will the Chairman yield to a question?"

The Chair asked:

"Representative Lee, will you yield?"

Representative Lee replied:

"No."

Representative Abercrombie then asked:

"Would the Vice Chairman yield to a question? I want to indicate, Mr. Speaker, I would like to vote in favor of this bill. I merely want some clarification."

At 6:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:17 o'clock p.m.

The motion was put by the Chair and carried and H.B. No. 2171-76, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Hakoda and Morioka being excused.

By unanimous consent, H.B. No. 2722-76, as amended by the Senate, was taken from the Clerk's desk.

Representative Lee moved that the House agree to the amendments proposed by the Senate to H.B. No. 2722-76, and H.B. No. 2722-76, as amended, having been read throughout, pass Final Reading, seconded

by Representative Takamine.

Representative Lee then explained that "the Senate amended our version by making a grammatical correction - deleting the word 'a' and inserting the word 'also' on page 1, line 7."

The motion was put by the Chair and carried and H.B. No. 2722-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYMENT SECURITY LAW", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Hakoda and Morioka being excused.

The Chair directed the Clerk to note that H.B. No. 2171-76, HD 1, SD 1, had passed Final Reading at 6:17 o'clock p.m., and H.B. No. 2722-76, SD 1, at 6:18 o'clock p.m.

At 6:18 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:20 o'clock p.m.

The Chair, at this time, re-referred H.C.R. No. 47, with all chairpersons involved consenting, to the Committee on Labor and Public Employment only.

At 6:21 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives stood in recess until 10:00 o'clock p.m. tonight.

#### NIGHT SESSION

The House of Representatives reconvened at 10:27 o'clock p.m.

#### DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 924-76 on H.R. No. 136:

At 10:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:44 o'clock p.m., the Chair, with all Chairpersons involved consenting, re-referred H.R. No. 136 to the Committee on Agriculture only.

Representative Uechi moved that the report of the Committee be adopted and, notwithstanding the report of the majority of the Committee that H.R. No. 136 be referred to the Committee on Energy and Transportation, that H.R. No. 136 be adopted.

Representative Inaba seconded the motion.

Representative Sutton then rose and asked:

"This is a re-referral, you cannot speak on a referral?"

The Chair then asked:

"Are you going to speak in favor of the resolution?"

Representative Sutton answered:

"No, against this resolution."

Upon being directed to "proceed", Representative Sutton stated:

"Mr. Speaker, the island of Kauai is the last of our virgin islands and I wish to keep it from the direct contact of the mainland by flights that will spoil that island. I would rather see that instead of extending those runways, that they remained in sugar, and I would ask my colleagues to vote against this."

The Chair then remarked:

"Representative Sutton, the island of Kauai may be virgin, but I'm not sure about the members from Kauai in this House."

Representative Kunimura then rose and stated:

"Mr. Speaker, I hope the good gentleman from the 15th District would study the resolution. This is not to make reference to the runway. The runway money has been appropriated. This is to see if the CAB and all the powers to be will study and take a look into the feasibility of bringing a larger aircraft to allow larger aircraft to come into this new runway."

I'll talk to him about being a virgin after the session."

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and notwithstanding the recommendation of the Committee, H.R. No. 136, entitled: "HOUSE RESOLUTION

REQUESTING THE UNITED STATES CIVIL AERONAUTICS BOARD TO AUTHORIZE DIRECT FLIGHTS FROM KAUAI TO THE MAINLAND STATES", was adopted, with Representatives Abercrombie, Carroll and Sutton voting no.

#### CONFERENCE COMMITTEE REPORTS

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 79, SD 1, presented a report (Conf. Com. Rep. No. 22) recommending that S.B. No. 79, SD 1, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 22 on S.B. No. 79, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 79, SD 1, HD 1, CD 1, were made available to the members of the House at 8:40 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3248-76, HD 1, presented a report (Conf. Com. Rep. No. 23) recommending that H.B. No. 3248-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 23 on H.B. No. 3248-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available to the members of the House at 8:40 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2501-76, SD 2, presented a report (Conf. Com. Rep. No. 24) recommending that S.B. No. 2501-76, SD 2, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 24 on S.B. No. 2501-76, SD 2, HD 1, CD 1,

was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2501-76, SD 2, HD 1, CD 1, were made available to the members of the House at 8:40 o'clock p.m.

Representative Uechi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1577, SD 1, presented a report (Conf. Com. Rep. No. 25) recommending that S.B. No. 1577, SD 1, HD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 25 on S.B. No. 1577, SD 1, HD 2, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1577, SD 1, HD 2, CD 1, were made available to the members of the House at 8:40 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2958-76, SD 1, presented a report (Conf. Com. Rep. No. 26) recommending that S.B. No. 2958-76, SD 1, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 26 on S.B. No. 2958-76, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2958-76, SD 1, HD 1, CD 1, were made available to the members of the House at 8:40 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2782-76, HD 1, presented a report (Conf. Com. Rep. No. 27) recommending that H.B. No. 2782-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 27 on H.B. No. 2782-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available to the members of the House at 8:40 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2709-76, SD 2, presented a report (Conf. Com. Rep. No. 28) recommending that S.B. No. 2709-76, SD 2, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 28 on S.B. No. 2709-76, SD 2, HD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2709-76, SD 2, HD 1, CD 1, were made available to the members of the House at 8:40 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2984-76, HD 1, presented a report (Conf. Com. Rep. No. 29) recommending that H.B. No. 2984-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 29 on H.B. No. 2984-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available to the members of the House at 8:40 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2700-76, HD 2, presented a report (Conf. Com. Rep. No. 30) recommending that H.B. No. 2700-76, HD 2, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 30 on H.B. No. 2700-76, HD 2, SD 1, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available to the members of the House at 8:40 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2786-76, HD 1, presented a report (Conf. Com. Rep. No. 31) recommending that H.B. No. 2786-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 31 on H.B. No. 2786-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available to the members of the House at 8:40 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2932-76, HD 2, presented a report (Conf. Com. Rep. No. 32) recommending that H.B. No. 2932-76, HD 2, SD 1, as amended in CD 1, pass Final Reading.

Representative Roehrig moved that Conf. Com. Rep. No. 32 and H.B. No. 2932-76, HD 2, SD 1, as amended in CD 1, be recommitted to the Committee on Conference, seconded by Representative Kondo.

Representative Roehrig then explained:

"Mr. Speaker, in going over the Conference Draft of the bill, there was a clerical error of some substance - it left out two offenses. This bill has been retyped a number of times to try to get some perfection, and, unfortunately, in the hustle and bustle, two of the definitions were unintentionally omitted.

The Conference Committee Report, Draft 2, has been signed by all House members and Senate members, except for one Senator who was not in the Capitol this evening, and we will get his signature as soon as possible."

The motion was put by the Chair and carried and Conf. Com. Rep. No. 32 and H.B. No. 2932-76, HD 2, SD 1, CD 1, were recommitted to the Committee on Conference.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1853-76, SD 1, presented a report (Conf. Com. Rep. No. 33) recommending that S.B. No. 1853-76, SD 1, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 33 on S.B. No. 1853-76, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1853-76, SD 1, HD 1, CD 1, were made available to the members of the House at 10:00 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 75, SD 2, presented a report (Conf. Com. Rep. No. 34) recommending that S.B. No. 75, SD 2, HD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 34 on S.B. No. 75, SD 2, HD 2, CD 1, was deferred until tomorrow, April 13, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 75, SD 2, HD 2, CD 1, were made available to the members of the House at 10:00 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3196-76, HD 2, presented a report (Conf. Com. Rep. No. 35) recommending that H.B. No. 3196-76, HD 2, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 35 on H.B. No. 3196-76, HD 2, SD 1, CD 1, was deferred until tomorrow, April 13, 1976, 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, CD 1, were made available to the members of the House at 10:00 o'clock p.m.

At this time, Representative Kunimura introduced former Representative Dorothy "Dolly" Devereaux.



## DEFERRED RESOLUTIONS

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 disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
596	Jointly to the Committees on Higher Education and Energy and Transportation
600	Committee on Finance
601	Committee on Consumer Protection and Commerce
612	Committee on Judiciary, then to the Committee on Legislative Management
603	Committee on Water, Land Use, Development, and Hawaiian Homes
604	Committee on Energy and Transportation, then to the Committee on Legislative Management
605	Jointly to the Committees on Judiciary and Youth and Elderly Affairs
606	Committee on Judiciary
614	Committee on Public Assistance and Human Services, then to the Committee on Legislative Management
615	Committee on Health
616	Committee on Labor and Public Employment, then to the Committee on Legislative Management
617	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Legislative Management
618	Committee on Labor and Public Employment, then to the Committee on Judiciary
619	Committee on Finance
620	Committee on Judiciary
621	Jointly to the Committees on Public Assistance and Human Services and Labor and Public Employment
622	Committee on Judiciary
623	Committee on Energy and Transportation
624	Jointly to the Committees on Higher Education and Labor and

## Public Employment

625	Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection
626	Committee on Energy and Transportation
627	Committee on Water, Land Use, Development, and Hawaiian Homes
628	Committee on Labor and Public Employment
629	Committee on Consumer Protection and Commerce
630	Jointly to the Committees on Public Assistance and Human Services and Health, then to the Committee on Legislative Management
631	Labor and Public Employment, then to the Committee on Finance
632	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance

H.C.R. Nos.

115	Committee on Finance
116	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
117	Committee on Public Assistance and Human Services, then to the Committee on Legislative Management
118	Committee on Judiciary, then to the Committee on Labor and Public Employment
119	Committee on Judiciary
120	Committee on Water, Land Use, Development, and Hawaiian Homes
121	Jointly to the Committees on Public Assistance and Human Services and Health, then to the Committee on Legislative Management

## ADJOURNMENT

At 10:50 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 13, 1976.



## FIFTY-EIGHTH DAY

Tuesday, April 13, 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 Dr. Earl Kernahan of the United Methodist District Headquarters, after with the Roll was called showing all members present with the exception of Representatives Hakoda, Morioka, Roehrig, Santos, Takamura, Uechi and Yap, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Seventh 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-Seventh Day was approved.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 392 to 394) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 392) returning House Concurrent Resolution No. 22, which was adopted by the Senate on April 12, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 393) returning House Concurrent Resolution No. 122, which was adopted by the Senate on April 12, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 394) transmitting Senate Concurrent Resolution No. 92, requesting study of the legalization of bingo, which was adopted by the Senate on April 12, 1976, was placed on file.

By unanimous consent, action on S.C.R. No. 92 was deferred until later in the calendar.

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

Representative Clarke introduced 7 students of the Youth Awareness Group from Waimanalo. They were

accompanied by their leaders, Rodney Kiwada, Sandy Cummings, Henry Asencion and Nani Kamai.

Representative Lum then introduced Mr. and Mrs. James Uchida and their daughters, Raylynn and Terahn, from Vancouver, Canada.

Representative Cobb then introduced 25 students, ages 5 to 14, from the Hawaii Association for Intellectually Gifted Children. They were accompanied by friends, parents, and the secretary of the Association, Mrs. Anne Hayes.

Representative Ushijima then introduced members of the Combined Symphonic Orchestra, composed of students from Moanalua High School, Roosevelt High School, Moanalua Intermediate School, Kalakaua Intermediate School, Kawanakoa Intermediate School, and Central Intermediate School. They were accompanied by the directors of the Symphonic Orchestra, Ronald Hirai and Eddie Kinoshita.

Representative Kimura then introduced 10 members of the Maunalani senior citizens' group. They were accompanied by Mrs. Anna Marie Gdovic, President of the group.

The Chair directed the Clerk to note the presence of Representatives Roehrig, Santos, Takamura, Uechi and Yap.

## ORDER OF THE DAY

## DEFERRED RESOLUTION

The following concurrent resolution (S.C.R. No. 92) were disposed of as follows:

<u>S.C.R. No.</u>	<u>Referred to:</u>
92	Committee on Judiciary, then to the Committee on Legislative Management

## COMMITTEE REASSIGNMENTS

The following were re-referred as follows:

<u>H.R. Nos.</u>	<u>Re-referred to:</u>
170	Committee on Finance
559	Committee on Consumer Protection and Commerce

S.C.R. No.      Re-referred to:

93      Committee on Finance

## SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Ajifu and carried, the rules were suspended for the purpose of introducing resolutions.

## INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 641 to 643) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 641) honoring Juliette May Fraser upon her entering her nintietth year was offered by Representative Abercrombie.

On motion by Representative Abercrombie, seconded by Representative Ho and carried, H.R. No. 641 was adopted.

At this time, Representative Abercrombie was recognized by the Chair and he stated:

"Thank you, Mr. Speaker.

Before I introduce Juliette May Fraser to the members assembled, and to those in the gallery, I would like to read a poem in her honor; a poem entitled, 'Your Kind of Joy' by John Holmes because it epitomizes for me the kind of person that Juliette Fraser is; the kind of person I met who welcomed me so warmly into her home and allowed me to share some of the fruits of her talent and has made my time here in Hawaii all that more precious to me:

'If you were born calm, then keep on calmly; Every room you come into, come in slowly; With a smile, calmly, linger, speak of others who will be there, next time or in a little while; And let the proud and the plain and the quiet be quiet and be proud, and never speak aloud; Be old if you are old; Your age, your own; If you are tired in the world, or lost or cold; How till you were found and fed or dead; A man said, 'live life near the bone; If you were born full of joy; If you love walking; If you love talk; Midnight, Dawn; And bring in the dawn with music; Ranching day by day in the love of good companions; Then go so; Were time like the sun's; brown; and the back of your own hand;

'If you think alone, like the wind across your age; or see your country from 10,000 feet above the summer air; Then go so; Be your Job; It is not too late now, ever or now; It is time; Taking the world's night in one hand, and in one your light; Mix them; Mold them; Burn; Change them; Cry; Your kind of joy; All the joyful all together.'

Mr. Speaker, that poem, as I said epitomizes for me my short relationship with Ms. Fraser. She is a person who is a joy to be with and she brings joy to all her companions, and I would like to introduce them--those who are with her and help her in her work: David Asherman and Alisa Matamu."

Representative Abercrombie then introduced Ms. Fraser to the members of the House and presented her with a white carnation lei and a certified copy of the resolution.

Representative Stanley then presented Mr. Asherman with a red carnation lei and Representative Naito presented Mr. Matamu with a red carnation lei.

A resolution (H.R. No. 642) welcoming students from the Foundation for the Junior Blind and commending founder-director Norman Kaplan and Mrs. Barbara Kozuma for their outstanding work in coordinating PROJECT: ALOHA '76 was jointly offered by Representatives 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, 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 Kimura, seconded by Representative Ushijima and carried, H.R. No. 642 was adopted.

Representative Kimura then introduced the following to the members of the House: Mr. Norman Kaplan, Executive Director, Foundation for the Junior Blind; Ms. Barbara Kozuma, local volunteer coordinator; Ms. Becky Rosser, Account Executive, Continental Airlines, volunteer coordinator; Mr. Stanley Kennedy, Vice President, Continental Airlines; and 60 students of the Foundation from Los Angeles.

A resolution (H.R. No. 643) encouraging the wearing of aloha attire and commending Aloha Week Hawaii, Inc. for its continued efforts in promoting

"Aloha Friday" and the wearing of aloha attire 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.

On motion by Representative Kunimura, seconded by Representative Ajifu and carried, H.R. No. 643 was adopted.

Representative Garcia then introduced to the members of the House the following: Mr. Fred Barnett, President of Aloha Week Festival; Mrs. Anna May Kaanehe, Executive Secretary, Aloha Week Festival; and Mrs. Betty Berry who accompanied them.

The Chair then recognized Representative Kunimura who stated:

"May I request your leave in permitting Representative Peters to present the resolution to Mr. Barnett. But before doing that, Mr. Speaker, we won't be enjoying another Friday in this session but, God willing, if you come back and the Vice Speaker and Representative Kimura, Representative Poepoe, your honorable Minority Leader, and Representative Sutton, the biggest violators of Aloha Friday, because they always wear suit and tie--if you do come back, remember today that you voted for this resolution, and I hope to see you back here again with your aloha attire."

The Chair remarked:

"Representative Kunimura, the word is not 'if' you come back; it's 'when' you come back."

At this time, Representative Peters presented Mr. Barnett with a pikake lei and a certified copy of the resolution.

Representative Kunimura then introduced to the members of the House Mrs. Korita and Mrs. Fujita from Kauai.

At 11:35 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 11:47 o'clock a.m.

## UNFINISHED BUSINESS

Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1 (Deferred from April 12, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 783-76 and S.B. No. 2932-76, SD 1, was deferred until tomorrow, April 14, 1976. (Appropriation measure)

Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1 (Deferred from April 12, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 786-76 and S.B. No. 1801-76, SD 1, was deferred until tomorrow, April 14, 1976. (Appropriation measure)

Conf. Com. Rep. No. 2 on H.B. No. 1886, SD 3, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action on Conf. Com. Rep. No. 2 and H.B. No. 1886, SD 3, CD 1, was deferred until tomorrow, April 14, 1976.

## STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 927-76) informing the House that House Resolution Nos. 636 to 640, House Concurrent Resolution No. 122, Standing Committee Report Nos. 917-76 to 926-76 and 928-76 to 952-76, and Conference Committee Report Nos. 2 to 36, have been printed and distributed.

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

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 928-76) recommending that S.C.R. No. 5 be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.C.R. No. 5, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CLARIFICATION OF THE TAX STATUS OF PREPAID LEGAL SERVICE PLANS BY CONGRESS", was referred to the Committee on Finance.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 929-76) recommending that H.R. No. 559, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.R. No. 559, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE CONCEPT OF A SUNSET PROVISION FOR REGULATORY BOARDS AND COMMISSIONS", was referred to the Committee on Legislative Management.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 930-76) recommending that H.C.R. No. 104 be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RELEASE FUNDS FOR THE CONTINUATION OF SUMMER SESSION AT THE COMMUNITY COLLEGES DURING 1976", was referred to the Committee on Finance.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 931-76) recommending that H.R. No. 534 be referred to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 534 entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO RELEASE FUNDS FOR THE CONTINUATION OF SUMMER SESSION AT THE COMMUNITY COLLEGES DURING 1976", was referred to the Committee on Finance.

Representatives Yuen and Ho, for the Committees on Education and Culture and the Arts, presented a report (Stand. Com. Rep. No. 932-76) recommending that H.R. No. 470 be adopted.

On motion by Representative Kiyabu, seconded by Representative Ho and carried, the report of the joint Committees was adopted and H.R. No. 470 entitled: "HOUSE RESOLUTION

REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH AN ONGOING PROGRAM FOR THE PURPOSE OF DISPLAYING STUDENT ART IN PUBLIC BUILDINGS", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 933-76) recommending that H.R. No. 455, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 455, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO EVALUATE THE FEASIBILITY OF CONTRACTING WITH THE HABILITAT, INC. TO OPERATE THE HAWAII YOUTH CORRECTIONAL FACILITY", was referred to the Committee on Finance, with Representatives Abercrombie and Sutton voting no.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 934-76) recommending that H.R. No. 351, as amended in HD 1, be adopted.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 351, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE U.S. CONGRESS TO ENACT LEGISLATION TO COMPENSATE OR TO MAKE REPARATION TO HAWAIIANS FOR DAMAGES SUFFERED BY THEM AT THE TIME OF ANNEXATION", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 935-76) recommending that H.C.R. No. 57, as amended in HD 1, be adopted.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.C.R. No. 57, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE U.S. CONGRESS TO ENACT LEGISLATION TO COMPENSATE OR TO MAKE REPARATION TO HAWAIIANS FOR DAMAGES SUFFERED BY THEM AT THE TIME OF ANNEXATION", was adopted.

Representative Sakima, for the majority of the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 936-76) recommending that H.C.R. No. 99, as amended in HD 1, be adopted.

Representative Sakima moved that H.C.R. No. 99, HD 1, be adopted, seconded by Representative Takamura.

Representative Abercrombie then rose to speak against the concurrent resolution, stating:

"Mr. Speaker, the question of tenure at the University, and the question of then studying it once again as it's been studied over and over and over again--twice in recent years--is antithetical to accomplishing the proper work of the Legislature in dealing with problems at the University. The situation of tenure is a scapegoat for the problems of maladministration and under-funding that we have at the University.

I want to indicate some of the problems that are involved with the taking away of tenure. While the resolution itself calls for the study, it is implicit in the resolution that it needs to be altered in some fashion, especially in relation to collective bargaining and academic freedom; that is to say, the collective bargaining law on the First Amendment providing adequate protection. The confusion in the resolution concerning tenure and academic freedom is as if they were one and the same, also an indication that because some departments have tenured faculty in total, that somehow the department is therefore, a department not worthy of academic stature. This is completely untrue, especially in departments where you have a definition of small faculty because you have a small student body and where it is important to attract the most qualified people to carry on their work is an assumption that once tenure is accorded that all the operations in the University come to a halt and there is no periodic review either by peers and/or administrative hierarchy in the University to see that the person is keeping up with his or her work, and that is not so.

I want to indicate to you, and to the members here, that there are serious and severe consequences involved if tenure is tempered with in any way, shape, or form. If there are abuses within the tenure system, they should be addressed itself and not the question of tenure.

I want to point out and ask the closest attention be paid to some of the points I am going to make before members vote aye on this resolution.

With regard to tenure, consequences of relieving anyone at the University of it is the possibility; not only the possibility,

but complete possibility of the loss of accreditation in the entire University system. The organized research grants now amounting to over \$30 million would be jeopardized. There would be national repercussion from qualified faculty. You will not be able to recruit a single qualified faculty member in the United States for the University of Hawaii if tenure is abolished or altered in any form that would be antithetical to the points of academic freedom and to the protection of the individual professor from political and economic reprisal. It is not beyond reason the national boycott of the University by faculty throughout the country and, perhaps internationally, will ensue. There would be, not only the danger, but the high probability of lawsuits by the faculty which will involve millions of dollars of State money. The question of academic freedom will immediately arise if the First Amendment adequately protected. . . . We wouldn't have to have all the civil rights laws that we have right now.

The gravest questions concerning collective bargaining laws raised the entire system of job security for public employees, including the viability of civil service is called into account. This is a foot in the door to attack all public employees at the cost of their hard earned legitimate job protection. You think that you can attack tenure and leave the rest of the public employment system alone, or the civil service system alone, you are sadly mistaken. The constitutionality of such a thing, I think, is in terms of violating the powers granted the Board of Regents under our present Constitution, brings it into serious doubt.

I want to indicate that the acquiring of tenure is an arduous process involving four years of annual evaluation followed by a full-fledged review in the fifth year by seven different committees and/or individual authorities which must be satisfied before tenure is granted.

Tenure, Mr. Speaker, is a guarantee of continuity in scholarly achievement. It is an opportunity to develop teachers who know Hawaii's students and their needs from experience and exposure. There are problems with tenure. Questions arise that, while tenure may protect the faculty from outside interference, it may also discriminate against innovative and vigorous input by closing off tenure to younger teachers by internal departmental politics. There are questions concerning the aloofness of professors concerning problems



of undergraduate instructions by lecturers or graduate teaching assistants. Faculty in the community colleges have been considered second class citizens in the academic world.

I would maintain, Mr. Speaker, that all those problems that are cited are functions of the central administration policy in the University and not a function of the faculty or tenure. Faculty themselves do not do that. That is imposed upon them by the policy set by the actions of the Legislature, the executive, and the administration of the University. And these are problems that can be worked out in the tenure process. To think of abolishing the process itself, or to attack it on the basis that it exists, no matter what the percentage, to abolish the process itself will only compound the problem by turning what is now difficulty into a disaster.

Therefore, Mr. Speaker, I would urge that this resolution which is merely repetitive and will be repetitive-- I can assure you that the study that appears from the Legislative Auditor will simply mimic what has already been done twice in the last three years--it will be a gross waste of money and merely a repeat performance by the Auditor and will leave us with no more idea of what to do than we have now because we have never really addressed the problems of why the tenure situation is being used as a scapegoat for the problems in the University. I can assure you if you pass the resolution, it is a waste of time and a waste of money. Therefore, I ask that you vote it down."

Representative Sakima was recognized by the Chair and he stated:

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

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

"I would ask the members of this House to pick up yesterday's Star Bulletin, the editorial page, and there is an article by John P. Roche entitled, 'Higher Education's Tenure Trap', and the sub-title is, 'Educational institutions must revise their position on tenured and untenured faculty.'"

I am just going to read a couple of lines here: 'So how do we make room for the really young, abled men and women? About 1988, there will be a great mass retiring. But

between now and then, tenure award will be few and far between.' The last sentence says, 'This must be given serious consideration to prevent academic stagnation for the next decade.'"

Thank you."

Representative Abercrombie remarked:

"Yes, I would like to point that Mr. Roche is now. . . Mr. John P. Roche is well known to many, and I think it is only pertinent that we point out that he is just about at retirement age and has never made these statements before in his entire academic life while he was a tenured professor."

Representative Kunimura was recognized by the Chair and he stated:

"I rise to speak in favor of this resolution."

As the Representative from Manoa has spoken, yes, this is what I have been hearing for the past almost six years from the Higher Education Committee. It is one of the most confusing bit of experience that I have had in the legislative halls here. You hear from one side, they tell you one thing; you hear from the other side, you hear another thing. And the reason for this resolution, Mr. Speaker, is to lay to rest once and for all by our very competent Legislative Auditor or his contractual-designate to do a thorough study and as the gentleman from Manoa said a few seconds ago, maybe this gentleman didn't say what he was supposed to say when he was on the tenure check and not close to retirement. But we have had this kind of shinanigans going on and as a legislator who sits in session for sixty working days, we are completely baffled with the particular problem.

This has taken too much of the time of the Higher Education Committee and the Legislature so it is about time a resolution of this nature be adopted so that this particular problem can come to rest next session."

Representative Lum then rose and stated:

"I rise to speak against this measure and in doing so, I would like to so claim the reservations that the speaker from Manoa had claimed and also mention that the reason

why I am opposing such a resolution is because I think the proper place for study of the tenure issue should be the Board of Regents.

We have a Board of Regents appointed by the Governor, confirmed by the Senate; their responsibility is the University of Hawaii and this particular study should be conducted by them.

I am not a member of the Higher Education Committee so I don't know whether they came and testified. I don't know whether this alternative was ever considered. But I do know there are some personnel up at the University that do some things that may become very controversial. For example, we have a University tenured professor right now who is very mixed up in an issue which involves my district. I hate to see that person become a victim of politics if, in fact, tenure is taken out. I am sure there are other individuals that will come along that will have the same kind of predicament.

If we truly want to preserve the academic freedom of our higher education institution, tenure is one of the ways. I am not saying it is sacred; I am not saying it is the only way; but I think the proper place for study should be the Board of Regents. Therefore, I am going to be voting no against this particular resolution."

The motion to adopt H.C.R. No. 99, HD 1, was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.C.R. No. 99, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO UNDERTAKE A STUDY OF TENURE", was adopted with Representatives Abercrombie, Carroll, Clarke, Cobb, Ho, Larsen, Lum, Santos, Sutton and Yuen voting no.

Representatives Roehrig and Takamura, for the Committees on Judiciary and Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 937-76) recommending that H.C.R. No. 100 be adopted.

On motion by Representative Roehrig, seconded by Representative Takamura and carried, the report of the joint Committees was adopted and H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH BY EXECUTIVE ORDER A JUVENILE JUSTICE COORDINATING COUNCIL", was adopted.

Representatives Roehrig and Takamura, for the Committees on Judiciary and Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 938-76) recommending that H.R. No. 605 be adopted.

On motion by Representative Roehrig, seconded by Representative Takamura and carried, the report of the joint Committees was adopted and H.R. No. 605 entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH BY EXECUTIVE ORDER A JUVENILE JUSTICE COORDINATING COUNCIL", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 939-76) recommending that H.R. No. 556 be adopted.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.R. No. 556 entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON ASSIGNING A FULL-TIME DISTRICT COURT IN KONA, HAWAII", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 940-76) recommending that H.R. No. 525, as amended in HD 1, be adopted.

Representative Roehrig moved that the report of the Committee be adopted and H.R. No. 525, HD 1, be adopted, seconded by Representative Uechi.

Representative Sutton then rose, stating:

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

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

"Mr. Speaker, I guess you remember that one of your famous Democrats talked about the 'forgotten man.' Now these people at Ewa Beach are the forgotten people, Mr. Speaker. They are the forgotten people because they are in an area so isolated. . ."

Representative Ho rose on a point of order, stating:

"I don't think Ewa Beach is so forgotten. We have two representatives here to represent Ewa Beach so if the speaker could address his



remarks to the resolution, I would appreciate it."

Representative Sutton continued, saying:

"The purpose of this resolution is to request the City and County, Mr. Speaker, to establish a police sub-station at an appropriate site in the neighborhood of Ewa Beach. We have found that it takes as long as 35 or 40 minutes for a mobile unit to respond and as much as an hour and a half at peak traffic times to try to come down Fort Weaver Road.

Now the two banks there have been hit many times and all that happens is the people that get the cash from the bank just walk into the canefields and that's it, Mr. Speaker.

Mr. Speaker, we have a very serious problem here because we have neighbors who happen to be military and there is a federal law, unfortunately, that says military police cannot help these people at Ewa Beach. This is a very poor separation between the Federal government and the City and County.

Mr. Speaker, we find that this isolation at Ewa Beach is one that endangers those people and I would urge, Mr. Speaker, and my colleagues to vote in favor of this resolution."

Representative Yap then rose and stated:

"Mr. Speaker, I want to make a point to point out a correction.

If Mr. Sutton will note that it was addressed to the City Council, not the City and County."

Representative Abercrombie then rose and remarked:

"I had been wondering how Representatives Peters and Ho had financed their elaborate campaigns last time. Now I have some clue."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 525, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A POLICE SUB-STATION IN EWA BEACH, OAHU, BY THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 941-76) recommending that H.R. No. 526, as amended in HD 1, be adopted.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.R. No. 526, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A POLICE SUB-STATION IN MAKAKILO, OAHU, BY THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU", was adopted.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 942-76) recommending that H.R. No. 528, as amended in HD 1, be adopted.

On motion by Representative Stanley, seconded by Representative Blair and carried, the report of the Committee was adopted and H.R. No. 528, HD 1, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 943-76) recommending that S.C.R. No. 19, SD 1, be adopted.

On motion by Representative Blair, seconded by Representative Kondo and carried, the report of the Committee was adopted and S.C.R. No. 19, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE DISPOSAL OF RADIOACTIVE WASTES IN THE PACIFIC OCEAN", was adopted.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 944-76) recommending that H.R. No. 50, as amended in HD 1, be adopted.

On motion by Representative Stanley, seconded by Representative Peters and carried, H.R. No. 50, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A PROGRESS REPORT AND EVALUATION OF THE IMPLEMENTATION OF ACT 145-75 BY THE DEPARTMENT OF SOCIAL SERVICES AND

HOUSING", was adopted.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 945-76) recommending that H.C.R. No. 110 be adopted.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.C.R. No. 110 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A HOUSING PROJECT ON LAND PURCHASED FOR THE VINEYARD STREET GARAGE", was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 946-76) recommending that H.C.R. No. 47 be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.C.R. No. 47 entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE REPORT ON THE FINAL COMPENSATION PLAN AND THE COST THEREOF", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 947-76) recommending that H.R. No. 604 be referred to the Committee on Legislative Management.

Representative Cayetano moved that the report of the Committee be adopted and H.R. No. 604 be adopted, seconded by Representative Kiyabu.

Representative Amaral then rose and stated:

"Mr. Speaker, in speaking in favor of this resolution, I would like to recommend that the Legislative Management Committee include in the examination the State Highway Division and their policies.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 604, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO EXAMINE ROAD REPAIR AND RESURFACING POLICIES OF THE CITY AND COUNTY OF HONOLULU", was referred to the Committee on Legislative Management.

Representatives Sakima and Segawa, for the Committees on Higher Education and Health, presented a joint report (Stand. Com. Rep. No. 948-76)

recommending that H.R. No. 486, as amended in HD 1, be adopted.

On motion by Representative Sakima, seconded by Representative Segawa and carried, the report of the joint Committees was adopted and H.R. No. 486, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO DEVELOP AND IMPLEMENT A TRAINING PROGRAM TO ACCOMMODATE WORKING LICENSED PRACTICAL NURSES WHO DESIRE ADDITIONAL TRAINING", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 949-76) recommending that H.R. No. 596, 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. 596, HD 1, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 950-76) recommending that S.B. No. 2348-76, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and S.B. No. 2348-76, SD 1, passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 14, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 2348-76, SD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 951-76) recommending that H.R. No. 626 be adopted.

Representative Cayetano moved that the report of the Committee be adopted and H.R. No. 626 be adopted, seconded by Representative

Kiyabu.

Representative Abercrombie then rose and stated:

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

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

"I speak against the motion, Mr. Speaker, because if I understand the Standing Committee Report correctly and the testimony on the small boat harbors' activities so far at the lagoon, the number of live-aboard permits has not reached the 15 percent total. Therefore, I don't think it is appropriate, with the contemplation of the passage of this bill, that the applications for live-aboard permits be suspended."

Representative Cayetano then rose to speak in favor of the resolution, stating:

"Mr. Speaker, I rise to speak in favor of the resolution."

All it does is reaffirm, Mr. Speaker, a practice that has been carried on right along by the Department of Transportation with respect to the issuance of new live-aboard permits.

This resolution, Mr. Speaker, may be somewhat presumptuous in that it anticipates House Bill No. 1499 passing. If that bill passes, the effective date, with respect to live-aboard permits, would be July 1, 1976, and that is the date mentioned or stated in the resolution, and this is the purpose for the resolution."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.R. No. 626 entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DECLARE A MORATORIUM ON THE ISSUANCE OF NEW LIVE ABOARD PERMITS", was adopted, with Representatives Abercrombie, Carroll, Cobb and Kamalii voting no.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 952-76) recommending that H.R. No. 623 be adopted.

Representative Cayetano moved that the report of the Committee be adopted and H.R. No. 623 be

adopted, seconded by Representative Kiyabu.

Representative Sutton then rose to speak in favor of the resolution, stating:

"I rise to speak in favor of this resolution."

The purpose of this resolution is to request you, Mr. Speaker, to appoint an interim committee to review the statewide airport system and I would ask that you appoint people that understand that the Concorde would not be a menace to Hawaii; that we must be progressive. Put people on that committee, if you will, Mr. Speaker, who understand supersonic aviation.

Thank you, sir."

The Chair remarked:

"Which clearly excludes you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 623 entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE COMMITTEE ON ENERGY AND TRANSPORTATION TO REVIEW THE STATEWIDE AIRPORT SYSTEMS PLAN", was adopted.

#### 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, CD 1, presented a report (Conf. Com. Rep. No. 36) recommending to the respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 36 on H.B. No. 1499, HD 1, SD 1, CD 2, 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 2, were made available to the members of the House at 11:00 o'clock a.m.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 644 to 651) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 644) expressing appreciation of Cleo Laine and John Dankworth, artists was jointly offered by Representatives Abercrombie, Ho, Machida and Yuen.

On motion by Representative Abercrombie, seconded by Representative Ho and carried, H.R. No. 644 was adopted.

A resolution (H.R. No. 645) congratulating the Castle High School Knights on winning the Windward Oahu Championship, Eastern Division, Oahu Interscholastic Association was jointly offered by Representatives Ajifu, Akizaki, Amaral, Carroll, Cayetano, Clarke, Evans, Fong, Garcia, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ajifu, seconded by Representative Evans and carried, H.R. No. 645 was adopted.

A resolution (H.R. No. 646) congratulating the Kalihi Kaya Builders Baseball Team for winning the 1976 Hawaii State American Japanese Association Baseball Championship was jointly offered by Representatives Sakima, Abercrombie, Akizaki, Blair, Carroll, Clarke, Cobb, Fong, Garcia, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lee, Lum, Lunasco, Medeiros, Mizuguchi, Naito, Oda, Peters, Santos, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Sakima, seconded by Representative Yap and carried, H.R. No. 646 was adopted.

A resolution (H.R. No. 647) congratulating Toni H. Molina for being elected the first young woman elected as State President of the Future Farmers of America was jointly offered by Representatives Santos, Amaral, Kondo and Machida.

On motion by Representative Santos, seconded by Representative Kondo and carried, H.R. No. 647 was adopted.

A resolution (H.R. No. 648) congratulating the combined symphonic orchestras

of Moanalua High School, Roosevelt High School, Moanalua Intermediate School, Kalakaua Intermediate School, Kawanakoa Intermediate School, and Central Intermediate School was jointly offered by Representatives Ushijima, Wakatsuki, Stanley, Kimura, Lee, Garcia, Uechi, Blair, Abercrombie, Ajifu, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Yamada, Yap and Yuen.

On motion by Representative Ushijima, seconded by Representative Stanley and carried, H.R. No. 648 was adopted.

A resolution (H.R. No. 649) congratulating Mr. William H. Lucas on his approaching retirement and wishing him well on his retirement endeavors was jointly offered by Representatives Stanley, Akizaki, Cayetano, Cobb, Ho, Kihano, Kiyabu, Kondo, Lunasco, Machida, Mizuguchi, Naito, Poepoe, Sakima, Segawa, Suwa, Yamada and Yuen.

On motion by Representative Stanley, seconded by Representative Sakima and carried, H.R. No. 649 was adopted.

A resolution (H.R. No. 650) congratulating the Red Sox Team - 1976 Champions, Aiea American Little League, Minor Division was jointly offered by Representatives Wakatsuki, Akizaki, Blair, Cobb, Ho, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Lee, Lunasco, Machida, Mizuguchi, Oda, Roehrig, Sakima, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

On motion by Representative Uechi, seconded by Representative Kimura and carried, H.R. No. 650 was adopted.

A resolution (H.R. No. 651) congratulating Miss Nani Lee - Miss Aiea 1976 was jointly offered by Representatives Wakatsuki, Akizaki, Blair, Cobb, Ho, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Lee, Lunasco, Machida, Mizuguchi, Oda, Roehrig, Sakima, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

On motion by Representative Uechi, seconded by Representative Kimura and carried, H.R. No. 651 was adopted.

At this time, the Chair, with all parties consenting, discharged Representative Naito as a conferee on H.B. No. 1810, HD 2, SD 1.

Representative Cayetano then rose and stated:

"Mr. Speaker, I would like to draw this body's attention to a typographical error in H.B. No. 1499, HD 1, SD 1, CD 2, and have my remarks inserted in the Journal explaining this typographical error.

On page 1, Mr. Speaker, line 18, after the word 'activities' and a semi-colon and before the word 'shall', a bracket was inadvertently left out. If the members will look at page 2, line 4, you will see the other bracket in there. I would hope that the Clerk, Mr. Speaker, would make the correction.

It would seem to me, after reading this bill, that the error does not really substantially change the meaning of the bill; however, Mr. Speaker, if it becomes law like that, it will make this body look very foolish because the grammar is really quite bad.

Thank you."

The Chair then asked the Clerk to "note that typographical error and make the necessary correction."

At 12:20 o'clock p.m., on request by Representative Poeppoe, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:21 o'clock p.m.

At 12:22 o'clock p.m., on request by Representative Ajifu, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:24 o'clock p.m.

At 12:25 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives stood in recess until 5:30 o'clock p.m. this evening.

## EVENING SESSION

The House of Representatives reconvened at 6:00 o'clock p.m. with the Vice Speaker presiding.

## UNFINISHED BUSINESS

Conf. Com. Rep. No. 3 on H.B. No. 2678-76, HD 1, SD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 4 on S.B. No. 1786-76, SD 1, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 5 on S.B. No. 1998-76, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 6 on H.B. No. 3262-76, HD 2, SD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 7 on H.B. No. 2130-76, HD 1, SD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 8 on H.B. No. 2894-76, HD 1, SD 3, CD 1:

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 9 on S.B. No. 1824-76, SD 1, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 10 on S.B. No. 1821-76, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 11 on S.B. No. 1830-76, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 12 on H.B. No. 2812-76, HD 1, SD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 13 on H.B. No. 2135-76, HD 1, SD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 14 on S.B. No. 2467-76, SD 1, HD 2, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 15 on S.B. No. 2739-76, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 16 on H.B. No. 2131-76, HD 1, SD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 17 on S.B. No. 1775-76, SD 1, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 18 on S.B. No. 528, SD 1, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 19 on S. B. No. 2139-76, SD 1, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 20 on H.B. No. 2371-76, HD 1, SD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 21 on S.B. No. 2294-76, SD 2, HD 2, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 22 on S.B. No. 79, SD 1, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 23 on H.B. No. 3248-76, HD 1, SD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 24 on S.B. No. 2501-76, SD 2, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 25 on S.B. No. 1577, SD 1, HD 2, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 26 on S.B. No. 2958-76, SD 1, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 27 on H.B. No. 2782-76, HD 1, SD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 28 on S.B. No. 2709-76, SD 2, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 29 on H.B. No. 2984-76, HD 1, SD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 30 on H.B. No. 2700-76, HD 2, SD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 31 on H.B. No. 2786-76, HD 1, SD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 33 on S.B. No. 1853-76, SD 1, HD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 34 on S.B. No. 75, SD 2, HD 2, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

Conf. Com. Rep. No. 35 on H.B. No. 3196-76, HD 2, SD 1, CD 1 (Deferred from April 12, 1976):

By unanimous consent, action was deferred until tomorrow, April 14, 1976.

#### CONFERENCE COMMITTEE REPORTS

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2932-76, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 37) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 37 on H.B. No. 2932-76, HD 2, SD 1, CD 2, 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. 2932-76, HD 2, SD 1, CD 2, were made available to the members of the House at 5:00

o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1758-76, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 38) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 38 on S.B. No. 1758-76, SD 2, HD 2, 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 S.B. No. 1758-76, SD 2, HD 2, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2253-76, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 39) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 39 on H.B. No. 2253-76, 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. 2253-76, HD 1, SD 1, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2394-76, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 40) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 40 on S.B. No. 2394-76, SD 1, HD 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 S.B. No. 2394-76, SD 1, HD 1, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2335-76, HD 2, SD 2, presented a



report (Conf. Com. Rep. No. 41) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 41 on H.B. No. 2335-76, HD 2, SD 2, CD 1, was deferred until tomorrow, April 14, 1976, and in accordance with Article 111, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2335-76, HD 2, SD 2, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2949-76, SD 2, presented a report (Conf. Com. Rep. No. 42) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 42 on H.B. No. 2949-76, SD 2, CD 1, was deferred until tomorrow, April 14, 1976, and in accordance with Article 111, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2949-76, SD 2, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3230-76, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 43) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 43 on H.B. No. 3230-76, HD 2, SD 1, CD 1, was deferred until tomorrow, April 14, 1976, and in accordance with Article 111, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3230-76, HD 2, SD 1, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

At 6:02 o'clock p.m., on request by Representative Lum, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:03 o'clock p.m.

#### STANDING COMMITTEE REPORT

Representative Cayetano, for the

majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 953-76) recommending that S.B. No. 28, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the majority of the Committee was adopted and S.B. No. 28, SD 2, passed Second Reading and was referred to the Committee on Finance, with Representatives Abercrombie, Carroll and Sutton voting no.

#### COMMITTEE REASSIGNMENT

H.R. No. 279 was re-referred jointly to the Committees on Public Assistance and Human Services and Labor and Public Employment.

At 6:04 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 6:08 o'clock p.m.

At 6:09 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 6:10 o'clock p.m.

At this time, Representative Kimura made the following motion:

"I move that all Conference Committee Reports submitted to the Clerk of the House be duly received by the Clerk up to 12:00 o'clock midnight tonight, and that the times at which these reports were made available to all members on the floor of this House be duly recorded by the Clerk.

The motion was seconded by Representative Ajifu.

#### ADJOURNMENT

At 6:15 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned to 10:30 o'clock a.m. tomorrow, Wednesday, April 14, 1976.

## FIFTY-NINTH DAY

Wednesday, April 14, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 10:55 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Fred Cordeiro of the Ewa Beach Assembly of God, after which the Roll was called showing all members present, with the exception of Representatives Hakoda, Morioka and Oda, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Eighth Day.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 130 to 132) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 130) informing the House that the following bills were signed into law on April 9, 1976:

Senate Bill No. 2094-76 as Act 7, entitled: "AMENDING SECTION 101-2 OF THE HAWAII REVISED STATUTES, RELATING TO TAKING OF PRIVATE PROPERTY FOR PUBLIC USE AND THE DISPOSAL OF EXCESS PROPERTY";

Senate Bill No. 2231-76 as Act 8, entitled: "RELATING TO KULA HOSPITAL";

House Bill No. 2247-76 as Act 9, entitled: "RELATING TO CIVIL SERVICE AND EXEMPTIONS"; and

House Bill No. 2374-76 as Act 10, entitled: "RELATING TO REVISION OF RATES, FARES, AND CHARGES OF PUBLIC UTILITIES",

was placed on file.

A message from the Governor (Gov. Msg. No. 131) informing the House that the following bills were signed into law on April 12, 1976:

House Bill No. 2319-76 as Act 11, entitled: "RELATING TO HIGH-VOLTAGE POWER TRANSMISSION LINES";

House Bill No. 2216-76 as Act 12, entitled: "RELATING TO THE DISPOSITION OF REMNANTS OF PUBLIC LANDS";

House Bill No. 2632-76 as Act 13, entitled: "RELATING TO COLLECTIVE BARGAINING"; and

House Bill No. 3106-76 as Act 14, entitled: "RELATING TO OFFICE OF MANPOWER PLANNING ADMINISTRATOR",

was placed on file.

A message from the Governor (Gov. Msg. No. 132) informing the House that on April 12, 1976, he signed into law House Bill No. 3213-76 as Act 15, entitled: "RELATING TO PROFESSIONAL BOXING CORPORATIONS", was placed on file.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 395 to 437) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 395) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 2409-76 and that Senate Bill No. 2409-76, as amended, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 396) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 528, SD 1, was adopted by the Senate; and Senate Bill No. 528, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 397) informing

the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1821-76 was adopted by the Senate; and Senate Bill No. 1821-76, HD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 398) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1824-76, SD 1, was adopted by the Senate; and Senate Bill No. 1824-76, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 399) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1830-76 was adopted by the Senate; and Senate Bill No. 1830-76, HD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 400) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1998-76 was adopted by the Senate; and Senate Bill No. 1998-76, HD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 401) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2467-76, SD 1, was adopted by the Senate; and Senate Bill No. 2467-76, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 402) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2501-76,

SD 2, was adopted by the Senate; and Senate Bill No. 2501-76, SD 2, HD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 403) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2739-76 was adopted by the Senate; and Senate Bill No. 2739-76, HD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 404) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2958-76, SD 1, was adopted by the Senate; and Senate Bill No. 2958-76, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 405) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1886 was adopted by the Senate; and House Bill No. 1886, SD 3, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 406) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2130-76, HD 1, was adopted by the Senate; and House Bill No. 2130-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 407) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2131-76, HD 1, was adopted by the Senate; and House Bill No. 2131-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 408) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2135-76, HD 1, was adopted by the Senate; and House Bill No. 2135-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 409) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2371-76, HD 1, was adopted by the Senate; and House Bill No. 2371-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 410) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2678-76, HD 1, was adopted by the Senate; and House Bill No. 2678-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 411) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2782-76, HD 1, was adopted by the Senate; and House Bill No. 2782-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 412) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2786-76, HD 1, was adopted by the Senate; and House Bill No. 2786, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 413) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to

the amendments proposed by the Senate to House Bill No. 2812-76, HD 1, was adopted by the Senate; and House Bill No. 2812-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 414) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2894-76, HD 1, was adopted by the Senate; and House Bill No. 2894-76, HD 1, SD 3, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 415) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2984-76, HD 1, was adopted by the Senate; and House Bill No. 2984-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 416) transmitting Senate Concurrent Resolution No. 46 requesting the Governor's office and the Director of Health to provide emergency ambulance service on the island of Molokai, County of Maui, which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 417) transmitting Senate Concurrent Resolution No. 64 relating to fishing in the northwestern Hawaiian Islands which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 418) transmitting Senate Concurrent Resolution No. 71, SD 1, requesting a feasibility study and site selection for a Windward Community Cultural Center, Oahu, which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 419) transmitting Senate Concurrent Resolution No. 72 relating to a comprehensive physical fitness plan for Hawaii which was adopted by the Senate on April 13, 1976, was placed on

file.

A communication from the Senate (Sen. Com. No. 420) transmitting Senate Concurrent Resolution No. 78, SD 1, requesting the Department of Education to evaluate the applicability of incorporating Project Rise into the secondary school curriculum which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 421) transmitting Senate Concurrent Resolution No. 79, SD 1, relating to the protection of opihi which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 422) transmitting Senate Concurrent Resolution No. 91 requesting the Department of Land and Natural Resources to conduct an archaeological survey which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 423) transmitting Senate Concurrent Resolution No. 97 relating to monitoring of water quality in the coastal marine environment which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 424) transmitting Senate Concurrent Resolution No. 98 relating to hypobaric storage and transportation of perishable commodities which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 425) transmitting Senate Concurrent Resolution No. 101 relating to the State Plan which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 426) transmitting Senate Concurrent Resolution No. 112 requesting a coordinated industry-government effort to minimize the overbooking problem in Hawaii's visitor industry which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 427) transmitting Senate Concurrent Resolution No. 115, SD 1, requesting development of a comprehensive plan for Waimanalo

which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 428) transmitting Senate Concurrent Resolution No. 116 requesting the Department of Education to develop and submit to the Governor and the Governor to the Legislature a classification and compensation plan for educational officers which was adopted by the Senate on April 13, 1976, was placed on file.

By unanimous consent, action on S.C.R. Nos. 46; 64; 71, SD 1; 72; 78, SD 1; 79, SD 1; 91; 97; 98; 101; 112; 115, SD 1; and 116 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 429) transmitting Senate Concurrent Resolution No. 119 commending and recognizing Elizabeth Alden Carter, 1976 Hawaii Mother of the Year which was adopted by the Senate on April 13, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 119 was adopted.

A communication from the Senate (Sen. Com. No. 430) returning House Concurrent Resolution No. 36, HD 1, which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 431) returning House Concurrent Resolution No. 37 which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 432) returning House Concurrent Resolution No. 38 which was adopted by the Senate on April 13, 1976, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 433) returning House Concurrent Resolution No. 39 which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 434) returning House Concurrent Resolution No. 58 which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 435) returning House Concurrent Resolution No. 59 which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 436) returning House Concurrent Resolution No. 66 which was adopted by the Senate on April 13, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 437) returning House Concurrent Resolution No. 87 which was adopted by the Senate on April 13, 1976, in an amended form, was placed on file.

By unanimous consent, H.C.R. Nos. 38 and 87, as amended by the Senate, were placed on the Clerk's desk.

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

Representative Kihano introduced a friend from San Fernando Valley, California, Mrs. Sylvia Raymond.

Representative Ikeda introduced Jeff Nunokawa, Luana Flippen and Sharon Nomura who are "here today to observe the workings of the Legislature" from Kaiser High School.

At 11:00 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:02 o'clock a.m.

#### ORDER OF THE DAY

##### DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
46	Committee on Health
64	Committee on Water, Land Use, Development, and Hawaiian Homes
71	Committee on Culture and the Arts, then to the Committee on Finance
72	Committee on Health,

then to the Committee on Finance

78	Committee on Education
79	Committee on Water, Land Use, Development, and Hawaiian Homes
91	Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Culture and the Arts
97	Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection
98	Committee on Agriculture
101	Committee on Water, Land Use, Development, and Hawaiian Homes
112	Committee on Tourism
115	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Energy and Transportation
116	Committee on Labor and Public Employment, then to the Committee on Education

#### 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. 652 to 673) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 652) extending congratulations of the House of Representatives to Wayne Bouvier for setting three records in capturing the super heavyweight title at the National Collegiate Powerlifting Championships was offered by Representative Abercrombie.

On motion by Representative Abercrombie, seconded by Representative Sakima and carried, H.R. No. 652 was adopted.

Representative Abercrombie then

introduced the honoree, Wayne Bouvier, who was presented with a lei by Representative Ikeda; and his coach, Bob Tracy. They were presented with certified copies of the resolution by Representative Abercrombie.

At 11:08 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:20 o'clock a.m., Representative Abercrombie stated:

"I've received a communication here from one of my esteemed members, and I would just like to inform the House of it - there is indication to me, and I agreed with it, that being of sound mind and body, I do hereby swear that Representative Ikeda, being seven times less the body weight of Wayne Bouvier (the fact that they got together over there), did not cause the voltage to turn off the sound."

A resolution (H.R. No. 653) congratulating Julio Rodrigues, Jr., Hawaii's first National Golden Gloves Boxing Champion was jointly offered by Representatives Peters, Ho, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lum, Lunasco, Machida, Mizuguchi, Naito, Oda, Poepoe, Sakima, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Uechi, Ushijima, Yamada and Yuen.

On motion by Representative Peters, seconded by Representative Ho and carried, H.R. No. 653 was adopted.

Representative Peters then proceeded to introduce the honoree by stating:

"Mr. Speaker, we are certainly honored today to have a very courageous, outstanding member of the Waianae community present amongst our midst today. He is certainly a great champion. The National Golden Glove Championship has been around for a number of years and I was certainly surprised to note that this is the first time that someone from Hawaii has won the championship.

So without further ado, Mr. Speaker, I would like to introduce to this honorable body and to the audience in the gallery, Hawaii's first National Golden Glove Champion, Mr. Julio Rodrigues." He went on saying: "Other members here who have

a very close relationship with Mr. Rodrigues are his coach, Mr. Fred Pereira; Coordinator of State Boxing Championships, George Ishihara; parents, Mr. and Mrs. Julio Rodrigues; and team members, Tom Westbrook and Philip Leonin."

At this time, Representative Stanley presented the honoree with a red carnation lei and Representative Peters presented him with a certified copy of the resolution.

A resolution (H.R. No. 654) congratulating In Ja No, Miss Koreana 1976, and the runner-up winners of the Miss Koreana Pageant was jointly offered by Representatives Ikeda, Abercrombie, Akizaki, Blair, Carroll, Cayetano, Clarke, Evans, Hakoda, Ho, Inaba, Kiyabu, Kondo, Kunimura, Larsen, Lum, Lunasco, Medeiros, Mizuguchi, Morioka, Oda, Peters, Roehrig, Santos, Sutton, Suwa, Takamura, Uechi and Yamada.

On motion by Representative Ikeda, seconded by Representative Kunimura and carried, H.R. No. 654 was adopted.

Representative Ikeda then introduced the following: Miss Koreana, In Ja No, who was presented with a red carnation lei by Representative Kunimura; Vernalynn Kim, first runner-up; Lucille Chun, second runner-up; Annette Ok Hee Lee, third runner-up; Marilyn Soo Young Kang, Miss Congeniality; Mr. Reginald Lee, President of the Korean Community; and Mr. Kabsik Choi, Chief of the Bureau of KOREA TIMES.

At this time, Representative Ikeda presented each of the above mentioned with a certified copy of the resolution and Representatives Clarke, Kamalii, Medeiros, Lum, Kawakami and Santos presented them with leis.

Thereupon, the Chair appointed "the following members to escort the beautiful young lady, Miss Koreana, to the rostrum to have her share some of her experiences with the members of this body: Representatives Kunimura, Blair, Lunasco, Yuen, Poepoe and Ikeda."

The Chair then introduced the honoree: "Members of the House, ladies and gentlemen, it is my distinct honor and privilege to present to you, Miss Koreana of 1976, In Ja Noh."

Miss Noh then addressed the members and audience, stating:



"Having been chosen Miss Koreana for 1976, I feel very fortunate to represent the Korean community in Hawaii. I would like to take this moment to show my appreciation and gratitude for your support of our cultural ethnic community's desire to further enhance our Korean culture in Hawaii. Thank you."

A resolution (H.R. No. 655) congratulating and supporting Mr. Larry Little in his appointment as head basketball coach for the University of Hawaii was jointly offered by Representatives Kimura, Sakima, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Kimura, seconded by Representative Sakima and carried, H.R. No. 655 was adopted.

Representative Kimura then introduced the honoree, stating: "Mr. Speaker, this morning it gives me indeed great pleasure in introducing the gentleman from Centenary, formerly from Centenary, Mr. Larry Little. Accompanying Mr. Little is the Acting Athletic Director, Dr. Ed Chui, and the fifteenth member of the UH team, Mr. Art Woolaway."

Representative Naito then presented Mr. Little with a lei and Representative Sakima presented him with a certified copy of the resolution.

At 11:47 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:55 o'clock a.m.

A resolution (H.R. No. 656) extending congratulations to the eligible participants to the Hawaii State Forensic Championship was jointly offered by Representatives Poepoe, Abercrombie, Ajifu, Amaral, Carroll, Clarke, Cobb, Evans, Fong, Ho, Ikeda, Kamalii, Kihano, Kondo, Larsen, Lee, Lum, Machida, Medeiros, Mizuguchi, Naito, Peters, Sakima, Santos, Segawa, Stanley, Sutton, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

On motion by Representative Poepoe, seconded by Representative Larsen and carried, H.R. No. 656 was adopted.

A resolution (H.R. No. 657) extending congratulations and best wishes to Erling Y.S. Wong upon his retirement was jointly offered by Representatives Wakatsuki, Abercrombie, Akizaki, Cayetano, Cobb, Garcia, Ho, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Lee, Lunasco, Machida, Mizuguchi, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Ushijima, seconded by Representative Poepoe and carried, H.R. No. 657 was adopted.

A resolution (H.R. No. 658) honoring Herbert S. Isonaga retiring vice-chairman and chairman, of the Real Estate Commission of the State of Hawaii was jointly offered by Representatives Kunimura, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Kunimura, seconded by Representative Yamada and carried, H.R. No. 658 was adopted.

A resolution (H.R. No. 659) honoring and commending Dr. George P. Woollard, Director of the Hawaii Institute of Geophysics, for his many years of dedicated and distinguished public service and expressing best wishes upon his retirement was jointly offered by Representatives Sakima, 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, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap, Yuen and Wakatsuki.

On motion by Representative Sakima,

seconded by Representative Takamine and carried, H.R. No. 659 was adopted.

A resolution (H.R. No. 660) recognizing and thanking Mr. Teddy Lii for his countless hours dedicated to the Beretania Neighborhood Community Center, City and County of Honolulu was jointly offered by Representatives Lee, Abercrombie, Ajifu, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Fong, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kondo, Kunimura, Larsen, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

On motion by Representative Lee, seconded by Representative Yuen and carried, H.R. No. 660 was adopted.

A resolution (H.R. No. 661) congratulating Susan Bloom: State Public Speaking winner, Future Farmers of America, was jointly offered by Representatives Lunasco, 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, 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 Ho and carried, H.R. No. 661 was adopted.

A resolution (H.R. No. 662) congratulating Nelson McCormick: Star State Farmer, was jointly offered by Representatives Lunasco, 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, 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 Ho and carried, H.R. No. 662 was adopted.

A resolution (H.R. No. 663) congratulating the Hawaii Masters Track Club on the occasion of its Third Hawaiian AAU International Masters Track and Field Meet was jointly offered by Representatives Blair, Garcia, Ho, Kunimura, Sakima, Shito, Stanley and Yuen.

On motion by Representative Blair, seconded by Representative Sakima and carried, H.R. No. 663 was adopted.

A resolution (H.R. No. 664) congratulating Kalani High School students on their achievements was jointly offered by Representatives Cobb, Larsen, Carroll, Ikeda, Kiyabu, Lum, Naito, Sutton, Takamura and Yuen.

On motion by Representative Cobb, seconded by Representative Larsen and carried, H.R. No. 664 was adopted.

A resolution (H.R. No. 665) congratulating the winners of the Kalani High School Bicentennial Pie and Cake Baking Contest winners was jointly offered by Representatives Cobb, Larsen, Kiyabu and Naito.

On motion by Representative Cobb, seconded by Representative Larsen and carried, H.R. No. 665 was adopted.

A resolution (H.R. No. 666) expressing and commending support of the bicentennial events at Kalani High School was jointly offered by Representatives Cobb, Larsen, Carroll, Ikeda, Kiyabu, Lum, Naito, Sutton, Takamura and Yuen.

On motion by Representative Cobb, seconded by Representative Larsen and carried, H.R. No. 666 was adopted.

A resolution (H.R. No. 667) commending the Kalani High School athletes and coaches for outstanding performance during the 1975-76 school year was jointly offered by Representatives Cobb, Larsen, Carroll, Ikeda, Kamalii, Kiyabu, Lum, Naito, Takamura and Yuen.

On motion by Representative Cobb, seconded by Representative Larsen and carried, H.R. No. 667 was adopted.

A resolution (H.R. No. 668) extending best wishes to Kalani High School for a successful Hoolaulea 1976 was jointly offered by Representatives

Cobb, Larsen, Carroll, Ikeda, Kiyabu, Lum, Naito, Sutton, Takamura and Yuen.

On motion by Representative Cobb, seconded by Representative Larsen and carried, H.R. No. 668 was adopted.

A resolution (H.R. No. 669) congratulating the Kalani High School Drama Department upon its undertaking: Carnival! America's Magical Musical, was jointly offered by Representatives Cobb, Larsen, Carroll, Ikeda, Kiyabu, Lum, Takamura and Yuen.

On motion by Representative Cobb, seconded by Representative Larsen and carried, H.R. No. 669 was adopted.

A resolution (H.R. No. 670) congratulating the speech team and coach of Kalani High School upon their most distinguished season was jointly offered by Representatives Cobb, Larsen, Ikeda, Kiyabu, Lum and Yuen.

On motion by Representative Cobb, seconded by Representative Larsen and carried, H.R. No. 670 was adopted.

A resolution (H.R. No. 671) extending congratulations to the 1976 May Day court of Kalani High School upon its recent selection was jointly offered by Representatives Cobb, Larsen, Ikeda, Kiyabu, Lum and Yuen.

On motion by Representative Cobb, seconded by Representative Ikeda and carried, H.R. No. 671 was adopted.

A resolution (H.R. No. 672) congratulating the Lanai High School physical fitness team on its victory in the Marine Corps-sponsored Physical Fitness Meet was jointly offered by Representatives Santos, Ajifu, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Ho, Ikeda, Kamalii, Kimura, Kiyabu, Kondo, Larsen, Lum, Machida, Medeiros, Naito, Poepoe, Shito, Sutton, Suwa and Yap.

On motion by Representative Santos, seconded by Representative Kondo and carried, H.R. No. 672 was adopted.

A resolution (H.R. No. 673) congratulating the Kailua High School Chapter of the Distributive Education

Clubs of America was jointly offered by Representatives Medeiros, Abercrombie, Ajifu, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Mizuguchi, Naito, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

On motion by Representative Medeiros, seconded by Representative Poepoe and carried, H.R. No. 673 was adopted.

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1 (Deferred from April 13, 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 13, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 786-76 and S.B. No. 1801-76, SD 1, was deferred one day.

#### 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 and Final Readings on the basis of a modified consent calendar.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 2 on H.B. No. 1886, SD 3, CD 1 (Deferred from April 12, 1976):

On motion by Representative Lee, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1886, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTION", having been read throughout, passed Final Reading by a vote of 47 ayes to 1 no, with Representative Sutton voting no, and Representatives Hakoda, Morioka and Oda being excused.

The Chair directed the Clerk to note that H.B. No. 1886, SD 3, CD 1, passed Final Reading at 11:55 o'clock a.m.

Conf. Com. Rep. No. 36 on H.B. No. 1499, HD 1, SD 1, CD 2 (Deferred from April 13, 1976):

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 3 on H.B. No. 2678-76, HD 1, SD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Yamada, seconded by Representative Yap, the report of the Committee was adopted and H.B. No. 2678-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIFE INSURANCE", having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 4 on S.B. No. 1786-76, SD 1, HD 1, CD 1 (Deferred from April 13, 1976):

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 5 on S.B. No. 1998-76, HD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Yamada, seconded by Representative Yap, the report of the Committee was adopted and S.B. No. 1998-76, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF CONVICTED PERSONS", having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 6 on H.B. No. 3262-76, HD 2, SD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Kawakami, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 3262-76, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS", having been read throughout, passed Final Reading by a vote of 43 ayes to 5 noes, with Representatives Amaral, Kondo, Machida, Santos and Sutton voting no, and Representatives Hakoda, Morioka and Oda being

excused.

At 12:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:01 o'clock p.m.

Conf. Com. Rep. No. 7 on H.B. No. 2130-76, HD 1, SD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Yamada, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.B. No. 2130-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 8 on H.B. No. 2894-76, HD 1, SD 3, CD 1 (Deferred from April 13, 1976):

On motion by Representative Yamada, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.B. No. 2894-76, HD 1, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 9 on S.B. No. 1824-76, SD 1, HD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Kawakami, seconded by Representative Lunasco and carried, the report of the Committee was adopted and S.B. No. 1824-76, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPRAISAL OF PUBLIC LANDS", having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 10 on S.B. No. 1821-76, HD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Segawa, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1821-76, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREPAID HEALTH CARE ACT",

having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 11 on S.B. No. 1830-76, HD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Lee, seconded by Representative Peters and carried, the report of the Committee was adopted and S.B. No. 1830-76, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INITIAL APPOINTMENTS", having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 12 on H.B. No. 2812-76, HD 1, SD 1, CD 1 (Deferred from April 13, 1976):

Representative Peters moved that the report of the Committee be adopted and that H.B. No. 2812-76, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Machida.

At this time, Representative Lunasco rose to speak against the bill, stating:

"Mr. Speaker, this bill does not really address the problem of youth camp workers. I think they really haven't examined the total spectrum of eliminating some of the problems within the youth camps, but to just blanket the application on exempting our young people from the minimum wage. I think it is discriminating and, therefore, ask my colleagues to vote against this bill."

Representative Abercrombie then rose and stated:

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

May I ask, Mr. Speaker, that my remarks on this bill when it passed out of the House be inserted in the record as being appropriate still for final passage?"

The Chair stated:

"No objections, so ordered."

"One first comment - I want to reiterate that in my remarks that day, that I shall try to determine which agencies are connected with this youth camp situation, in terms of charitable organizations, and so

on. I can assure them that I will not participate in any way, shape or form until this law is removed."

As requested, Representative Abercrombie's speech on H.B. No. 2812-76, HD 1, is as follows:

"I rise to speak against this bill.

Mr. Speaker, I think it is absolutely shameful that these people, who report to be charitable organizations, to take upon themselves the mantle of serving the community unselfishly should attempt - what amounts in my mind little short of extortion - to tell us, I might say those in particular, those of us who count ourselves as Democrats, to try to undo the historic mission of the Democratic Party; to try and bring about equity in wages and hours; and to bring about a situation in which every man and woman is worthy of his or her hire or labor. It is absolutely impossible for me to believe that all these agencies are involved in this attempt are unable to arrive at a circumstance where they can devise a minimum salary that can be paid to these workers.

If they indeed have a camping association; if they indeed have all these rules and regulations; if they indeed program foundations and premises, it is absolutely impossible for me to believe that they cannot, among themselves, come to a conclusion as to what kind of a minimum salary, as opposed to an hourly wage, that could be paid to these people.

This is nothing but exploitation; this is nothing but oppression; this is nothing but undermining all the concepts that Representative Lunasco who alluded to so eloquently a few moments ago. I repeat, it is a disgrace for the Democratic Party to associate in any way, shape or form with this kind of exploitation. It is a disgrace that we should have people who are working at the age of 18, 16, 15 or whatever it is -- if they are putting in the time and are exercising the responsibility and authority, such as has been outlined here -- then, at the very least, we are obligated, certainly as a Majority Party, to stand behind them in a historic mission, as in the Democratic Party, of seeking to redress any grievances that people have by way of being under-paid for their work.

Are they worthy of their hire or are they not? If they are, we

should not knuckle under to these extortionate demands that these people be exempted.

There was, Mr. Speaker, an attempt by some to try also to get an amendment that would indicate a minimum salary situation. There is no sense trying to put it in because I don't think it is going through.

I think it is a sad sad day for this Legislature that we would even consider passing such a measure and, as far as I am concerned, undercutting and selling out our obligation to every working person in the State."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 2812-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION FROM MINIMUM WAGE LAW", passed Final Reading by a vote of 41 ayes to 7 noes, with Representatives Abercrombie, Cayetano, Cobb, Ho, Lunasco, Roehrig and Uechi voting no, and Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 13 on H.B. No. 2135-76, HD 1, SD 1, CD 1 (Deferred from April 13, 1976):

Representative Roehrig moved that the report of the Committee be adopted and that H.B. No. 2135-76, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Cayetano.

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

"Mr. Speaker, when this left us, we had made a change so that it was the last Saturday in September. Now we're back to the first Saturday in October. If you will look, sir, at 'Sec. 12-2 Primary held when; candidates only those nominated.'; and we, therefore, have a primary in the State of Hawaii which is only a month.

Now, Mr. Speaker, we're the only state in the union that has such a brief period between the nomination of candidates in a primary and a general election - it hardly gives time for the Lieutenant Governor to get the ballots out, sir. And here we had a gorgeous opportunity to amend it to allow a sufficient lapse of time so that people can find out who was nominated in the primary and make an intelligent decision

in the general. But what do we do? We make a regressive situation in this report; and even the amendment that we have stuck in of having it the last Saturday in September is lost and now we're back to that first Saturday of October.

Mr. Speaker, I would urge you, a very fair-minded individual, and all my colleagues to vote against this bill."

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

"Mr. Speaker, the Conference Committee, while meeting with the Senators, discussed at great length the two changes that were made to this bill of substantive nature: one being the alphabetical listing of the members of the Board of Education which is, I understand from the last election, was a source of concern with many minority members because prior to the enactment of this bill, the listing was based on the order of votes received in the primary election and based on the number of registered voters within each party. Your minority members felt, and I think with some justification, that this would work an undue hardship on them.

As to the primary election date, Mr. Speaker, your Committee, and I think a strong majority of your Judiciary Committee, felt very strongly that since the campaign spending limits are being lifted this year and we now have no ceiling, that we should not at this time temper with the primary election date by moving it back and thus allowing more time for money to be spent. And in fairness to both houses, if we're going to move the primary election date back, it should be done at a time when both the House and the Senate are running for election and not just one body.

In short, Mr. Speaker, your House conferees felt that they did not want to be guinea pigs for an experiment of an earlier primary date, and I think the point was well taken by the Senators because they acknowledge this fact and thus relented on that particular point in the Conference Committee.

As a result, Mr. Speaker, I think we have a fair bill and if the time should come that we move back to an earlier primary date, it would be done at a time when all members of the Legislature are affected and

not one body.

Accordingly, Mr. Speaker, I urge my colleagues to vote in favor of this measure."

Representative Sutton then rose in rebuttal, stating:

"Mr. Speaker, the last gentleman from the Waialae-Kahala area has brought out the proposition that because the Senate is not running this time that reform should not occur. Abraham Lincoln said, 'let reform occur as soon as possible'. Thank you, sir."

Representative Roehrig then rose and stated:

"Mr. Speaker, I would just add, in speaking in favor of this measure, that the House position on this bill was that the primary be retained at the four-week interval with the general election.

I believe the representative from the 15th District said that the House position was at five weeks or six weeks - I'm not sure exactly what he said on that - but I think if he will go back and look at the House version that the House had kept it at four weeks and the Senate had amended the House Bill and made it to six weeks; and in conference, the House position was retained.

So we have not changed our position as a body, and I would have hoped that the representative from the 15th District could have discussed this with the minority conferees and they would have explained that to him.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 2135-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", passed Final Reading by a vote of 46 ayes to 2 noes, with Representatives Poepoe and Sutton voting no, and Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 14 on S.B. No. 2467-76, SD 1, HD 2, CD 1 (Deferred from April 13, 1976):

On motion by Representative Cayetano, seconded by Representative Blair and carried, the report of the Committee was adopted and S.B. No. 2467-

76, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCENTIVES FOR ENERGY CONSERVATION", having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 15 on S.B. No. 2739-76, HD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Roehrig, seconded by Representative Stanley and carried, the report of the Committee was adopted and S.B. No. 2739-76, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION AGAINST THE PHYSICALLY HANDICAPPED", having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 16 on H.B. No. 2131-76, HD 1, SD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Roehrig, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.B. No. 2131-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLES LEFT UNATTENDED ON PRIVATE PROPERTY", having been read throughout, passed Final Reading by a vote of 46 ayes to 2 noes, with Representatives Amaral and Ikeda voting no, and Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 17 on S.B. No. 1775-76, SD 1, HD 1, CD 1 (Deferred from April 13, 1976):

Representative Roehrig moved that the report of the Committee be adopted and that S.B. No. 1775-76, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Yamada.

At 12:16 o'clock p.m., upon the request of Representative Kunimura, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:17 o'clock p.m., the motion was put by the Chair and carried, and S.B. No. 1775-76, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID LEGAL SERVICES", passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being



excused.

Conf. Com. Rep. No. 18 on S.B. No. 528, SD 1, HD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Roehrig, seconded by Representative Cayetano and carried, the report of the Committee was adopted and S.B. No. 528, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES, RIGHTS OF ACCUSED AND COUNSEL AND OTHER SERVICES FOR INDIGENT CRIMINAL DEFENDANTS", having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 19 on S.B. No. 2139-76, SD 1, HD 1, CD 1 (Deferred from April 13, 1976):

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 20 on H.B. No. 2371-76, HD 1, SD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Takamura, seconded by Representative Roehrig and carried, the report of the Committee was adopted and H.B. No. 2371-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMANCIPATION OF CERTAIN MINORS", having been read throughout, passed Final Reading by a vote of 45 ayes to 3 noes, with Representatives Ajifu, Carroll and Clarke voting no, and Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 21 on S.B. No. 2294-76, SD 2, HD 2, CD 1 (Deferred from April 13, 1976):

Representative Segawa moved that the report of the Committee be adopted and that S.B. No. 2294-76, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Mizuguchi.

At this time, Representative Evans rose and stated:

"Mr. Speaker, I rise to speak in favor of S.B. No. 2294-76, SD 2, HD 2, CD 1.

Mr. Speaker, I speak in favor of this bill with reservations. This bill addresses itself to a State health plan and attempts to answer Public

Law 93-641. In 1974, Public Law 93-641, known as the National Health Planning and Resources Development Act, was passed by Congress. In the scheme of things, the old and emerging areawide comprehensive health planning councils will become subarea health planning councils. The intent of this federal law is the commitment to the people that they be given a vehicle for adequate and full participation in the development of health care services for their particular communities.

This S.B. No. 2294-76, SD 2, HD 2, CD 1, has a lot of fancy language and no teeth whatsoever. It is a sop to the people who testified and have worked so hard in past years to develop some meaningful vehicle to provide essential services according to the needs of diverse communities. I say it is no more than a bland inducement to pacify concerned groups because, without funds, how are the subarea councils to operate? The DOH supplemental budget request to provide professional staffing did not materialize. In Sec. 323D of this bill relating to staff for subarea councils reads, and I quote: 'Each subarea health planning council may contract for such professional and other services necessary to achieve the intent of this part . . .' Where does the money come from to achieve this? How can you create more agencies without providing proper staff to operate? How effective will these agencies be? Although federal funds which support State comprehensive health planning activities will continue, there is a definite need for additional funding support during the 'transitional' period - organizational activities for emerging subarea councils.

Another concern of mine, and no less important, is that Oahu County with 80% of the population in Hawaii will be represented by only one subarea council to cover a diversity in problems and needs of this whole island. I refer to page 2 of the bill which says: 'Each county shall have at least one subarea health planning council.' Furthermore, the Conference Draft makes no mention of the intent of the committee regarding how many more subarea councils should be organized. To date, Oahu's population has been deprived of staff services to engage in areawide health planning activities, except for the Windward Coast. This is reflected in the 1975 State Comprehensive Health Plan which

does not mention the health problems and concerns of Oahu residents who live outside the Windward Coast. Development of proper plans and positions on existing and proposed health services requires full-time staff to work with volunteer council members. It is imperative that Oahu have adequate representation in health planning. It is essential to have a number of full-time planners for Oahu. Federal funding for the Oahu Health Planning Council terminates on May 1, 1976.

The neighbor island health planning staff and councils will continue under the remaining funds of '314B'. The DOH budgetary request replaces the Windward Health Planning Council planner position by one planner position for the entire island of Oahu.

With this bill, it looks like the State policy regarding subarea health planning activities is to promote a continued disenfranchisement of 'Oahu-Minus-Windward'.

The consensus of testimony for this bill was to ask for a commitment on the part of this Legislature. This commitment, my most worthy colleagues, includes adequate monies to ensure full participation for all communities, as well as adequate representation for all citizens.

Mr. Speaker, I've said before that a half a loaf is better than none at all, and so I vote for the bill, but still with grave reservations.

Thank you."

Representative Segawa then rose and stated:

"Mr. Speaker, I would like to clarify certain assertions made by the previous speaker.

I would like to explain that this bill was passed to provide a future establishment of subarea health planning councils. At this time, I believe we are probably again the first State in the union that has taken this step to provide for these councils to give input to a State Health Coordinating Council.

The previous speaker has asserted that the County of Honolulu needs more subarea councils, and this I agree. This bill provides this vehicle that each county shall have at least one subarea council. Now, at the present time, the governor

has a task force which is looking into these provisions of how many and where they should be located. This matter has been taken up by this Committee; it has not been discussed with the governor yet; and at this point, the Committee felt that it was premature in designating where and how many councils should be provided.

Furthermore, the previous speaker said that there is no budget to provide the staffing, etc., of these councils. Of course, if our budget does not pass, we will not have any worry about this matter, but I would like to advise the members that there is monies already put into the budget that will provide for staffing for these councils. And in the matter of how many would have to be determined by the State agency who will have the administrative jurisdiction over this matter; and if the budget (the people in Ways and Means and of Finance in this House) do provide some more monies, there can be added personnel if they wish to have.

And so, Mr. Speaker, I believe that this vehicle, which I believe is the first in the nation, provides the vehicle to establish subarea health councils for the State of Hawaii and to allow the people of this State to give input for the State health planning of this State.

Thank you."

Representative Ho then rose and stated:

"I rise to speak in favor of S.B. No. 2294-76, SD 2, HD 2, CD 1, and in doing so, I am sorry I yielded to Representative Segawa because he stole all my quotes.

But, I believe, Mr. Speaker, the reason for this bill here today for final passage is that the public law states that they may have subarea councils, and we felt they should - instead of making it they 'may', they 'shall' have - and this is why this bill emerged to the status where it is right now for final passage.

Various agencies felt that they needed the input to be given for a comprehensive health planning; and that means grass roots. You can look at grass roots participation in various ways: I hear and I close the other side of my ear, and that's participation. So this is the primary reason that I feel that

the subarea health planning councils had hopefully when it's passed will become part of the law and the grass roots people will get input as far as the mechanics of how many subarea councils.

I think this bill caught the DOH and other agencies kind of off-guard and being that it was a supplemental, didn't know how to react. I know we have funds where the Senate put in, I believe, \$150,000 to at least try to facilitate this bill.

So, I urge this body to vote aye."

Representative Cobb then rose and stated:

"Just a brief observation in favor of the measure.

I have attended a number of the meetings of the subarea councils and their planning sessions, and I think it is perhaps regrettable that the bill does not specify at least a regional breakdown on the island of Oahu, such as Leeward, Windward, Urban Honolulu and Eastern Honolulu.

Hopefully, the governor's office, in coordination with the planning council, will do so. It would have, perhaps, been better to flag this out in the bill itself in order to insure that we do have the grass roots participation from each area.

And having attended some of the meetings, I recognize some of the vast differences in the areas - health needs of each area. I think the bill should be passed because it starts a foundation, but I think perhaps next year we might consider some amendments based on this kind of grass roots input."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 2294-76, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE HEALTH PLANNING", passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 22 on S.B. No. 79, SD 1, HD 1, CD 1 (Deferred from April 13, 1976):

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 23 on H.B. No. 3248-76, HD 1, SD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Segawa, seconded by Representative Machida and carried, the report of the Committee was adopted and H.B. No. 3248-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO THE DEVELOPMENTAL DISABILITIES LAW", having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 24 on S.B. No. 2501-76, SD 2, HD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Yamada, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 2501-76, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SECONDHAND DEALERS", having been read throughout, passed Final Reading by a vote of 46 ayes to 2 noes, with Representatives Santos and Sutton voting no, and Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 25 on S.B. No. 1577, SD 1, HD 2, CD 1 (Deferred from April 13, 1976):

On motion by Representative Uechi, seconded by Representative Ho and carried, the report of the Committee was adopted and S.B. No. 1577, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", having been read throughout, passed Final Reading by a vote of 45 ayes to 3 noes, with Representatives Carroll, Roehrig and Sutton voting no, and Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 26 on S.B. No. 2958-76, SD 1, HD 1, CD 1 (Deferred from April 13, 1976):

On motion by Representative Takamine, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 2958-76, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPARATIVE NEGLIGENCE", having been read throughout, passed Final Reading by a vote of 47 ayes to 1 no, with Representative Sutton voting no, and Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 27 on H.B. No. 2782-76, HD 1, SD 1, CD 1 (Deferred from April 13, 1976):

Representative Uechi moved that the report of the Committee be adopted and that H.B. No. 2782-76, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Cobb.

Representative Cobb then rose and stated:

"Mr. Speaker, I would like to insert a journal entry if I may, with the permission of the Chairman and the other conferees, that the change in the campaign contributions and expenditures reflected in the Conference Draft 1 of this bill, that on expenses including those of coffee hours, food sales, must now be reported and that there will be no more exempt categories of expenses so that the total of expenses, as well as the absolute dollar figure, would be matching rather than having a difference due to the previously exempt category of expenses."

Representative Sutton then rose, and upon being recognized, said:

"Mr. Speaker, I rise to speak against House Bill No. 2782-76, House Draft 1, Senate Draft 1, Conference Draft 1."

The Chair then stated:

"Representative Sutton, you may again blow out the system."  
"Proceed."

Representative Sutton then stated:

"Mr. Speaker, could I address your attention to the basic concept that was enunciated originally on this bill? It was enunciated, as you know, by that great movement called Common Cause. And, Mr. Speaker, their whole movement was hurt, and hurt badly as we understand, by the Supreme Court case of Buckley vs. Valeo 44US4127; and that came out, as you know, at the end of January 1976.

Now, I believe that we have over-read that decision - it was a very badly split decision and there was very strong dissent. As you know, they did say that the first amendment prohibited in any way, shape or manner having campaign spending limitations, but they kept silent hand on whether or not you could limit individual contributions, and

those individual contribution limitations remain on the federal level; but we have taken those completely off.

All we've done here is just say, okay, you run for election, you report it and that's it. Sir, it does no good, as you know, to lock the barn door after the horse has left, and that is what we are doing.

Thank you, sir."

Representative Roehrig then rose and stated:

"Mr. Speaker, the bill before us is a result of the Buckley vs. Valeo decision which requires that the Constitution prohibit, in effect, freedom of expression constraints that are imposed by reason of expenditure limitations.

The existing law in the State of Hawaii had expenditure limitations up to this year; did not have contribution limitations, except in very limited areas such as anonymous contributions.

What we have done in this bill pursuant to Federal Supreme Court mandate is to conform our law with that of the federal Constitution. It was not a labor of love, it was a labor of necessity.

Last year, this House and the Senate labored long and hard, including a very long extended Conference Committee, to put together a campaign spending law that we could all be proud of. We had very stringent guidelines regarding the amount of expenditures, depending on the race that the particular candidate was involved in, and the reason why we had looked so hard and long on it was in order to give the less wealthy candidate an opportunity to run for public office so that money doesn't buy elections; however, we constrained by reason of the Federal Supreme Court's decision to conform our law so as to allow unlimited expenditure, and this is the bill before us which the administration presented to us that does just that.

Now, the prior speaker talked about closing the barn door after the horses have run out. Mr. Speaker, the horses ran out when the Federal Supreme Court said that we cannot control expenditures in this area and the changes we made this session were merely to try and fix the lock on the door."

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

"Mr. Speaker, I think it is unfair to make allegations to the Judiciary Chairman or the Chairman and his Committee's work in respect to this campaign spending change because as he said, the Supreme Court has made this decision.

In my opinion, we no longer have a campaign spending law, but we have a champagne spending law; and the reason for that is that by their perverted reasoning of what constitutes First Amendment admonitions to us, we now have a situation in which the rich are equal with the poor. That is to say, we can all rush out and spend as much money as we can gather. Well, if you're already rich, that's not much of a problem. For those of us, however, who do not have a great deal of money, it's unfair to us in turn then to start limiting contributions. And the reason for that is that there may be the odd circumstance in which a candidate who does not have a great deal in the way of wealth to call upon either personal or corporate or may find among his or her friends those who, at great personal sacrifice to themselves, are willing and able to make contributions, perhaps over an extended period of time in an allotment amount, something along that line, in order to try and fund the candidacy of the less wealthy candidate and because of those circumstances, I don't think we should put in restrictions on the amounts of money.

The wealthy will not be hurt by it, regardless; but the candidate who does not have so much money would be put at a further disadvantage if such amendments were put in; and, therefore, given the fact that we have no choice under the champagne spending rule of the well paid justices of the Supreme Court.

I think that we best leave, also, alone the idea of limiting contributions.

Thank you."

Representative Cobb then rose and stated:

"Just one added note of irony, Mr. Speaker. Common Cause was, I think, a co-plaintiff in the Buckley suit; and it is perhaps unfortunate that the decision reverberated to

the contrary of what they have been spending so much time lobbying for so many years. And I must agree with my colleague from the 13th District that, in effect, we will have a champagne spending law; but in equal effect, the Judiciary Committee labored under necessity and not love in this particular measure."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 2782-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES", passed Final Reading by a vote of 42 ayes to 6 noes, with Representatives Ajifu, Carroll, Clarke, Evans, Kamalii and Sutton voting no, and Representatives Hakoda, Morioka and Oda being excused.

Conf. Com. Rep. No. 28 on S.B. No. 2709-76, SD 2, HD 1, CD 1 (Deferred from April 13, 1976):

Representative Roehrig moved that the report of the Committee be adopted and that S.B. No. 2709-76, SD 2, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Segawa.

At this time, Representative Roehrig rose and stated:

"Briefly speaking in favor of this measure - this bill for an act relating to mental health is perhaps the most up-to-date and polished bill of any State in the nation regarding the very traumatic and emotional subject of committing people with emotional, mental and substance abuse problems to hospitals and other facilities when they present the danger to themselves, to others, or to property.

This bill came from the Senate at about the time when Judge King of the Federal District Court made a decision in the Suzuki vs. Quisenberry case to the effect that our existing law in this area was unconstitutional.

While the bill was in the House, the various members of the House Judiciary and Health Committees, together with different public agencies and private agencies and just plain concerned citizens, spent a considerable amount of time, under very pressing conditions, to thoroughly rewrite the law for the State of Hawaii.

When this bill went to conference, the Senate conferees and other interes-

ted persons from the Senate side added additional input with us in this area; and with the help of the Attorney General's staff and other legal personnel, we were able to polish some of the areas that we had set up in the House Bill.

Generally, it provides a mechanism whereby an involuntary commitment can take place, but there will be a call to the court when somebody is going to be admitted on an emergency basis. Within 48 hours of admission, there must be a petition filed with the court if the commitment is going to continue, and the hearing is to be held thereon within ten days if possible.

The bill goes on to provide when there is going to be discharge from a facility. If there are objections from the family regarding the discharge, there can be a hearing on that before the court so that we do not further continue the existing practice of having one officer or doctor from a medical facility determining when a person, who may be dangerous to himself, or others, or to property, is going to be discharged into the community much to the concern of people in the community when there is difference of opinion whether that person is ready to become a part of the larger community.

We have had an opportunity to compare this with the law of other states and it is the opinion of the Attorney General's staff that assisted us on this bill that we have put in refinements that are not found in any other law in this country and for this reason it appears as though this bill and this act will, in effect, be a landmark law in the United States and it's a bill about which, I think, all the members of the House of this Legislature and all the people who worked on it can be proud of.

Thank you."

Representative Carroll then rose and stated:

"There is one issue that was addressed by the Chairman of the Judiciary Committee relative to the involuntary holding or detention by the telephone call to the court, and Judge Vitousek has indicated in her testimony before us, and to me personally, that in the event that this situation did arise, that she would most likely come down and make a personal examination even though the law

as it's set forth here does not require it.

And, Mr. Speaker, I am not much given to the practice, but this time I would like to compliment the Chairman of Judiciary for a very fine job on a most difficult task."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 2709-76, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", passed Final Reading by a vote of 48 ayes, with Representatives Hakoda, Morioka and Oda being excused.

The Chair directed the Clerk to note that H.B. No. 2678-76, HD 1, SD 1, CD 1, had passed Final Reading at 11:59 o'clock a.m.; S.B. No. 1786-76, SD 1, HD 1, CD 1, at 12:00 o'clock p.m.; H.B. No. 3262-76, HD 2, SD 1, CD 1, at 12:02 o'clock p.m.; H.B. No. 2130-76, HD 1, SD 1, CD 1, at 12:03 o'clock p.m.; H.B. No. 2894-76, HD 1, SD 3, CD 1, and S.B. No. 1824-76, SD 1, HD 1, CD 1, at 12:04 o'clock p.m.; S.B. Nos. 1821-76, HD 1, CD 1, and 1830-76, HD 1, CD 1, at 12:05 o'clock p.m.; H.B. No. 2812-76, HD 1, SD 1, CD 1, at 12:08 o'clock p.m.; H.B. No. 2135-76, HD 1, SD 1, CD 1, and S.B. No. 2467-76, SD 1, HD 2, CD 1, at 12:14 o'clock p.m.; S.B. No. 2739-76, HD 1, CD 1, and H.B. No. 2131-76, HD 1, SD 1, CD 1, at 12:15 o'clock p.m.; S.B. No. 1775-76, SD 1, HD 1, CD 1, at 12:17 o'clock p.m.; S.B. No. 528, SD 1, HD 1, CD 1, at 12:18 o'clock p.m.; H.B. No. 2371-76, HD 1, SD 1, CD 1, at 12:20 o'clock p.m.; S.B. No. 2294-76, SD 2, HD 2, CD 1, at 12:30 o'clock p.m.; H.B. No. 3248-76, HD 1, SD 1, CD 1, at 12:37 o'clock p.m.; S.B. No. 2501-76, SD 2, HD 1, CD 1, and S.B. No. 1577, SD 1, HD 2, CD 1, at 12:38 o'clock p.m.; S.B. No. 2958-76, SD 1, HD 1, CD 1, at 12:39 o'clock p.m.; H.B. No. 2782-76, HD 1, SD 1, CD 1, at 12:49 o'clock p.m.; and S.B. No. 2709-76, SD 2, HD 1, CD 1, at 12:55 o'clock p.m.

At 12:55 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., the Vice-Speaker assumed the rostrum.



# RECONSIDERATION OF ACTION TAKEN

Representative Yamada moved that the House reconsider its action taken on Stand. Com. Rep. No. 929-76 on H.R. No. 559, HD 1, seconded by Representative Yap and carried.

At this time, the Chair re-referred H.R. No. 559, HD 1, to the Committee on Consumer Protection and Commerce only.

Representative Yamada then moved that the report of the Committee be adopted and, notwithstanding the report of the Committee that H.R. No. 559, as amended, be referred to the Committee on Legislative Management, that H.R. No. 559, as amended, be adopted.

The motion was seconded by Representative Yap.

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. 559, HD 1, entitled: "A RESOLUTION REQUESTING A STUDY OF THE CONCEPT OF A SUNSET PROVISION FOR REGULATORY BOARDS AND COMMISSIONS", was adopted.

Representative Kunimura, on a point of information, asked:

"Do we have a calendar that we're supposed to take care of yet on Final Reading?"

The Chair replied:

"No, we're going to be recessing."

Representative Kunimura then stated:

"I would appreciate, and I speak on a point of personal privilege, Mr. Speaker--I'd appreciate it if people would tell us what the hell is going on because when we gotta sit here and start guessing, there's going to be a helluva lot of trouble around here. Okay?"

The Chair then remarked:

"The Majority Leader will make it known what the plan for the day is, then we'll be recessing till 4:30 o'clock p.m."

At 1:01 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:12 o'clock p.m.

# STANDING COMMITTEE REPORTS

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 980-76) recommending that S.B. No. 28, SD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 980-76 on S.B. No. 28, SD 2, was deferred until tomorrow, April 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 28, SD 2, were made available to the members of the House at 10:55 o'clock a.m.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 981-76) recommending that S.B. No. 1301, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the majority of the Committee was adopted and S.B. No. 1301, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITION OF CERTAIN TYPES OF AMMUNITION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 15, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 1301, SD 1, were made available to the members of the House at 10:55 o'clock a.m.

# DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 36 on H.B. No. 1499, HD 1, SD 1, CD 2:

Representative Blair moved that the report of the Committee be adopted and that H.B. No. 1499, HD 1, SD 1, CD 2, pass Final Reading, seconded by Representative Cayetano.

At 1:15 o'clock p.m., upon the request of Representative Poepoe, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives



reconvened at 1:17 o'clock p.m.

By unanimous consent, action on Conf. Com. Rep. No. 36 on H.B. No. 1499, HD 1, SD 1, CD 2, was deferred until the end of the afternoon's calendar.

#### DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 2103-76, HD 1, as amended by the Senate, 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. 2103-76, HD 1, and H.B. No. 2103-76, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that "the Senate corrected a typographical error - January 1, 1976 should have been January 1, 1986."

The motion was put by the Chair and carried, and H.B. No. 2103-76, HD 1, as amended, passed Final Reading by a vote of 47 ayes, with Representatives Hakoda, Morioka, Oda and Wakatsuki being excused.

By unanimous consent, H.B. No. 2127-76, as amended by the Senate, 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. 2127-76, as amended, and H.B. No. 2127-76, as amended, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that "the Senate added on clarifying language as to the subpoena power by putting in words 'pursuant to and in accordance with the rules of the court'."

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

"My question is whether in fact this will mean that the Consumer Protector will be expecting an attorney to be representing people being investigated or does this give him the same power that the original House Bill that went out of here?"

Representative Yamada then asked:

"Question directed to me?"

Representative Lum replied:

"I guess so, because you're the one who defended the bill the first time it left here."

Representative Yamada answered:

"Well, in answer to the question you asked, and that's the same question he asked before, yes."

The motion was put by the Chair and carried, and H.B. No. 2127-76, as amended, passed Final Reading by a vote of 39 ayes to 8 noes, with Representatives Ajifu, Amaral, Carroll, Clarke, Larsen, Lum, Santos and Sutton voting no, and Representatives Hakoda, Morioka, Oda and Wakatsuki being excused.

By unanimous consent, H.B. No. 2256-76, HD 1, as amended by the Senate, 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. 2256-76, HD 1, and H.B. No. 2256-76, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that "the Senate corrected a typographical error on lines 14 and 15 of page 1 - the House referred to Department of Housing and Urban Affairs, it should have been Housing and Urban Development."

The motion was put by the Chair and carried, and H.B. No. 2256-76, HD 1, as amended, passed Final Reading by a vote of 47 ayes, with Representatives Hakoda, Morioka, Oda and Wakatsuki being excused.

By unanimous consent, H.B. No. 2299-76, HD 2, as amended by the Senate, 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. 2299-76, HD 1, as amended, having been read throughout pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that "the Senate made three clarification changes: on page 3, line 1, they added on the words 'was required to be licensed but'; on page 4, lines 23 and 24, where the House referred to a sub-subcontractor, they added the word 'subcontractor'; and on page 5, lines 1 and 2, again, clarifying language 'required to be licensed, but what was'. Those are the only amendments."

The motion was put by the Chair and carried, and H.B. No. 2299-76, HD 1, as amended, passed Final Reading by a vote of 47 ayes, with Representatives Hakoda, Morioka, Oda and Wakatsuki being excused.

By unanimous consent, H.B. No. 2617-76, HD 1, as amended by the Senate, 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. 2617-76, HD 1, and H.B. No. 2617-76, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that "the Senate deleted on page 1, line 6, under the title 'Unlicensed Activity' the whole subsection (a) of the House draft; and added on page 1, line 6, the words 'maintenance electrician'; and on page 1, lines 13-16, they also included 'motion picture operators'."

At 1:24 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:28 o'clock p.m., Representative Sutton asked:

"I wonder if the Chairman would yield to a question?"

Representative Yamada replied in the negative.

Representative Sutton then asked:

"Then, would you ask him, sometime in private, how do you include motion picture operators when the title is electricians and plumbers? Why don't we call it electricians, plumbers and motion picture operators and label the thing the way it is? Dole doesn't say we've got pineapples. . ."

Representative Kimura then stood

on a point of order and stated:

"I think if he has any gripes, he can take that up privately and I think this is not germane to the discussion at hand."

The Chair remarked:

"Point is well taken. Representative Sutton."

Representative Sutton continued, stating:

"I speak against the agreement. I do not feel that we as a House, with well-schooled committees that have worked very hard and very well with this chairman, should have a bill where all of a sudden we stick in the word 'motion picture operators' and the title is 'electricians and plumbers'; and, I feel that we should relabel the bill and we should at least insist that the bill indicate what the subject matter is appropriately. So, I would urge my colleagues to vote against the agreement."

Representative Yamada then rose and stated:

"Mr. Speaker, if the prior speaker will look at our present law, Chapter 44E, entitled: 'Electricians and Plumbers, he will see that under this Section 448E(4) that the powers and duties of the Electricians and Plumbers Board under subsection (e) includes motion picture operators."

Representative Abercrombie then rose and stated:

"Mr. Speaker, the Chairman of the Consumer Protection and Commerce Committee has assured me that this bill does in no way affect adversely amateur motion picture operation. This is a professional activity and, therefore, those of you who were worried that you would not be able to see my benefit motion picture show at the University the first week of May need not worry about it any longer. We will be showing 'Bedtime for Bonzo', starring Ronald Reagan, as one of the films."

Representative Lum then stated:

"I just want to say I'm sorry I asked the question, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 2617-76, HD 1, as amended, passed Final Reading by a vote of 46 ayes to 1

no, with Representative Sutton voting no, and Representatives Hakoda, Morioka, Oda and Wakatsuki being excused.

By unanimous consent, H.B. No. 2809-76, HD 1, as amended by the Senate, 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. 2809-76, HD 1, and H.B. No. 2809-76, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that "the House draft exempted all activities of SBIC from general excise tax. The Senate draft limited the exemption to income derived from activities engaged in as provided by the Federal SBIC Act of 1958."

The motion was put by the Chair and carried, and H.B. No. 2809-76, HD 1, as amended, passed Final Reading by a vote of 47 ayes, with Representatives Hakoda, Morioka, Oda and Wakatsuki being excused.

By unanimous consent, H.B. No. 2893-76, HD 1, as amended by the Senate, 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. 2893-76, HD 1, and H.B. No. 2893-76, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that "in the House draft, the penalties for violation of Chapter 514 of the Hawaii Revised Statutes, that the civil penalty will be not less than \$500 nor more than \$2,500. The Senate amended by taking out the minimum amount and putting in language to the effect that says not exceeding \$2,500. But they also added another sentence that, 'each violation shall constitute a separate offense'."

The motion was put by the Chair and carried, and H.B. No. 2893-76, HD 1, as amended, passed Final Reading by a vote of 47 ayes, with Representatives Hakoda, Morioka, Oda and Wakatsuki being excused.

By unanimous consent, H.B. No. 3109-76, as amended by the Senate, 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. 3109-76, and H.B. No. 3109-76, as amended, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that "the Senate amended the bill by making the Board composition of seven members: that five shall be licensed acupuncturists and two shall be private citizens."

The motion was put by the Chair and carried, and H.B. No. 3109-76, SD 1, passed Final Reading by a vote of 45 ayes to 2 noes, with Representatives Cobb and Sutton voting no, and Representatives Hakoda, Morioka, Oda and Wakatsuki being excused.

By unanimous consent, H.B. No. 3280-76, HD 1, as amended by the Senate, 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. 3280-76, HD 1, and H.B. No. 3280-76, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Yap.

Representative Yamada then explained that "the Senate amended the House draft to provide that the petroleum distributors shall reimburse the gasoline dealer for not less than 90% of the cost paid by the gasoline dealer or shall cancel not less than 90% of any debts owed on account of the inventory. They also deleted a section which gave transfer rights to the gasoline dealer. The reason they did this was that at the Senate hearing the Gasoline Dealer's Association stated that this is their desire."

Representative Lum then rose and stated:

"On the forty-first day of this session I stood up before this body and I pointed out some of the problems with service stations in this bill. I'm glad to see that the dealers, as an organization, went in to take it out, to assure that there be no doubt as to what the future of the

station dealers throughout the State would look like. This particular deletion that they did make . . ."

At this point, the Chair asked:

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

Representative Lum replied:

"For the particular bill. It would at least assure the dealers that they won't have any kind of action that would possibly rise in their charges now by the oil companies.

I did do a survey on the interim from the forty-first day till this bill hit the floor, and so far my informal survey would say that most of the dealers did not know that this provision was gonna be put in this particular bill. And when I asked the question directly whether in fact they were in favor or not, they said they'd much rather consider seeing what the ramifications would be like.

So, I am happy that this was deleted, but I hope that if in case in the interim and if I should return next year and we feel that something can be worked out, that we will work to try to improve the situation for the dealers so that in fact when they do, for some reason, have to give up the dealership, there's some credit, some money that can be given back to them for all the years of toil that they may have put in on behalf of the service station dealer's company."

The motion was put by the Chair and carried, and H.B. No. 3280-76, HD 1, as amended, passed Final Reading by a vote of 45 ayes to 2 noes, with Representatives Larsen and Sutton voting no, and Representatives Hakoda, Morioka, Oda and Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 2103-76, HD 1, SD 1, had passed Final Reading at 1:18 o'clock p.m.; 2127-76, SD 2, at 1:20 o'clock p.m.; 2256-76, HD 1, SD 2, at 1:21 o'clock p.m.; 2299-76, HD 2, SD 1, at 1:23 o'clock p.m.; 2617-76, HD 1, SD 1, at 1:31 o'clock p.m.; 2809-76, HD 1, SD 2, at 1:32 o'clock p.m.; 2893-76, HD 1, SD 2, at 1:34 o'clock p.m.; 3109-76, HD 1, SD 1, at 1:35 o'clock p.m.; and 3280-76, HD 1, SD 1, at 1:39 o'clock p.m.

By unanimous consent, H.B. No. 513, 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 agreed to the amendments proposed by the Senate to H.B. No. 513, HD 1.

By unanimous consent, final action on H.B. No. 513, HD 1, as amended by the Senate, was deferred one day.

At 1:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:10 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 954-76) recommending that S.C.R. No. 8 be adopted.

Representative Ho moved that the report of the Committee be adopted and that S.C.R. No. 8 be adopted, seconded by Representative Abercrombie.

Representative Clarke then rose and stated:

"Mr. Speaker, I rise to speak in favor of S.C.R. No. 8, and ask that my remarks be inserted in the Journal on the next two resolutions also - S.C.R. No. 9 and S.C.R. No. 10, SD 1.

Last year this body, in the spirit of cooperation between the Republicans and the Majority, passed H.B. No. 677 requiring the development of a Comprehensive State Plan. This bill was signed into law by the Governor, who in signing it, echoed our comments that it in retrospect, this will be the most significant legislation of the decade.

I am proud to have been a party to the development of this concept. Unfortunately, when DPED reported back to the Legislature this year, I was sorely disappointed at their lack of progress, which in turn has necessitated this and the following two resolutions.

It looks as if the Legislature must lead DPED by the nose through the hoops of developing a Comprehensive State Plan. Perhaps this is the correct approach, as in doing so the Legislature is reasserting its constitutionally mandated role of the establisher of policy to be administered by the Executive Branch.

I hope that these resolutions will give the DPED the proverbial kick in the pants to press on with the most important task of developing a truly Comprehensive State Plan by next year.

I urge all of you to support this measure, and to reassert the legislative role in policy formulation.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.C.R. No. 8, entitled: "A CONCURRENT RESOLUTION REQUESTING STUDY OF A PLANNING CLEARINGHOUSE PROCESS", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 955-76) recommending that S.C.R. No. 9 be adopted.

Representative Kawakami moved that the report of the Committee be adopted and that S.C.R. No. 9 be adopted, seconded by Representative Ho.

As requested, Representative Clarke's speech is as follows:

"Last year this body, in the spirit of cooperation between the Republicans and the Majority, passed H.B. No. 677 requiring the development of a Comprehensive State Plan. This bill was signed into law by the Governor, who in signing it, echoed our comments that it in retrospect, this will be the most significant legislation of the decade.

I am proud to have been a party to the development of this concept. Unfortunately, when DPED reported back to the Legislature this year, I was sorely disappointed at their lack of progress, which in turn has necessitated this and the following two resolutions.

It looks as if the Legislature must lead DPED by the nose through the hoops of developing a Comprehensive

State Plan. Perhaps this is the correct approach, as in doing so the Legislature is reasserting its constitutionally mandated role of the establisher of policy to be administered by the Executive Branch.

I hope that these resolutions will give the DPED the proverbial kick in the pants to press on with the most important task of developing a truly Comprehensive State Plan by next year.

I urge all of you to support this measure, and to reassert the legislative role in policy formulation.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.C.R. No. 9, entitled: "A CONCURRENT RESOLUTION REQUESTING STUDY OF MEANS TO MORE EFFECTIVELY COORDINATE STATE AND COUNTY PLANNING PROGRAMS", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 956-76) recommending that S.C.R. No. 10, SD 1, be adopted.

Representative Kawakami moved that the report of the Committee be adopted and that S.C.R. No. 10, SD 1, be adopted, seconded by Representative Ho.

As requested, Representative Clarke's speech is as follows:

"Last year this body, in the spirit of cooperation between the Republicans and the Majority, passed H.B. No. 677 requiring the development of a Comprehensive State Plan. This bill was signed into law by the Governor, who in signing it, echoed our comments that it in retrospect, this will be the most significant legislation of the decade.

I am proud to have been a party to the development of this concept. Unfortunately, when DPED reported back to the Legislature this year, I was sorely disappointed at their lack of progress, which in turn has necessitated this and the following two resolutions.

It looks as if the Legislature must lead DPED by the nose through the hoops of developing a Comprehensive State Plan. Perhaps this is the correct approach, as in doing so

the Legislature is reasserting its constitutionally mandated role of the establisher of policy to be administered by the Executive Branch.

I hope that these resolutions will give the DPED the proverbial kick in the pants to press on with the most important task of developing a truly comprehensive state plan by next year.

I urge all of you to support this measure, and to reassert the legislative role in policy formulation.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.C.R. No. 10, SD 1, entitled: "A CONCURRENT RESOLUTION REQUESTING REVIEW OF STATE LAND USE DISTRICT CLASSIFICATIONS", was adopted.

Representatives Kawakami and Blair, for the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection, presented a report (Stand. Com. Rep. No. 957-76) recommending that H.R. No. 625 be adopted.

On motion by Representative Kawakami, seconded by Representative Blair and carried, the report of the joint Committee was adopted and H.R. No. 625, entitled: "A RESOLUTION REQUESTING EXPEDITIOUS PROTECTION OF THE UNIQUE ENVIRONMENT OF MOLOKINI", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 958-76) recommending that H.R. No. 120 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 120, entitled: "A RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF OPENING THE UPPER HAMAKUA DITCH, COUNTY OF HAWAII", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 959-76) recommending that H.R. No. 603, 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. 603, HD 1, entitled: "A RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXAMINE A PORTION OF KOAUKA LOOP AS A NEIGHBORHOOD PARK SITE", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 960-76) recommending that H.R. No. 471 be adopted.

On motion by Representative Kawakami, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 471, entitled: "A RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO CONSTRUCT AN OCEAN RECREATION COMPLEX AT POKAI BAY, OAHU", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 961-76) recommending that H.R. No. 554 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 554, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF THE MINING AND USE OF LAVA FOR BUILDING MATERIALS", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 962-76) recommending that H.R. No. 488 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.R. No. 488, entitled: "HOUSE RESOLUTION REQUESTING INCREASED INTER-GOVERNMENTAL COOPERATION TO MINIMIZE FLOOD DAMAGE IN OAHU'S WAIANAE AND NORTH SHORE AREAS", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 963-76) recommending that H.R. No. 617, HD 1, be adopted.

By unanimous consent, action was deferred until the end of the



calendar.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 964-76) recommending that H.R. No. 520, as amended in HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.R. No. 520, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE COMMUNITY SERVICE AND RESEARCH PROGRAMS OF THE UNIVERSITY OF HAWAII", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 965-76) recommending that H.C.R. No. 109 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND MAYORS OF THE SEVERAL COUNTIES TO REVIEW AND MAKE RECOMMENDATIONS TO THE NINTH STATE LEGISLATURE REGARDING THE ARTHUR YOUNG AND COMPANY REPORT ENTITLED 'AN ANALYSIS OF THE ASSIGNMENT OF RESPONSIBILITIES AND FUNDING OF TRANSPORTATION IN HAWAII'", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 966-76) recommending that H.C.R. No. 115 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE IMPACT AND IMPLICATIONS OF THE ELIMINATION OF THE GENERAL EXCISE TAX ON CERTAIN OCCUPATIONS", was adopted, with Representative Abercrombie voting no.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 967-76) recommending that H.R. No. 600 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.R. No. 600,

entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE IMPACT AND IMPLICATIONS OF THE ELIMINATION OF THE GENERAL EXCISE TAX ON CERTAIN OCCUPATIONS", was adopted, with Representative Abercrombie voting no.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 968-76) recommending that S.C.R. No. 93 be adopted.

Representative Suwa moved that the report of the Committee be adopted and that S.C.R. No. 93 be adopted, seconded by Representative Akizaki.

Representative Santos then rose and stated:

"Mr. Speaker, I rise to speak in favor of S.C.R. No. 93.

Mr. Speaker, although I happily rise in support of this Senate Concurrent Resolution, which establishes a policy guaranteeing any patient resident of Kalaupapa the right to remain at the settlement for as long as he or she may choose, I am, nevertheless, chagrined by the fact that this Senate Concurrent Resolution is necessary at this time since House Bill 2978-76, HD 1, ensuring these patient residents the security of their homes in Kalaupapa regardless of the success of their treatment for leprosy was held in committee by the Senate, because of its Republican authorship.

Mr. Speaker, we, the members of the House of Representatives, showed our moral sensitivity and compassion for the emotional distress which these people have suffered and are suffering by our previous floor action. Fully aware of the ill treatment and the social and moral insensitivities of the past, and also aware of the multiple social and emotional problems of the victims of this formerly dread disease, we, the members of the House of Representatives, responded to the anguished cries for help of the patient residents of Kalaupapa and passed, unanimously, legislation which would assure these people the right to live out their lives among their loved ones and friends, secure in the only homes that they have ever known.

Mr. Speaker, I regret that the action called for by this Senate Concurrent Resolution lacks the impact of law, but is forced upon us, at



this time, by the inaction of the Senate and by the constraints of the legislative calendar. However, this action is the last hope for the patient residents of Kalaupapa during this legislative session.

Therefore, I urge the members of this honorable body to reaffirm their commitment to the people of Kalaupapa by voting 'aye' on Senate Concurrent Resolution 93.

Thank you, Mr. Speaker."

Representative Abercrombie then rose and asked:

"Can the previous speaker indicate to me the Senate committee this bill was referred to?"

Representatives Santos replied:

"Health."

Representative Kunimura then rose and stated:

"I rise in support of the lady representative from Maui.

Mankind has found and discovered a cure for most every disease known in the history of the world; but it is so saddening because the biggest and the worst disease that we haven't been able to conquer yet is the political disease of our time; and I hope real soon that the people of this State will be able to elect members to the Legislature that not only are color blind but politically blind, that they can serve the people of this State without any political considerations. Thank you."

Representative Abercrombie, upon being recognized, stated:

"Yes, there is something more I want to say in respect to that. It is a shame we can't legislate against ignorance; and I think in this particular instance, that to have this legislation held up is not only disservice to the State, it accentuates something that had to come over before. . . . . Somebody else want to say something? It's all right with me. I'll yield."

The Chair directed "Representative Abercrombie" to "please continue."

Representative Abercrombie proceeded, stating:

"Well, you know when somebody wants to say something, they don't

have to talk under their breaths, they can stand up.

One of the situations that prevails here is ignorance among the general public concerning leprosy, Hansen's disease, whatever you want to call it. When this kind of thing happens, it tends to reinforce those prejudices and that kind of bigotry. That's why it is unfortunate; therefore, I support this."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.C.R. No. 93, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO KALAUPAPA RESIDENTS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 969-76) recommending that H.R. No. 552 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 970-76) recommending that H.C.R. No. 108 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki 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 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. 971-76) recommending that H.R. No. 66 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. 66, entitled: "HOUSE RESOLUTION REQUESTING THE COMMISSION ON MANPOWER AND FULL EMPLOYMENT AND THE STATE MANPOWER SERVICES COUNCIL TO REVIEW THE CURRENT MANPOWER SERVICES PROGRAMS AND TO RECOMMEND REMEDIAL ACTION AS NEEDED", was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 972-76) recommending that S.C.R. No. 59 be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.C.R. No. 59, entitled: "SENATE CONCURRENT RESOLUTION 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", was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 973-76) recommending that H.R. No. 175, as amended in HD 1, be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 175, HD 1, entitled: "HOUSE RESOLUTION REQUESTING STUDY AND REVIEW OF PUBLIC SAFETY AND SECURITY PERSONNEL EMPLOYED BY THE STATE OF HAWAII AND THE VARIOUS COUNTIES", was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 974-76) recommending that H.R. No. 465, as amended in HD 1, be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 465, HD 1, entitled: "HOUSE RESOLUTION RELATING TO UNEMPLOYMENT AND MOONLIGHTING WITHIN THE BUILDING AND CONSTRUCTION INDUSTRY", was adopted, with Representatives Abercrombie, Ajifu, Carroll, Clarke, Cobb, Larsen,

Lum, Naito and Sutton voting no.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 975-76) recommending that H.R. No. 269, as amended in HD 1, be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 269, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN ACTION PROGRAM TO QUALIFY HAWAII RESIDENTS FOR AVAILABLE AND PROJECTED FEDERAL JOBS", was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 976-76) recommending that H.R. No. 588, as amended in HD 1, be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 588, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ESTABLISHMENT OF A COMPLIANCE PROGRAM TO ENFORCE AFFIRMATIVE ACTION IN THE PRIVATE SECTOR OF THE STATE OF HAWAII", was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 977-76) recommending that H.R. No. 591 be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 591, entitled: "HOUSE RESOLUTION REQUESTING AN INTERIM INVESTIGATION OF THE IMPLEMENTATION OF THE EMPLOYMENT SECURITY ACT", was adopted.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 978-76) recommending that H.R. No. 371, as amended in HD 1, be adopted.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 371, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE CIVIL SERVICE SYSTEM", was adopted.

Representative Machida, for the Committee on Tourism, presented

a report (Stand. Com. Rep. No. 979-76) recommending that H.R. No. 567 be adopted.

On motion by Representative Machida, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 567, entitled: "HOUSE RESOLUTION 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 adopted.

At 2:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:26 o'clock p.m.

#### SPECIAL COMMITTEE REPORTS

Representatives Stanley and Lee, for the Committees on Public Assistance and Human Services and Labor and Public Employment, appointed pursuant to H.R. No. 134 to study Hawaii's income maintenance policies, presented a report (Spec. Com. Rep. No. 19).

By unanimous consent, the report of the joint Committee was received and placed on file.

Representatives Stanley and Lee, for the Committees on Public Assistance and Human Services and Labor and Public Employment appointed pursuant to H.R. No. 143, adopted by the Legislature in the Regular Session of 1975, which was directed to conduct a review of the State's general assistance program, presented a report (Spec. Com. Rep. No. 20).

By unanimous consent, the report of the joint Committee was received and placed on file.

At this time, Representative Evans rose and stated:

"Mr. Speaker, as a student of astrology, I have discovered that a great percentage of our House members are Arians, and their symbol is the ram. That would indicate that they usually lead with their heads and lock horns.

The man that we would like to extend birthday congratulations

to today leads with his heart, and on behalf of the entire House, we would like to wish a Happy Birthday to Representative John Medeiros, and Representative Santos will present him with a lei. We are asking that our Charles K. L. Davis refrain from singing his usual 'Happy Birthday', and, instead, are requesting that the minority leadership and the majority leadership get together in unison and sing a few bars of 'Happy Birthday' to him.

Thank you."

On a point of order, Representative Lum asked:

"Before we recess, is it possible for us to have an announcement from the Finance Committee Chairman so we know what we should be doing as conferees for the Finance Committee?"

Representative Suwa replied:

"Given enough time to have a sandwich, the conferees of the Finance Committee will meet at 3:30 o'clock p.m."

Representative Carroll then rose and stated:

"Mr. Speaker, I believe you granted the request that the majority and minority leadership sing 'Happy Birthday', and I see an attempt here to avoid that responsibility and I would like to insist that it be done now. Thank you."

The Chair then replied:

"Representative Carroll, we will have that particular attempt made after we recess."

On motion by Representative Kimura, seconded by Representative Ajifu and carried, the House stood in recess until 4:00 o'clock p.m. this afternoon.

#### AFTERNOON SESSION

The House of Representatives reconvened at 4:45 o'clock p.m. and the Speaker assumed the rostrum.

#### DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 36 (H.B. No. 1499, HD 1, SD 1, CD 2):

Representative Cayetano moved that the report of the Committee be adopted and that H.B. No. 1499, HD 1, SD 1, CD 2, having been read throughout, pass Final Reading, seconded by Representative Blair.

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

"Mr. Speaker, we worked for the past year to give input to bring a measure which started out creating bedlam, and I think we've moved toward reason; we've moved from confrontation, anger, some cases almost hatred, towards a bill which I think most people who are involved would consider as a compromise.

I think that the distance it has travelled between House Bill No. 1499, House Draft 1, to Senate Draft 1, as now before us in Conference Draft 2, has been long, tortured and well worth the effort.

This bill seeks to solve many problems. The cost of operating the harbors, I think, will now be more fairly distributed. But even under this measure, as before, the people who have their boats in the Ala Wai will carry the rest of the State harbors.

The derelict boats which were a big problem, and I think which brought some attention to the Ala Wai in particular, have been largely removed. Surveys are being conducted and inspections are being required, and I think that our hats here should be off to the Harbors Division who came under some serious attacks last year for the work that has been accomplished during the interim period.

The fee increases which were suggested are certainly in order for the payment of mooring and permits. I would like to suggest, however, that the fees should be reasonable and not confiscatory. We should not hurt the poor who own or perhaps live on boats by attempting to burden some of the more economically fortunate.

There is a provision which has raised some questions relative to the out-of-state applicant's fee, and we've made a provision in this bill for up to \$100. It's been stated here and there that that may be unconstitutional. But I think that it lies within the purview of the out-of-state resident hunting license fees and tuition fees; certainly a

good idea and one which may make the number of applicants more manageable.

The live-aboard issue has been addressed; the persons now holding live-aboard permits have been taken care of; there's a clear cut mandate for living aboard which I believe is appropriate in our State - we're an island group bounded and populated by seafarers. We have a State whose lives and lifestyles are intricately entwined with a sometimes delicate, sometimes vicious moods of the sea, and I think that it is quite appropriate that this measure has been taken.

Some of the fears of the past year have been quieted by this bill and I think in the years to come, we can assess what the effects of the grand allowance to 15% of live-aboards in the harbors will be.

Finally, I would like to point out that this Conference Draft was prepared after study, after much testimony and, most importantly, after the publication of the legislative audit. I think the lesson that we must learn here is not to rush in unthinkingly and blindly attempting to destroy, in some cases, the life savings and the lawful pursuit of happiness of some of our citizens.

I would like to thank members of the Transportation Committee for the efforts that they made in this area and urge that everyone vote 'aye' on this bill. Thank you."

Representative Cayetano then rose and stated:

"Mr. Speaker, as Chairman of the Energy and Transportation Committee, of course, I urge all my colleagues to support this bill. But in reference to the remarks made by the previous speaker, I just want to say that I'm absolutely flabbergasted. I know Representative Carroll had some cake today. I'm just wondering if there was anything in that cake!"

The Chair then remarked:

"Representative Carroll, you've been very generous up to this particular hour."

Representative Carroll then stated:

"Mr. Speaker, I saw the cake that was there and I resisted eating it because of the format that was depicted there, and I'm very happy

to note, with the passage of this bill, that indeed the ship is not sinking as predicted, but floating quite dry. Thank you."

Representative Blair, upon being recognized, stated:

"Mr. Speaker, I am sorry that Representative Carroll did not avail himself of the cake. I was hoping that he would eat it."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 1499, HD 1, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS", passed Final Reading by a Roll Call vote of 35 ayes to 11 noes, with Representatives Abercrombie, Ajifu, Ho, Kondo, Lee, Lum, Lunasco, Machida, Naito, Peters and Segawa voting no, and Representatives Hakoda, Morioka, Roehrig, Santos and Yap being excused.

The Chair directed the Clerk to note that H.B. No. 1499, HD 1, SD 1, CD 2, passed Final Reading at 4:56 o'clock p.m.

At 4:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:39 o'clock p.m.

The Chair, at this time, with the Chairpersons involved consenting, discharged the House conferees on House Bill No. 83, HD 1, SD 3.

#### SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Ajifu and carried, the rules were suspended for the purpose of making a certain motion to reconsider previous action taken.

#### RECONSIDERATION OF ACTION TAKEN

Representative Uechi moved that the House reconsider previous action taken to disagree with the Senate amendments to H.B. No. 83, HD 1, seconded by Representative Inaba and carried.

By unanimous consent, action to agree with the amendments made by the Senate to H.B. No. 83, HD 1, was deferred.

#### STANDING COMMITTEE REPORTS

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 982-76) recommending that S.B. No. 2909-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 982-76 on S.B. No. 2909-76 was deferred until tomorrow, April 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2909-76 were made available to the members of the House at 4:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 983-76) recommending that S.B. No. 2819-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 983-76 on S.B. No. 2819-76 was deferred until tomorrow, April 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2819-76 were made available to the members of the House at 4:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 984-76) recommending that H.C.R. No. 104 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 984-76 and H.C.R. No. 104 was deferred until tomorrow, April 15, 1976.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 985-76) recommending that H.C.R. No. 117, as amended in HD 1, be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand. Com. Rep. No. 985-76 and H.C.R. No. 117, HD 1, was deferred until tomorrow, April 15, 1976.

Representative Yuen, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 986-76) recommending that H.R. No. 492 be referred to the Committee on Legislative Management.

By unanimous consent, action

on Stand. Com. Rep. No. 986-76 and H.R. No. 492 was deferred until tomorrow, April 15, 1976.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 987-76) recommending that H.R. No. 614, as amended in HD 1, be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand. Com. Rep. No. 987-76 and H.R. No. 614, HD 1, was deferred until tomorrow, April 15, 1976.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 988-76) recommending that S.B. No. 1850-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1850-76 passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 15, 1976.

The Chair directed the Clerk to note that printed copies of S.B. No. 1850-76 were made available to the members of the House at 4:30 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 989-76) recommending that S.B. No. 2715-76, SD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 989-76 on S.B. No. 2715-76, SD 1, was deferred until tomorrow, April 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2715-76, SD 1, were made available to the members of the House at 4:30 o'clock p.m.

At 11:41 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:42 o'clock p.m.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 990-76) recommending that H.R. No. 118, as amended

in HD 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 990-76 and H.R. No. 118, HD 1, was deferred until tomorrow, April 15, 1976.

#### CONFERENCE COMMITTEE REPORTS

Representative Uechi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3261-76, HD 2, presented a report (Conf. Com. Rep. No. 44) recommending that H.B. No. 3261-76, HD 2, SD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 44 on H.B. No. 3261-76, HD 2, SD 2, CD 1, was deferred until tomorrow, April 15, 1976, 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, CD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2121-76, SD 1, presented a report (Conf. Com. Rep. No. 45) recommending that S.B. No. 2121-76, SD 1, HD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 45 on S.B. No. 2121-76, SD 1, HD 2, CD 1, was deferred until tomorrow, April 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2121-76, SD 1, HD 2, CD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 639, HD 1, presented a report (Conf. Com. Rep. No. 46) recommending that H.B. No. 639, HD 1, SD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 46 on H.B. No. 639, HD 1, SD 2, CD 1, was deferred until tomorrow, April

15, 1976, 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, CD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2359-76, HD 1, presented a report (Conf. Com. Rep. No. 47) recommending that H.B. No. 2359-76, HD 1, SD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 47 on H.B. No. 2359-76, HD 1, SD 2, CD 1, was deferred until tomorrow, April 15, 1976, 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, CD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2227-76, presented a report (Conf. Com. Rep. No. 48) recommending that H.B. No. 2227-76, SD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 48 on H.B. No. 2227-76, SD 2, CD 1, was deferred until tomorrow, April 15, 1976, 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, CD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Takamura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2022-76, HD 1, presented a report (Conf. Com. Rep. No. 49) recommending that H.B. No. 2022-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 49 on H.B. No. 2022-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 15, 1976, 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, CD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Takamura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 62, HD 1, presented a report (Conf. Com. Rep. No. 50) recommending that H.B. No. 62, HD 1, SD 3, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 50 on H.B. No. 62, HD 1, SD 3, CD 1, was deferred until tomorrow, April 15, 1976, 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, CD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Roehrig, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1794-76, SD 1, presented a report (Conf. Com. Rep. No. 51) recommending that S.B. No. 1794-76, SD 1, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 51 on S.B. No. 1794-76, SD 1, HD 1, CD 1, was deferred until tomorrow, April 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1794-76, SD 1, HD 1, CD 1, were made available to the members of the House at 9:00 o'clock p.m.

Representative Lunasco, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1998-76, HD 1, presented a report (Conf. Com. Rep. No. 52) recommending that H.B. No. 1998-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 52 on H.B. No. 1998-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 15, 1976, 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, CD 1, were made available



to the members of the House at  
9:35 o'clock p.m.

The Chair then made the following  
announcement:

"All bills and resolutions for action  
on the Order of the Day and Supplement  
No. 1 shall be deferred for one day."

The Chair then asked:

"Representative Suwa, the Chair  
makes an inquiry regarding the  
progress of your conference between  
the House Finance Committee and  
the Senate Ways and Means."

Representative Suwa answered,  
stating:

"Yes, Mr. Speaker, as conferees,  
we have not met for one reason  
or another. But the Senate saw  
fit to send me some committee reports  
with some Senators' signatures  
regarding a number of bills; and  
without conference, they wanted  
the House Committee to sign that."

Upon receiving that Conference  
Committee report of about fifteen  
bills, the House conferees on the  
budget transmitted the Conference  
Committee report to the Senate  
which consisted of measures, if  
not all of the portion of the House  
budget, inclusive of the Senate  
budget, by eliminating duplications.

As to the CIP (the House and Senate),  
they were left intact. So, the  
Conference Draft that we sent over  
to the Senate for their consideration  
is a fair one and we are asking the  
Senate to consider that, and we  
may proceed without conference  
further in this matter."

The Chair then stated:

"The Chair also would like to  
state for the record, if I may, Represen-  
tative Suwa, that accompanying  
the proposal by the House Finance  
Committee, regarding the budget,  
was a letter from the Chairman of  
the Finance Committee requesting  
that the Senate conferees consider  
the proposal and that the House  
Finance Committee is ready and  
willing to meet with the Senate  
conferees to discuss the budget  
and all other bills that are subject  
to that particular conference. Am  
I correct?"

Representative Suwa replied:

"Mr. Speaker, that is right."

#### ADJOURNMENT

At 11:45 o'clock p.m., on motion  
by Representative Kimura, seconded  
by Representative Ajifu and carried,  
the House of Representatives adjourned  
until 10:00 o'clock a.m. tomorrow,  
Thursday, April 15, 1976.

## SIXTIETH DAY

Thursday, April 15, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 10:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Anthony Bollback of the Kapahulu Bible Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Carroll, Morioka and Naito, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-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 Fifty-Ninth Day was approved.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 438 to 449) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 438) transmitting Senate Concurrent Resolution No. 120, recognizing and commending the U.S. Army Military Assistance to Safety and Traffic (MAST) Program providing emergency helicopter service to the civilian community, which was adopted by the Senate on April 14, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 120 was adopted.

A communication from the Senate (Sen. Com. No. 439) transmitting Senate Concurrent Resolution No. 121, extending aloha to the Junior Blind of Project: Aloha '76, which was adopted by the Senate on April 14, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 121 was adopted.

A communication from the Senate (Sen. Com. No. 440) transmitting

Senate Concurrent Resolution No. 65, requesting coordination of services to immigrants through the State Immigrant Services Center, which was adopted by the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 441) transmitting Senate Concurrent Resolution No. 106, requesting the U.S. Bureau of the Census to make certain refinements in the 1980 census of population and housing, which was adopted by the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 442) transmitting Senate Concurrent Resolution No. 108, SD 1, requesting a study of public financing of political campaigns, which was adopted by the Senate on April 14, 1976, was placed on file.

By unanimous consent, action on S.C.R. Nos. 65, 106 and 108, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 443) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1499, HD 1, was adopted by the Senate; and House Bill No. 1499, HD 1, SD 1, CD 2, passed Final Reading in the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 444) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2932-76, HD 2, was adopted by the Senate; and House Bill No. 2932-76, HD 2, SD 1, CD 2, passed Final Reading in the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 445) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 3196-76, HD 2, was adopted by the Senate; and House Bill No. 3196-76, HD 2, SD 1, CD 1, passed Final Reading

in the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 446) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 3262-76, HD 2, was adopted by the Senate; and House Bill No. 3262-76, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 447) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1577, SD 1, was adopted by the Senate; and Senate Bill No. 1577, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 448) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1775-76, SD 1, was adopted by the Senate; and Senate Bill No. 1775-76, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 449) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1853-76, SD 1, was adopted by the Senate; and Senate Bill No. 1853-76, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 14, 1976, was placed on file.

At this time, Representative Sutton made the following announcement:

"Mr. Speaker, Mr. Chang has just called in from the National Oratorical Contest at Springfield, Illinois, and has announced that Robert H. Maus of Saint Louis High School won first place in the American Legion National Oratorical Contest. This is the first time in the history of Hawaii that any boy from here has ever won this oratorical contest."

The Chair remarked:

"That was one of your pleasant announcements."

#### 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 Clerk, at this time, read House Resolution No. 659 honoring and commending Dr. George P. Woollard, Director of the Hawaii Institute of Geophysics, for his many years of dedicated and distinguished public service and expressing best wishes upon his retirement, which was adopted by the House of Representatives yesterday, April 14, 1976.

Representative Sakima introduced Dr. George P. Woollard, stating:

"Mr. Speaker, Dr. Woollard is such a modest person that he told me he feels embarrassed to be honored like this but we are really honored this morning. We have with us one of the most able, hard-working and dedicated professors the University of Hawaii has ever known, Dr. George P. Woollard.

Dr. Woollard has brought renown to our University and community through his pioneering accomplishments in the field of geophysics. In addition, he has built the Hawaii Institute of Geophysics into one of the preeminent research facilities in this field in the world. As a teacher, Dr. Woollard has counseled and inspired hundreds of our young people for the past thirteen years.

For those of us here who have worked closely with him through the years, Dr. Woollard has fostered and indeed symbolizes the creation of a fruitful dialogue between the University and the Legislature.

Dr. Woollard came to the University in 1963, not for salary, as he turned down three other jobs that offered him more, but in response to the potential and challenge of creating something worthwhile in Hawaii. In achieving this goal, I believe we all agree that Dr. Woollard has truly succeeded. So, it is with a great deal of pleasure that I introduce

to you, Dr. George P. Woollard."

Representative Sakima then introduced Ms. Jane Kajiware, Dr. Woollard's secretary, and Dr. Richard Longfield, Assistant Director of the Hawaii Institute of Geophysics.

At 10:27 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honored guest, Dr. George P. Woollard.

Upon reconvening at 10:33 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie, Carroll and Naito.

The Clerk read House Resolution No. 672 congratulating the Lanai High School Physical Fitness Team on its victory in the Marine Corps-sponsored physical fitness meet, which was adopted by the House of Representatives yesterday, April 14, 1976.

Representative Santos introduced Mr. Ernie Wilkinson who received the resolution in behalf of the team, stating:

"Mr. Speaker, it is indeed an honor for me to present to this honorable body, a young man who, though not a member of the physical fitness team of Lanai High School, was responsible for the presentation of this resolution to the Eighth State Legislature.

Mr. Speaker, you may remember this young man as a student who, from your podium, presented the response of the student observers to this honorable body during Student Observer Week,

Mr. Speaker, it is indeed my pleasure to present again to this honorable body my student observer, Ernie Wilkinson, who will receive the copies of the resolution in behalf of its honorees and hand-carry them to Lanai for presentation to its recipients."

Representative Kamalii then presented Mr. Wilkinson with a red carnation lei, and certified copies of the resolution were presented by Representative Santos.

At 10:36 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honored guest, Mr. Ernie Wilkinson.

The House of Representatives reconvened at 10:42 o'clock a.m.

A resolution (H.R. No. 674) commending Martin C. Eby for his active interest and participation in the legislative process was jointly offered by Representatives Kunimura, Akizaki, Blair, Carroll, Cayetano, Clarke, Cobb, Fong, Garcia, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki and was read by the Clerk.

On motion by Representative Kimura, seconded by Representative Kunimura and carried, H.R. No. 674 was adopted.

Representative Kimura then rose and asked:

"Did the heavy one yield to the thin one, Mr. Speaker?"

The Chair replied:

"At this point of the session, both of you look quite alike."

At this time, Representative Kimura introduced Mr. Martin C. Eby to the members of the House, stating:

"Mr. Speaker, the honoree of the resolution is someone that I think we've all gotten to know and who have developed quite an affection among the members of the House-- this is on both sides of the aisle-- and I think he really has earned a degree of masters in legislative process. I think he has an attendance in all the committee hearings, particularly the Judiciary Committee, and I think his attendance matches that of many, even of our chairmen. I think this young man is a fine example of how an individual can become really involved in the process and right now he is looking around to see if we are talking about someone else, but on behalf of my good colleague from the 15th District, and all of the members of this House, I would like to introduce Mr. Martin Eby."

Representatives Santos and Stanley then presented leis and a copy of the resolution to the honoree, Mr. Martin C. Eby.

The following introductions were then made to the members of the

## House:

Representative Kiyabu introduced "a future artist from Liholiho Elementary School", Mr. Dean Miyashiro, and his parents.

Representative Kawakami introduced Mrs. Irene Wakatsuki, stating:

"Mr. Speaker, the opportunity for making introductions for the Kauai delegation has been very limited this year. At this time, I would like to introduce a very attractive and personable Kauai girl. She has moved from our lovely island a number of years ago and has done very well in Honolulu, and I know that she can stand proud on her own accomplishments. Mr. Speaker, Mrs. Irene Wakatsuki."

The Chair remarked:

"For a moment, I thought there was a non-existent person. I certainly appreciate those remarks."

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

"Is she here trying to relay some message to you to get this session over with?"

The Chair replied: "That is quite obvious."

At 10:55 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:30 o'clock a.m., the Vice Speaker assumed the rostrum.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
65	Jointly to the Committees on Labor and Public Employment and Public Assistance and Human Services
106	Committee on Judiciary
108	Committee on Judiciary, then jointly to the Committees on Finance and Legislative Management

## COMMITTEE REASSIGNMENTS

The following resolutions and concurrent resolution were re-referred as follows:

<u>H.R. Nos.</u>	<u>Re-referred to:</u>
23	Jointly to the Committees on Public Assistance and Human Services and Youth and Elderly Affairs
118	Committee on Water, Land Use, Development, and Hawaiian Homes

<u>S.C.R. No.</u>	
116	Committee on Education

## UNFINISHED BUSINESS

Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred until Monday, April 19, 1976.

Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred until Monday, April 19, 1976.

Stand. Com. Rep. No. 963-76 on H.R. No. 617, HD 1 (Deferred from April 14, 1976):

On motion by Representative Ho, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 617, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A SPECIAL COMMITTEE TO RESOLVE THE LAND TENURE PROBLEM OF THE MILOLII-HOOPULOA AREA OF SOUTH KONA, HAWAII", was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 982-76 on S.B. No. 2909-76 (Deferred from April 14, 1976):

By unanimous consent, action was deferred until Monday, April 19, 1976.

Stand. Com. Rep. No. 983-76 on S.B. No. 2819-76 (Deferred from April 14, 1976):

By unanimous consent, action was deferred until Monday, April 19, 1976.

Stand. Com. Rep. No. 984-76 on H.C.R. No. 104 (Deferred from April 14, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RELEASE FUNDS FOR THE CONTINUATION OF SUMMER SESSION AT THE COMMUNITY COLLEGES DURING 1976", was adopted.

Stand. Com. Rep. No. 985 on H.C.R. No. 117, HD 1 (Deferred from April 14, 1976):

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 117, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE EXTENT OF PROVIDER FRAUD IN THE STATE MEDICAID PROGRAM", was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 986-76 on H.R. No. 492 (Deferred from April 14, 1976):

Representative Yuen moved that the report of the majority of the Committee be adopted and H.R. No. 492 be referred to the Committee on Legislative Management, seconded by Representative Oda.

Representative Ajifu then asked if this matter could be deferred until the end of the calendar.

At 11:33 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:34 o'clock a.m., Representative Yuen stated:

"Mr. Speaker, because of personal commitments, I find it very difficult to meet the request so I suggest that we vote on this measure at this time."

Representative Ajifu then requested a roll call vote on this measure.

Roll call having been requested, the motion was put by the Chair and carried, and the report of the

majority of the Committee was adopted and H.R. No. 492, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE SCHOOL LUNCH PROGRAM", was referred to the Committee on Legislative Management by a vote of 31 ayes to 16 noes, with Representatives Abercrombie, Ajifu, Amaral, Carroll, Clarke, Evans, Fong, Hakoda, Ikeda, Kamalii, Larsen, Lum, Medeiros, Poeppoe, Santos and Sutton voting no, and Representatives Blair, Morioka, Naito and Wakatsuki being excused.

Stand. Com. Rep. No. 987 on H.R. No. 614, HD 1 (Deferred from April 14, 1976):

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 614, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE EXTENT OF PROVIDING FRAUD IN THE STATE MEDICAID PROGRAM", was referred to the Committee on Legislative Management.

At 11:35 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:39 o'clock a.m.

Stand. Com. Rep. No. 989-76 on S.B. No. 2715-76, SD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred until Monday, April 19, 1976.

Stand. Com. Rep. No. 990-76 on H.R. No. 118, HD 1 (Deferred from April 14, 1976):

Representative Kawakami moved that the report of the Committee be adopted and H.R. No. 118, HD 1, be adopted, seconded by Representative Ho.

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

"Mr. Speaker, just briefly, I think this is a good opportunity to encourage the negotiations that are already underway with the Federal Aviation Authority, Department of Transportation, and the fishermen at Mokauea Island. This is, I think, another step in the further recognition of the rights of indigenous people when they come into conflict with

government authority. In this instance, I think that it can be worked out in a humane framework as opposed to merely a bureaucratic or legal framework and when you can combine the two, I think it is to our advantage as a State to do so.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 118, HD 1, entitled: "HOUSE RESOLUTION ENDORSING AND RECOMMENDING FINDINGS OF THE DEPARTMENT OF TRANSPORTATION REGARDING MOKAUEA ISLAND", was adopted.

Conf. Com. Rep. No. 4 on S.B. No. 1786-76, SD 1, HD 1, CD 1 (Deferred from April 14, 1976):

Representative Yamada moved that Conf. Com. Rep. No. 4 and S.B. No. 1786-76, SD 1, HD 1, CD 1, be recommitted to the Committee on Conference, seconded by Representative Cayetano.

At 11:41, on request by Representative Yuen, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:42 o'clock a.m., Representative Yamada explained the reason for recommitment, stating:

"Mr. Speaker, the Senate dissolved their Conference Committee on this bill and passed House Draft 1."

The motion for recommitment was put by the Chair and carried, and Conf. Com. Rep. No. 4 and S.B. No. 1786-76, SD 1, HD 1, CD 1 were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 19 on S.B. No. 2139-76, SD 1, HD 1, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred to the end of the calendar.

Conf. Com. Rep. No. 22 on S.B. No. 79, SD 1, HD 1, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred to the end of the calendar.

Conf. Com. Rep. No. 29 on H.B. No. 2984-76, HD 1, SD 1, CD 1 (Deferred

from April 14, 1976):

By unanimous consent, action was deferred to the end of the calendar.

Conf. Com. Rep. No. 30 on H.B. No. 2700-76, HD 2, SD 1, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred to the end of the calendar.

Conf. Com. Rep. No. 31 on H.B. No. 2786-76, HD 1, SD 1, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred to the end of the calendar.

Conf. Com. Rep. No. 33 on S.B. No. 1853-76, SD 1, HD 1, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred to the end of the calendar.

Conf. Com. Rep. No. 34 on S.B. No. 75, SD 2, HD 2, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred to the end of the calendar.

Conf. Com. Rep. No. 35 on H.B. No. 3196-76, HD 2, SD 1, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred to the end of the calendar.

Conf. Com. Rep. No. 37 on H.B. No. 2932-76, HD 2, SD 1, CD 2 (Deferred from April 14, 1976):

By unanimous consent, action was deferred to the end of the calendar.

Conf. Com. Rep. No. 38 on S.B. No. 1758-76, SD 2, HD 2, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred to the end of the calendar.

Conf. Com. Rep. No. 39 on H.B. No. 2253-76, HD 1, SD 1, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred to the end of the calendar.



Conf. Com. Rep. No. 40 on S.B.  
No. 2394-76, SD 1, HD 1, CD 1 (Deferred  
from April 14, 1976):

By unanimous consent, action  
was deferred to the end of the calendar.

Conf. Com. Rep. No. 41 on H.B.  
No. 2335-76, HD 2, SD 2, CD 1 (Deferred  
from April 14, 1976):

By unanimous consent, action  
was deferred to the end of the calendar.

Conf. Com. Rep. No. 42 on H.B.  
No. 2949-76, SD 2, CD 1 (Deferred  
from April 14, 1976):

By unanimous consent, action  
was deferred to the end of the calendar.

Conf. Com. Rep. No. 43 on H.B.  
No. 3230-76, HD 2, SD 1, CD 1 (Deferred  
from April 14, 1976):

By unanimous consent, action  
was deferred to the end of the calendar.

Stand. Com. Rep. No. 980-76  
on S.B. No. 28, SD 2 (Deferred  
from April 14, 1976):

By unanimous consent, action  
was deferred to the end of the calendar.

#### STANDING COMMITTEE REPORTS

Representative Stanley, for the  
Committee on Public Assistance  
and Human Services, presented  
a report (Stand. Com. Rep. No.  
991-76) recommending that H.R.  
No. 557 be adopted.

On motion by Representative Stanley,  
seconded by Representative Peters  
and carried, the report of the Commit-  
tee was adopted and H.R. No. 557,  
entitled: "HOUSE RESOLUTION  
REQUESTING THE DEPARTMENT  
OF SOCIAL SERVICES AND HOUSING  
TO AMEND THE STATE'S COMPREHEN-  
SIVE ANNUAL SERVICE PROGRAM  
PLAN", was adopted.

Representatives Stanley and Yamada,  
for the Committees on Public Assistance  
and Human Services and Consumer  
Protection and Commerce, presented  
a report (Stand. Com. Rep. No.  
992-76) recommending that H.R.  
No. 582, as amended in HD 1, be  
adopted.

On motion by Representative Stanley,

seconded by Representative Yamada  
and carried, the report of the joint  
Committees was adopted and H.R.  
No. 582, HD 1, entitled: "HOUSE  
RESOLUTION RELATING TO NO-FAULT  
INSURANCE COVERAGE FOR PUBLIC  
ASSISTANCE RECIPIENTS", 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.  
993-76) recommending that H.R.  
No. 68 be adopted.

On motion by Representative Stanley,  
seconded by Representative Lee  
and carried, the report of the joint  
Committees was adopted and H.R.  
No. 68, entitled: "HOUSE RESOLUTION  
REQUESTING THE DEPARTMENT  
OF SOCIAL SERVICES AND HOUSING  
TO CLARIFY POLICIES AND TO IMPROVE  
PROCEDURES FOR THE EMPLOYMENT  
REQUIREMENTS OF GENERAL ASSIST-  
ANCE RECIPIENTS", 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.  
994-76) recommending that H.R.  
No. 86, as amended in HD 1, be  
adopted.

On motion by Representative Stanley,  
seconded by Representative Lee  
and carried, the report of the joint  
Committees was adopted and H.R.  
No. 86, HD 1, entitled: "HOUSE  
RESOLUTION REQUESTING A REPORT  
ON MANAGEMENT PRACTICES IN  
THE DEPARTMENT OF SOCIAL SERVICES  
AND HOUSING", was adopted.

Representative Akizaki, for the  
Committee on Legislative Management,  
presented a report (Stand. Com.  
Rep. No. 995-76) recommending  
that H.R. No. 604 be adopted.

On motion by Representative Akizaki,  
seconded by Representative Kiyabu  
and carried, the report of the Commit-  
tee was adopted and H.R. No. 604,  
entitled: "HOUSE RESOLUTION  
REQUESTING THE LEGISLATIVE  
AUDITOR TO EXAMINE ROAD REPAIR  
AND RESURFACING POLICIES OF  
THE CITY AND COUNTY OF HONOLULU",  
was adopted, with Representatives  
Abercrombie, Amaral, Cobb and  
Sutton voting no.

Representatives Akizaki and Suwa,  
for the Committees on Legislative  
Management and Finance, presented

a report (Stand. Com. Rep. No. 996-76) recommending that H.R. No. 336 be adopted.

On motion by Representative Akizaki, seconded by Representative Suwa and carried, the report of the joint Committees was adopted and H.R. No. 336, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON CONSTITUTIONAL PROBLEMS AND ISSUES TO PROVIDE THE PUBLIC SUFFICIENT INFORMATION TO MAKE AN INFORMED DECISION ON THE NEED FOR A CONSTITUTIONAL CONVENTION", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 997-76) recommending that H.R. No. 571, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.R. No. 571, HD 1, entitled: "HOUSE RESOLUTION REQUESTING FEASIBILITY STUDY OF A DEFERRED COMPENSATION PROGRAM FOR PUBLIC EMPLOYEES", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 998-76) recommending that H.R. No. 455, HD 1, be adopted.

Representative Suwa moved that the report of the Committee be adopted and H.R. No. 455, HD 1, be adopted, seconded by Representative Akizaki.

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

"Mr. Speaker, it is difficult for me to understand the rationale that is involved in this resolution. What might be involved is succumbing to propaganda in a way that is not good public policy. Our situation here is that throughout the State, especially in the educational area, we have contracting with private organizations which espouse different philosophies and have different kinds of institutional backgrounds and administrative capacities. We can do it, not only in education, but in other areas as well in terms of consultancies, in terms of planning, in terms of design, in terms of recommendations to us in the area of transportation, et cetera. We most certainly can do it and do it to our advantage in the areas of corrections whether it happens to be with the youth facilities

or whether it has to do with probation, parole and the penal system. There is no question about that in my mind. However, it is quite another thing entirely to turn over the correctional system to a private organization that has as its first and primary purpose self-perpetuation under circumstances that are not subject to the power of the State to control it other than by contract. If it was a contract which included a council, let us say, a multiplicity of approaches, especially when we are dealing with something as delicate and as important as the personalities and the futures in terms of career, as well as the psychological and emotional well-being of young people, in a manner that did not discriminate against or in favor of, I should say, . . . in a manner which did not discriminate in favor of one particular approach.

Now, in this particular instance, the Habilitat has had a degree of success, a good degree of success, in its particular approach with character disorders and emotional problems of various kinds, substance abuse, as have other organizations, individuals and approaches in this State and in other states on the mainland. And quite frankly, the circumstance in my mind is that the individuals involved here have had perhaps a more vigorous public relations circumstance operating so that their name is more familiar to the public as a whole. I don't think that it is a good policy for the State to say that because we are having difficulties over that which we have responsibility and authority, especially in the corrections field, that what we will do is abandon that responsibility, throw up our hands and say, 'no, we'll let a private organization run the whole thing.'

Now these facilities, Mr. Speaker, are public facilities. They are not there for the individual use of a private organization with its own philosophy. I don't recall any instance in which the particular approach of Habilitat was adopted as public policy by the Administration nor by legislative mandate. I don't recall any circumstances in which I have read a report, and I do my best to keep up with the various reports that come in to the Legislature, that an examination has taken place whereby some comparison is available to me or that some attempt has been made to see whether or not some council, as I mentioned, some integrative function such as we have with alcoholism now, I might add by

way of example, has taken place in the area of drug abuse and substance abuse where alcoholism is involved. We now have a vigorous integrated cooperative program which I think is going to be one of the foremost in the country. We are examining the area of alcoholism from many different angles. I can assure you that when you get into the field and begin to see the complications that occur, not only in individual lives, but the societal ramifications of a substance abuse like alcoholism that you very rapidly discover and conclude that a single approach is not the answer and I think that we have the same thing here. I think we are moving in very, very dangerous grounds in terms of public policy when you want to turn over a public facility and lands to an individual organization that has its own purposes for existence and would not be, insofar as I can tell, subject to the continuing survey, if you will, other than by way of a kind of an end of the year report, something of that nature. with youth correction system. The fact that the youth correction system has a good many difficulties at the moment is not an argument for abandoning those people, nor our responsibilities either as a legislature or in the executive.

If the resolution read something to the effect that the contract was to utilize as is deemed necessary or useful, Habilitat, Inc. either by the Family Court or other such agencies as are involved, then I would be in favor of it, but to have the resolution stating that we are going to enter into a contract or examine entering into a contract to have them operate the facility itself, it seems to me totally out of line and unwarranted and a very, very dangerous precedent and I don't think with that particular kind of stipulation this should be passed."

Representative Peters then rose and stated:

"Mr. Speaker, I had hoped of perhaps just seeing this resolution go through and obviously was not prepared to speak on the subject. But I think if the previous speaker read the resolution, he will find very clearly that we are directing the Department of Social Services and Housing to look into the feasibility of entertaining or allowing, if you will, the Habilitat to run this facility. We are not directing them to do

it devoid of some of the concerns which my colleague just mentioned. We are asking them to look at the picture from a comprehensive point of view and make the decision accordingly. With that, Mr. Speaker, I hope that the subject matter finally can come to rest.

Thank you."

Representative Cayetano then rose and stated:

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

I share the concerns expressed by the Representative from Manoa but I think if the results of this feasibility study show us that maybe a private concern can do the job better, then I don't think we should shut ourselves from that knowledge. All this resolution calls for is a study. That is why I am for it."

At this time, Representative Clarke rose and asked the Chair for a ruling as to whether or not there was a conflict of interest as he is a board member of Teen Challenge which deals with drug abuse and is contrary to the policies of Habilitat.

The Chair ruled that there was no conflict of interest.

Representative Evans then rose, stating:

"Mr. Speaker, I rise to speak in favor of the resolution with all due respect to my next door neighbor of two years which sometimes has been taxing to be his next door neighbor.

I would like to say that the Habilitat has submitted a proposal in writing to the Department of Social Services and Housing--a very well thought out proposal--which did not indicate only one kind of program. Both the Habilitat and the correctional facilities are within my district and I feel that up to this point, the Habilitat has certainly been the more successful program. I don't see too many kids running away from the Habilitat, but we have many escapes from the correctional facilities.

Costwise and in many other areas, I feel that the feasibility study will certainly show that the Habilitat can run the correctional facilities.

Thank you."

Representative Cobb then rose and stated:

"Mr. Speaker, a few brief remarks in favor of it to allay some of the concerns expressed by the Representative from the 13th District.

My Alii Nui brother from Waianae had spoken to me on several occasions concerning this resolution and pointing out that no conclusion is reached in the resolution itself, but rather, a gathering of information necessary to arrive at a conclusion within a year or two is what is being sort here. I would feel that if the resolution was expressing outright support for the concept without any investigation, research or data on the question, that I would oppose it. But that is not the case here before us. All this resolution is calling for is an evaluation and gathering of data so that we can make this kind of decision in the future and I think it is incumbent upon us, if we are going to seriously consider this question, to have this resolution adopted, get the study done, get the information in, and then be in a position to make the decision. Until such time as the Legislature makes a decision, I don't think this kind of a contract would be let. Accordingly, I would like to urge my colleagues to vote in favor."

Representative Segawa then rose, stating:

"As my responsibilities as Chairman of the Health Committee, I have taken the time to visit the facilities of Habilitat and I have learned that many young people from the courts are sent to Habilitat for treatment and rehabilitation. I have met many of these young people personally. I have met some of the parents of these young people and for many of these young people, this is the end of the line.

What I would like to establish is the credibility of Habilitat and the kind of work they have been doing and I think this should be given a chance, at least to look into a feasibility study to see whether their type of operations can be fitted into the correctional system inasmuch as the kind of success they have had in the facilities that they now occupy which does not compare with the worst of our State facilities at this time.

I urge all the members to vote for this resolution."

Representative Sutton rose, stating:

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

Mr. Speaker, I am a member of the Judiciary Committee and I heard the testimony and I believe that it is a subject on which I have less expertise than anything I can think of. But having heard the testimony and in the room there were only Representative Yap and myself, that was all, and we were the sole judicial exponents of all the pros and cons and what we heard from Andrew Chang, the Department head and a cabinet officer of our Governor, was that this was premature; that the concept of taking this to the absurd and using the argument of ad absurdum would be to say, 'Alright, fine, why don't we have Habilitat run Oahu Prison? Why don't we have it run Halawa Jail? Why don't we turn over these things?'

Now, the State of Hawaii has people that are experts in this field and the State of Hawaii has had troubles there but those troubles are inherent in what they are charged with doing, and I think that in light of the testimony of a cabinet officer saying that this resolution is premature, that I would urge my colleagues to vote against it."

Representative Abercrombie then rose and stated:

"I think, as the Representative from the 15th District says on occasion by way of rebuttal--Mr. Speaker, I have heard all the comments here and heard the comment of the person who has taken the same position that I have and as Representative Roehrig will recall from a film that we saw recently, do me a favor--don't be on my side."

Representative Sutton interrupted:

"Politics have very strange bedfellows."

Representative Abercrombie continued:

"Mr. Speaker, I understand the circumstances and the premises of the speakers who have addressed the body in favor of the resolution but if this is in fact the case that should be done under adequate circumstances, I hardly believe that the Department of Social Services and Housing will turn in a report which, in effect, asks itself to go out of business. I don't think that the feasibility study is going to

be an objective one; it will become one of conflict and advocacy. Therefore, I don't believe we will have the kind of study that will give us the opportunity, let alone the basis, for making the kind of decision that the members have spoken in favor of. I think we should look at it over again and do it the right way.

Thank you."

Representative Kunimura then rose and stated:

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

I would like to remind my good friend from Nuuanu that I testified at that hearing and after my testimony was presented, Mr. Speaker, Mr. Chang changed his mind because he really knew what the intent of this resolution was and this resolution was amended to not give the overtone of direction but a clear indication of a feasibility study. There is no intent in this resolution of overtone or undertone of telling the Department which direction to go.

In answer to the gentlemen from the 13th Representative District, I do have ultimate faith and confidence in Mr. Chang. Mr. Chang is one of the most trustworthy and capable members of the Governor's cabinet. I don't think he would be prejudiced in writing a biased report and I would like to say, Mr. Speaker, I urge all members of this House that we need a study of this nature to make an honest and fair decision come next session.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 455, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO EVALUATE THE FEASIBILITY OF CONTRACTING WITH THE HABILITAT, INC. TO OPERATE THE HAWAII YOUTH CORRECTIONAL FACILITY", was adopted, with Representatives Abercrombie and Sutton voting no.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 999-76) recommending that S.C.R. No. 5 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki

and carried, the report of the Committee was adopted and S.C.R. No. 5, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CLARIFICATION OF THE TAX STATUS OF PREPAID LEGAL SERVICE PLANS BY CONGRESS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1000-76) recommending that H.R. No. 407 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1001-76) recommending that H.R. No. 534 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.R. No. 534, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO RELEASE FUNDS FOR THE CONTINUATION OF SUMMER SESSION AT THE COMMUNITY COLLEGES DURING 1976", was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1002-76) recommending that H.R. No. 629 be adopted.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.R. No. 629, entitled: "HOUSE RESOLUTION REQUESTING A STUDY INTO THE ADVISABILITY OF ESTABLISHING A SEPARATE LICENSE FOR RESIDENT MANAGERS", was adopted.

Representatives Yamada and Shito, for the Committees on Consumer Protection and Commerce and Housing, presented a report (Stand. Com. Rep. No. 1003-76) recommending that H.R. No. 521, as amended in HD 1, be adopted.

On motion by Representative Yamada, seconded by Representative Shito and carried, the report of the joint Committees was adopted and H.R.

No. 521, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW AND UPDATE OF BUILDING FIRE SAFETY STANDARDS BY THE BUILDING DEPARTMENT AND FIRE DEPARTMENT OF THE CITY AND COUNTY OF HONOLULU", was adopted, with Representative Abercrombie voting no.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1004-76) recommending that H.R. No. 532, as amended in HD 1, be adopted.

On motion by Representative Peters, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 532, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ESTABLISH AN AMBULANCE SERVICE STATION IN EWA BEACH, OAHU", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1005-76) recommending that H.R. No. 531, as amended in HD 1, be adopted.

On motion by Representative Peters, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 531, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ESTABLISH AN AMBULANCE SERVICE STATION IN MAKAKILO, OAHU", was adopted.

Representatives Segawa and Stanley, for the Committees on Health and Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 1006-76) recommending that H.R. No. 88, as amended in HD 1, be adopted.

On motion by Representative Segawa, seconded by Representative Stanley and carried, the report of the joint Committees was adopted and H.R. No. 88, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW AND DETERMINATION OF THE EFFECTIVENESS OF THE STATE IN PROCURING AND USING FEDERAL FUNDS FOR HEALTH PROGRAMS", was adopted.

Representative Shito, for the majority of the Committee on Housing, presented a report (Stand. Com. Rep. No. 1007-76) recommending that H.R. No. 566 be adopted.

Representative Shito moved that the report of the majority of the

Committee be adopted and H.R. No. 566 be adopted, seconded by Representative Cayetano.

Representative Blair then rose and stated:

"Mr. Speaker, I rise to speak in favor of this resolution, but I would like to introduce a caveat and that is that the development of Kakaako is not going to resolve the problems of every other district in the State regarding high rises.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 566, entitled: "HOUSE RESOLUTION 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 adopted, with Representatives Cobb, Larsen and Sutton voting no.

Representatives Takamura and Stanley, for the Committees on Youth and Elderly Affairs and Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 1008-76) recommending that H.R. No. 12 be adopted.

On motion by Representative Takamura, seconded by Representative Stanley and carried, the report of the joint Committees was adopted and H.R. No. 12, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE STATUS OF PROTECTIVE SERVICES PROGRAMS FOR CHILDREN IN HAWAII", was adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1009-76) recommending that H.R. No. 530 be adopted.

Representative Ho moved that the report of the Committee be adopted and H.R. No. 530 be adopted, seconded by Representative Abercrombie.

Representative Ho then rose to speak in favor of the resolution, stating:

"Mr. Speaker, Mrs. Fraser was here and this resolution, hopefully, will give her a chance to restore this mural.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 530, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1010) recommending that H.C.R. No. 102 be adopted.

On motion by Representative Ho, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION 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 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. 1011-76) recommending that H.R. No. 67, as amended in HD 1, be adopted.

On motion by Representative Stanley, seconded by Representative Lee and carried, the report of the joint Committees was adopted and H.R. No. 67, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN INTERIM REVIEW OF PRIORITIES FOR OCCUPATIONS, JOB PLACEMENTS AND EMPLOYING AGENCIES UNDER THE STATE PROGRAM FOR THE UNEMPLOYED AND FEDERAL COMPREHENSIVE EMPLOYMENT TRAINING ACT", was adopted.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 1012-76) recommending that H.R. No. 51, as amended in HD 1, be adopted.

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 51, HD 1, entitled: "HOUSE RESOLUTION

RELATING TO FEDERAL REFORM OF THE FOOD STAMP ACT", was adopted.

At 12:05 o'clock p.m., on request by Representative Stanley, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:07 o'clock p.m.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 1013-76) recommending that H.R. No. 53, as amended in HD 1, be adopted.

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 53, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO REVIEW AND AMEND TITLE XX OF THE SOCIAL SECURITY ACT TO ELIMINATE THOSE REQUIREMENTS RELATED TO ELIGIBILITY WHICH HINDER AND FORESTALL STATE IMPLEMENTATION AND ACTION", was adopted.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1014-76) recommending that H.R. No. 533, as amended in HD 1, be adopted.

Representative Sakima moved that the report of the Committee be adopted and H.R. No. 533, HD 1, be adopted, seconded by Representative Takamura.

Representative Lum then rose and asked:

"May we have a deferral on this matter until we pass the budget?"

Mr. Speaker, the reason I request the deferral is that the resolution asks about the location of the law school at Saint Francis and at this present time, the law school is not the property of the State nor even considered because of the tie-up in the capital improvements budget that is in conference now and I think this particular measure is premature."

Representative Kunimura then rose and stated:

"Mr. Speaker, in answer to my very dear friend from Koko Head and one who



has worked very hard after coming aboard this session, I feel that we should do our best to accommodate his idea, but under the Constitution of the State of Hawaii, the Board of Regents has the executive powers and the Legislature is only requesting and we cannot direct them. Therefore, whether the real estate is owned by the State or owned by private people, just the idea is contained in this resolution and it is only a request and not a formal passage of the bill to be enacted into law."

Representative Takamura then rose and stated:

"Mr. Speaker, I would like to speak in favor of the resolution and also to say that I think I would agree with the previous speaker that if he examines the resolution, the bid resolve clause, it states that the Board of Regents of the University of Hawaii is requested to examine the feasibility of locating the permanent facility for the School of Law. I think that can be done regardless of whether or not the funds for that are in this year's budget or not because as we heard him, I think discussion on the previous resolution concerning Habilitat, a feasibility study is just that, a feasibility study to examine the pros and cons of a particular proposal."

Representative Lum then rose and stated:

"My request is just a request. I am not asking to vote it down. I just think it is putting the cart before the horse. We are trying in the House to settle the budget. We are trying very hard to get the people from the other side to sit down with us and I think it is a reasonable request. I saw the Chairman of the Finance Committee about ready to get up. Maybe he is going to tell us it isn't a House version of the budget, but until the Senators on the other side decide to do something about meeting with us, this is premature."

The Chair then said:

"Representative Lum, at this time, there is no appropriation attached to this particular resolution. It is a request; therefore, your request is denied at this point."

Representative Suwa then rose and stated:

"Mr. Speaker, I did try to be

recognized but I am not objecting to this resolution per se because of what it says--to look at the feasibility. But I would like to express my concern because of the matter before the Conference Committee on the capital improvements differences of the House.

The House has included the purchase of these facilities in its budget and so has the Senate and I would just like to point out some observations as to the problems that exist at the University of Hawaii.

There is construction going on and the noise interferes with the instructions in some of the facilities. And when we go into Conference, the points could be made that some of the classes can be temporarily relocated to some other facility until the construction is completed and likewise, if there is other construction surrounding the construction area, the classes will be moved in another area. And upon completion of that construction, whether the University needs it, or whether the East-West Center needs it, or whether the Law School needs it, at the appropriate time, it can be handled in that manner.

But first, I think we have to listen to some of the Kuykendall problems which is the construction noise and I think it is fitting that we relocate some of the classes up there.

Thank you."

Representative Ho then rose and stated:

"Mr. Speaker, I would like to speak in favor of this matter and the reason I say this, maybe I am a little prejudiced, but the speaker from Koko Head indicated he is not requesting to kill it by asking for a one day deferral. My question becomes--what happens if we don't get that one day? In essence, it is killing it.

But the other thing is, I think we can give Saint Francis at least an indication that maybe the State is considering picking it up and then they can move Saint Francis to the Leeward area where it is needed instead of a West Oahu College."

Representative Blair then rose and asked the Chair whether or not there was a conflict of interest inasmuch as he is a member of the student body of the Law School.

The Chair ruled that there was no conflict of interest.

At 12:14 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 12:16 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. 533, HD 1, entitled: "REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO EXAMINE THE FEASIBILITY OF LOCATING THE PERMANENT FACILITIES OF THE SCHOOL OF LAW AT THE ST. FRANCIS HIGH SCHOOL SITE", was adopted, with Representatives Lum and Sutton voting no.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1015-76) recommending that H.R. No. 601, as amended in HD 1, be adopted.

On motion by Representative Yap, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 601, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO CONSIDER THE EFFECTS OF THE FEDERAL COMMUNICATIONS COMMISSION'S DECISIONS ON STATE PUBLIC UTILITIES COMMISSIONS", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1016-76) recommending that H.R. No. 581, as amended in HD 1, be adopted.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 581, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO PREPARE A PLAN FOR THE IMPLEMENTATION OF SOCIAL REHABILITATION RESIDENTIAL FACILITIES FOR THE TREATMENT OF MENTAL PATIENTS", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1017-76) recommending that H.R. No. 615, as amended in HD 1, be adopted.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.R. No. 615, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF HEALTH TO REVISE REGULATIONS

RELATING TO THE USE OF VENTILATION STACKS", was adopted.

Representatives Stanley and Takamura, for the Committees on Public Assistance and Human Services and Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 1018-76) recommending that H.R. No. 23, as amended in HD 1, be adopted.

On motion by Representative Stanley, seconded by Representative Takamura and carried, the report of the joint Committees was adopted and H.R. No. 23, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE FEDERAL SUPPLEMENTAL SECURITY INCOME PROGRAM TO EQUALIZE FEDERAL PAYMENTS TO, AND STATES' COSTS OF, BENEFITS FOR THE BLIND, AGED, AND DISABLED", was adopted.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1019-76) recommending that S.C.R. No. 116 be adopted.

On motion by Representative Yuen, seconded by Representative Oda and carried, the report of the Committee was adopted and S.C.R. No. 116, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND SUBMIT TO THE GOVERNOR AND THE GOVERNOR TO THE LEGISLATURE A CLASSIFICATION AND COMPENSATION PLAN FOR EDUCATIONAL OFFICERS", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1020-76) recommending that S.B. No. 1994-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.B. No. 1994-76, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, April 19, 1976.

#### RECONSIDERATION OF ACTION TAKEN

Representative Kawakami moved that the House reconsider its action taken earlier in referring H.R. No. 617, HD 1, to the Committee

on Legislative Management, seconded by Representative Ho and carried.

The Chair then re-referred H.R. No. 617, HD 1, to the Committee on Water, Land Use, Development, and Hawaiian Homes solely.

Representative Kawakami moved that H.R. No. 617, HD 1, be adopted, seconded by Representative Ho.

Representative Abercrombie then rose and stated:

"Mr. Speaker, I signed the original report on this and I am forced to say that now I regret that I did. At the time, I had not seen the. . . I am speaking against the resolution. At the time, I had not seen the report that we did last year. As far as I can see, this resolution is asking us to do actually the same thing as was done last year. That report came to us and said in no uncertain terms that this has to be resolved by the Legislature and we have not done that so what I think is happening is we just get the same thing back again. What really needs to be done is that the Legislature has to develop a bill on this situation and bring it to the attention of the members here and in the Senate and see what we can do about it. What we are really going to do now is duplicate what is already before us. I think it is a waste of the various departments' time that is involved. I think we will get the same thing back."

Representative Kawakami then rose and stated:

"Mr. Speaker, I speak for this resolution.

The previous speaker mentioned the report and being Chairman of this Committee for a number of years now, I do not recall receiving any kind of report that gave some indication of solving this problem. But in front of me now I have two memorandums dated March 24, 1976, from the Chairman of the Land Board, and a letter dated February 25, 1976, from the Mayor of the County of Hawaii, and the Mayor's recommendation and I would like to read at this time the last paragraph of this letter, and the Mayor says, 'We regret that specific solutions cannot be made at this time. However, the lands involved are State lands and it is apparent that a solution can only be rendered to the combined efforts of the Governor, the Legislature,

the Attorney General, and the Board of Land and Natural Resources.'

And, Mr. Speaker, this resolution addresses itself to this request.

Thank you."

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

"I tried to stop the proceedings on the action before the previous. . . were we on the Supplemental Calendar No. 2, page 2?"

The Chair replied: "That is correct."

Representative Lum then said:

"We were taking Standing Committee Report No. 1020-76 and I was trying to stop the proceedings prior to this, Mr. Speaker."

At 12:24 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:25 o'clock p.m.

#### SPECIAL COMMITTEE REPORTS

Representatives Takamura and Stanley, for the Committees on Youth and Elderly Affairs and Public Assistance and Human Services, appointed pursuant to House Resolution No. 12 (1976), and directed to review the adequacy of the State's programs for protective services for children with particular attention to the adequacy of the program's goals, scope of coverage, sufficiency of professional staff resources, inter-agency coordination, and mechanisms for evaluating the effectiveness of existing programs, presented a report (Spec. Com. Rep. No. 21).

By unanimous consent, the report was received and was placed on file.

Representative Segawa, for the Committee on Health, appointed pursuant to House Resolution No. 46, HD 1 (1976) to study Hawaii's service delivery system for the developmentally disabled, presented a report (Spec. Com. Rep. No. 22).

By unanimous consent, the report was received and was placed on file.

Representative Sakima, for the

Interim Committee appointed pursuant to House Resolution No. 816 (1975) and directed to review existing and projected community college programs under the University of Hawaii systems, presented a report (Spec. Com. Rep. No. 23).

By unanimous consent, the report was received and was placed on file.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 675 to 688) and concurrent resolution (H.C.R. No. 123) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 675) extending the congratulations of the House of Representatives to the Friends of Iolani Palace was jointly offered by Representatives Kamalii, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Sutton, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

On motion by Representative Kamalii, seconded by Representative Santos and carried, H.R. No. 675 was adopted.

A resolution (H.R. No. 676) expressing congratulations and best wishes to Yoshio "Blackie" Yanagawa upon his retirement as Executive Director of the Hawaii Housing Authority was jointly offered by Representatives Shito, Ajifu, Akizaki, Blair, Carroll, Cayetano, Cobb, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Lee, Lum, Lunasco, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Segawa, Stanley, Sutton, Suwa, Takamine, Takamura, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Shito, seconded by Representative Cayetano and carried, H.R. No. 676 was adopted.

A resolution (H.R. No. 677) congratulating the Kaiser High School Track Team for capturing the Oahu Interscholastic Association, Eastern Division, Track and Field Championships was jointly offered by Representatives

Ikeda, Ajifu, Blair, Carroll, Cobb, Evans, Hakoda, Ho, Kamalii, Kawakami, Kihano, Kondo, Larsen, Lee, Lum, Machida, Mizuguchi, Oda, Poepoe, Sakima, Santos, Segawa, Takamine, Takamura, Yamada and Yuen.

On motion by Representative Ikeda, seconded by Representative Lum and carried, H.R. No. 677 was adopted.

A resolution (H.R. No. 678) commending Stacy S. Azama, the Hawaii Betty Crocker Family Leader of Tomorrow was jointly offered by Representatives Kiyabu, Akizaki, Blair, Carroll, Cobb, Fong, Ho, Inaba, Kawakami, Kihano, Kondo, Kunimura, Lee, Lunasco, Machida, Mizuguchi, Naito, Peters, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Kiyabu, seconded by Representative Naito and carried, H.R. No. 678 was adopted.

A resolution (H.R. No. 679) commending Natalie Colon for winning a scholastic scholarship was jointly offered by Representatives Inaba, Abercrombie, Akizaki, Blair, Cayetano, Clarke, Cobb, Ikeda, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Peters, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Inaba, seconded by Representative Takamine and carried, H.R. No. 679 was adopted.

A resolution (H.R. No. 680) expressing the recognition and appreciation of the Legislature for John Woodcock was jointly offered by Representatives Takamura, Sakima, Abercrombie, Akizaki, Blair, Cayetano, Evans, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Lee, Lunasco, Machida, Mizuguchi, Naito, Segawa, Stanley, Takamine, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Takamura, seconded by Representative Sakima and carried, H.R. No. 680 was adopted.

A resolution (H.R. No. 681) congra-

tulating the Na Leo O Nanaikapono Choral Group was jointly offered by Representatives Peters, Akizaki, Blair, Ho, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lee, Lunasco, Machida, Mizuguchi, Oda, Shito, Suwa, Takamine, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Peters, seconded by Representative Ho and carried, H.R. No. 681 was adopted.

A resolution (H.R. No. 682) commending Doris Bitner, Program Coordinator of the College Opportunities Program, University of Hawaii, and recognizing the success of the College Opportunities Program was jointly offered by Representatives Peters, Kimura, Abercrombie, Akizaki, Blair, Clarke, Cobb, Evans, Garcia, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap and Yuen.

On motion by Representative Peters, seconded by Representative Kimura and carried, H.R. No. 682 was adopted.

A resolution (H.R. No. 683) commending the National Trust for Historic Preservation and related groups for their efforts was jointly offered by Representatives Ho, Blair, Carroll, Fong, Lunasco, Oda, Peters, Sakima and Yuen.

On motion by Representative Ho, seconded by Representative Peters and carried, H.R. No. 683 was adopted.

A resolution (H.R. No. 684) commending the Aiea Lions Club and Kalakaua Lions Club for fifty years of combined community service was jointly offered by Representatives Yap, Uechi, Ushijima, Wakatsuki, 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, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Yamada and Yuen.

On motion by Representative Yap, seconded by Representative Ushijima and carried, H.R. No. 684 was adopted.

A resolution (H.R. No. 685) extending welcome and aloha to the Kitakyushu Takato Lions Club was jointly offered by Representatives Ushijima, 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, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Yap and carried, H.R. No. 685 was adopted.

At this time, Representative Ushijima introduced to the members of the House Mr. Masayuki Asaumi, President of the Kitakyushu Takato Lions Club, and 28 members of the Lions Club. They were accompanied by Mr. Joe Kuwamoto, President of the Kalakaua Lions Club.

Representative Sutton then rose and stated:

"Mr. Speaker, on behalf of the Kuhio Lions Club of which I am the Charter President, I wish to recognize our lionesses as they have not been included in the resolution. Our lionesses are just as much a part of the resolution as a lion so to our lionesses, aloha."

A resolution (H.R. No. 686) congratulating Masahiko "Rocky" Sugino, Athletic Director of Baldwin High School, on his years of dedicated service to school and community was jointly offered by Representatives Kondo, Abercrombie, Akizaki, Amaral, Blair, Cayetano, Fong, Ho, Kawakami, Kihano, Kimura, Kiyabu, Kunimura, Lee, Lunasco, Machida, Mizuguchi, Peters, Roehrig, Sakima, Santos, Shito, Stanley, Suwa, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Kondo, seconded by Representative Machida and carried, H.R. No. 686 was adopted.

A resolution (H.R. No. 687) congratulating Thomas N. Yamabe II, on his first processing of guava and passion fruit juice was jointly offered by Representatives Sakima, Abercrombie, Akizaki, Amaral, Blair, Carroll, Cayetano, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu,

Kondo, Kunimura, Lee, Lunasco, Machida, Medeiros, Mizuguchi, Peters, Poepoe, Roehrig, Santos, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap and Yuen.

On motion by Representative Sakima, seconded by Representative Uechi and carried, H.R. No. 687 was adopted.

A resolution (H.R. No. 688) extending appreciation to the Hawaii Public Broadcasting Authority for its informative coverage of the State Legislature 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, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Ushijima, seconded by Representative Kawakami and carried, H.R. No. 688 was adopted.

A concurrent resolution (H.C.R. No. 123) commending and recognizing Elizabeth Alden Carter, 1976 Hawaii Mother of the Year was jointly offered by Representatives Hakoda, Ikeda, Abercrombie, Ajifu, Blair, Carroll, Cayetano, Clarke, Cobb, Garcia, Ho, Kihano, Kiyabu, Kondo, Larsen, Lunasco, Medeiros, Naito, Oda, Poepoe, Sakima, Santos, Segawa, Stanley, Sutton, Suwa, Takamura and Ushijima.

On motion by Representative Hakoda, seconded by Representative Ikeda and carried, H.C.R. No. 123 was adopted.

### THIRD READING

#### S.B. No. 1301, SD 1:

By unanimous consent, action on S.B. No. 1301, SD 1, was deferred until Monday, April 19, 1976.

At 12:29 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:31 o'clock p.m.

At this time, Representative Suwa rose and stated:

"Mr. Speaker, before going to Announcements, I would like to take a matter up in the Miscellaneous Business area.

As you know, Mr. Speaker, we have our House conferees' version of the budget across in the Senate for their consideration and likewise, all the matters that were inserted in the House conferees recommendations. Naturally we will back it up with our financial plan.

At this time, I would like to point out something interesting. As we considered last year's budget, we made certain estimates and certain assumptions in lapsing certain funds. Looking back at our estimation, the House estimated that from Act 28, Session Laws of Hawaii, 1974, that's the budget, we will be lapsing \$56 million and the Senate estimated \$45 million and the Executive's estimated figure was \$7 million. And what we actually ended up lapsing of the 1974, Act 28, was \$70 million.

So, admittedly, the House erred by \$13 million, the Senate by \$25 million, and the Executive by \$23 million.

The next estimation made was the ending balance as of June 30, 1975. The House estimated that it would be around \$68 million, the Senate estimated it to be \$48 million, and the Executive estimated it to be \$35 million. The closing balance was \$83 million so the House erred by \$15 million, the Senate erred by \$34 million and the Executive by \$47 million.

In the area of tax revenues estimate, the House estimated it to be around \$538 million, the Senate estimated it to be around \$531 million, and the Executive estimated it to be around \$528 million. Total tax revenues was \$551 million. The House erred by \$15 million, the Senate erred by \$20 million, and the Executive by \$22 million.

So, Mr. Speaker, just have faith from the past track record of the House and we are going into Conference with a financial plan that will show similar action.

Thank you, Mr. Speaker."

The Chair remarked:

"Representative Suwa, your point is well taken."



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

"Were the figures that was given by the Chairman of Finance . . . maybe the Finance Committee and staff should take care of B and F."

The Chair replied:

"It is my understanding that B and F constantly consults with them."

At this time, Representative Ajifu introduced to the members of the House Mrs. Amaral, Mrs. Sakima and Mrs. June Oda.

The Chair then discharged the conferees on Senate Bill No. 1786-76, SD 1, HD 1.

At 12:40 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives stood in recess, subject to the call of the Chair.

#### NIGHT SESSION

The House of Representatives reconvened at 10:53 o'clock p.m.

#### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 450 to 480) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 450) returning House Concurrent Resolution No. 47, relating to the report on the final compensation plan and the cost thereof, which was adopted by the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 451) returning House Concurrent Resolution No. 97, HD 1, requesting the Department of Land and Natural Resources to designate Hulopoe-Manele Bay, Lanai, a marine life conservation district, which was adopted by the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 452) returning House Concurrent Resolution No. 106, HD 1, expressing legislative

endorsement for the establishment and operation of a mass rearing laboratory on Oahu for research relating to the eradication of fruit flies, which was adopted by the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 453) returning House Concurrent Resolution No. 110, requesting expeditious protection of the unique environment of Molokini, which was adopted by the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 454) transmitting Senate Concurrent Resolution No. 73, relating to use of bikeways by joggers, which was adopted by the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 455) transmitting Senate Concurrent Resolution No. 77, SD 1, requesting the Department of Transportation to withhold action on the location of a general aviation airport at Bellows Field, Waimanalo, until completion of the "Windward Oahu Regional Plan", which was adopted by the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 456) transmitting Senate Concurrent Resolution No. 88, SD 1, requesting development of a comprehensive plan for the Kawaiinui marsh area, Kailua, Oahu, which was adopted by the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 457) transmitting Senate Concurrent Resolution No. 95, relating to a transportation funding task force, which was adopted by the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 458) transmitting Senate Concurrent Resolution No. 110, requesting a housing project on land purchased for the Vineyard Street Garage, which was adopted by the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 459) transmitting Senate Concurrent Resolution No. 113, requesting the Legislative Reference Bureau to conduct a study on State taxation of warranty parts



and labor of automobiles sold through new car franchised dealerships, which was adopted by the Senate on April 14, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 460) transmitting Senate Concurrent Resolution No. 114, requesting a study of the budgetary process including the planning, programming, and budgeting system, which was adopted by the Senate on April 14, 1976, was placed on file.

By unanimous consent, action on S.C.R. Nos. 73; 77, SD 1; 88, SD 1; 95; 110; 113 and 114 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 461) informing the House that the amendments proposed by the House to Senate Bill No. 1899-76, SD 2, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 462) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 79, SD 1, was adopted by the Senate; and Senate Bill No. 79, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 463) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1758-76, SD 2, was adopted by the Senate; and Senate Bill No. 1758-76, SD 2, HD 2, CD 1, passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 464) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2294-76, SD 2, was adopted by the Senate; and Senate Bill No. 2294-76, SD 2, HD 2, CD 1, passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate

(Sen. Com. No. 465) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2394-76, SD 1, was adopted by the Senate; and Senate Bill No. 2394-76, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 466) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2709-76, SD 2, was adopted by the Senate; and Senate Bill No. 2709-76, SD 2, HD 1, CD 1, passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 467) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2253-76, HD 1, was adopted by the Senate; and House Bill No. 2253-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 468) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2335-76, HD 2, was adopted by the Senate; and House Bill No. 2335-76, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 469) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2949-76 was adopted by the Senate; and House Bill No. 2949-76, SD 2, CD 1, passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 470) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the

Senate to House Bill No. 3230-76, HD 2, was adopted by the Senate; and House Bill No. 3230-76, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 471) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 3248-76, HD 1, was adopted by the Senate; and House Bill No. 3248-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 472) informing the House that the Senate had reconsidered its action taken on March 30, 1976, in disagreeing to the amendments proposed by the House to Senate Bill No. 1786-76, SD 1, and the President, on April 15, 1976, had discharged the Managers on the part of the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 473) returning House Concurrent Resolution No. 19, HD 1, relating to the proposed State ferry system, which was adopted by the Senate on April 15, 1976, in an amended form, was placed on file.

By unanimous consent, H.C.R. No. 19, HD 1, SD 1, was placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 474) returning House Bill No. 116, HD 1, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 475) returning House Bill No. 846 which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 476) returning House Bill No. 1399 which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 477) returning House Bill No. 1411, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 478) returning House Bill No. 1413, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 479) returning House Bill No. 1776, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 480) transmitting Senate Concurrent Resolution No. 74, SD 1, relating to the defeat of S. 1, also known as "The Criminal Justice Reform Act of 1975", which was adopted by the Senate on April 15, 1976, was placed on file.

By unanimous consent, action on S.C.R. No. 74 was deferred until Monday, April 19, 1976.

#### DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
73	Committee on Energy and Transportation
77	Committee on Energy and Transportation
88	Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes, and Culture and the Arts
95	Committee on Energy and Transportation, then to the Committee on Finance
110	Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes, and Environmental Protection
113	Jointly to the Committees on Finance and Legislative Management
114	Committee on Finance

#### DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 19 on S.B. No. 2139-76, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred until Monday, April 19, 1976.

Conf. Com. Rep. No. 22 on S.B.  
No. 79, SD 1, HD 1, CD 1:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Conf. Com. Rep. No. 29 on H.B.  
No. 2984-76, HD 1, SD 1, CD 1:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Conf. Com. Rep. No. 30 on H.B.  
No. 2700-76, HD 2, SD 1, CD 1:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Conf. Com. Rep. No. 31 on H.B.  
No. 2786-76, HD 1, SD 1, CD 1:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Conf. Com. Rep. No. 33 on S.B.  
No. 1853-76, SD 1, HD 1, CD 1:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Conf. Com. Rep. No. 34 on S.B.  
No. 75, SD 2, HD 2, CD 1:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Conf. Com. Rep. No. 35 on H.B.  
No. 3196-76, HD 2, SD 1, CD 1:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Conf. Com. Rep. No. 37 on H.B.  
No. 2932-76, HD 2, SD 1, CD 2:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Conf. Com. Rep. No. 38 on S.B.  
No. 1758-76, SD 2, HD 2, CD 1:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Conf. Com. Rep. No. 39 on H.B.  
No. 2253-76, HD 1, SD 1, CD 1:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Conf. Com. Rep. No. 40 on S.B.  
No. 2394-76, SD 1, HD 1, CD 1:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Conf. Com. Rep. No. 41 on H.B.  
No. 2335-76, HD 2, SD 2, CD 1:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Conf. Com. Rep. No. 42 on H.B.  
No. 2949-76, SD 2, CD 1:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Conf. Com. Rep. No. 43 on H.B.  
No. 3230-76, HD 2, SD 1, CD 1:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

Stand. Com. Rep. No. 980-76  
on S.B. No. 28, SD 2:

By unanimous consent, action  
was deferred until Monday, April  
19, 1976.

#### UNFINISHED BUSINESS

S.B. No. 2348-76, SD 1 on Third  
Reading (Deferred from April 14, 1976):

By unanimous consent, action was  
deferred until Monday, April 19, 1976.

Conf. Com. Rep. No. 44 on H.B.  
No. 3261-76, HD 2, SD 2, CD 1 (Deferred  
from April 14, 1976):

By unanimous consent, action was  
deferred until Monday, April 19, 1976.

Conf. Com. Rep. No. 45 on S.B.  
No. 2121-76, SD 1, HD 2, CD 1 (Deferred  
from April 14, 1976):

By unanimous consent, action

was deferred until Monday, April 19, 1976.

Conf. Com. Rep. No. 46 on H.B. No. 639, HD 1, SD 2, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred until Monday, April 19, 1976.

Conf. Com. Rep. No. 47 on H.B. No. 2359-76, HD 1, SD 2, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred until Monday, April 19, 1976.

Conf. Com. Rep. No. 48 on H.B. No. 2227-76, SD 2, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred until Monday, April 19, 1976.

Conf. Com. Rep. No. 49 on H.B. No. 2022-76, HD 1, SD 1, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred until Monday, April 19, 1976.

Conf. Com. Rep. No. 50 on H.B. No. 62, HD 1, SD 3, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred until Monday, April 19, 1976.

Conf. Com. Rep. No. 51 on S.B. No. 1794-76, SD 1, HD 1, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred until Monday, April 19, 1976.

Conf. Com. Rep. No. 52 on H.B. No. 1998-76, HD 1, SD 1, CD 1 (Deferred from April 14, 1976):

By unanimous consent, action was deferred until Monday, April 19, 1976.

### THIRD READING

S.B. No. 1850-76

By unanimous consent, action was deferred until Monday, April 19, 1976.

At 10:54 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:55 o'clock p.m.

### STANDING COMMITTEE REPORTS

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1021-76) recommending that S.C.R. No. 84 be adopted.

Representative Kamalii then rose and stated:

"Mr. Speaker, I rise to speak against Senate Concurrent Resolution No. 84.

This Senate Concurrent Resolution, Mr. Speaker, is a pale and cheap version of House Bill No. 3458-76, HD 2, and like most cheap products, quickly reveals its shoddy and inadequate construction. Furthermore, Mr. Speaker, Senate Concurrent Resolution No. 84 reveals some obvious political motivations, which I shall discuss at length after I have performed what I hope is an autopsy on this Senate measure.

Mr. Speaker, this House, responding to the deep concern of our citizenry about the mounting inroads of criminal activity into our social and economic foundations, passed House Bill No. 3458-76, HD 2. That bill, Mr. Speaker, represents the consensus of both parties in this House. However, House Bill No. 3458-76, HD 2, carries a Democratic label. It is, in my opinion and judgment, a good bill, whose provisions were studied and approved by crime prevention officials at the Federal level, and by leading State anti-crime officials.

What the Senate has sent back to this House is not only a cheap and inadequate imitation of the House version, but one which also insults the intelligence of every member sitting here tonight.

Mr. Speaker, Senate Concurrent Resolution No. 84 ostensibly calls for only Honolulu police and the prosecutor's office to be included and I am certain that our Neighbor Island crime agencies will be delighted

at this obvious omission.

Furthermore, Mr. Speaker, the proposed Crime Commission in the Senate version is placed within the Office of the Attorney General of the State of Hawaii, with that office also providing the staff and office space.

Mr. Speaker, this House recognized at the outset that one of the weakest features of our crime prevention and criminal investigation programs is the absence of decisive leadership in the Attorney General's Office, and for that reason we called for the Crime Commission to be under the Office of the Lieutenant Governor, which State office would be authorized to hire a legal staff independent of the Attorney General. In my opinion, the Lieutenant Governor's office needs to be strengthened with meaningful responsibilities, including State crime prevention, as requested by the Governor's State of the State address.

Mr. Speaker, the last thing this House desired was to have another ineffective and 'controlled' commission, aimlessly pursuing vague objectives and broad generalities in the field of criminal activity. Indeed, Mr. Speaker, this House sought to insert dynamic leadership and broad, but specific targets, with a deadline for submittal of its report to the Legislature and to the Governor. This latter feature is conspicuous by its absence in the Senate version. Does anyone here question why a time limit was not included in this Senate resolution? Obviously, Mr. Speaker, the Senate preferred to let the Crime Commission die a slow and natural death without requiring any of its work, if it did any, to reach the public, or the Legislature, or the Governor's office.

This Senate resolution also calls for the presence of Honolulu police and the Prosecutor's Office on the Commission. This is like inviting the defendants of a criminal case to sit on the jury, since these two officials would probably be the first ones subpoenaed by the Crime Commission, under the House Bill. Obviously, the Honolulu Police Chief and the Honolulu Prosecutor are not going to voluntarily investigate their own operations, particularly if they are full-fledged members of the Crime Commission.

The composition of the Crime

Commission, as visualized by the House, was essentially that of a lay group, of citizens, on the order of a Grand Jury, drawn from all walks of life in our community, and appointed by the Governor. We certainly did not envision having the Honolulu Police Chief and the Honolulu Prosecutor sitting on that Commission.

House Bill No. 3458-76, HD 2, clearly specifies the nature and responsibilities of the citizen's Crime Commission. It is charged with developing and implementing educational programs for our schools and citizenry on the nature of crime, means of minimizing criminal attack; reviewing the work of crime and crime prevention agencies, including our entire justice system which incorporates the functions of parole, rehabilitation, and corrections; as well as investigating and evaluating school violence, white collar crimes, and general business frauds. It is also responsible for coordinating and encouraging crime prevention activities among private agencies and individuals as well as public agencies.

Therefore, Mr. Speaker, the Crime Commission is not to be confused with the work of the Police Department. Nor, on the other hand, is it to be considered a useless appendage of the Lieutenant Governor's Office. It has broad but effective authority with the added teeth supplied by the power of subpoena.

I have heard, Mr. Speaker, that the Senate was motivated by the recent announcement that our Lieutenant Governor is preparing to run for Mayor of Honolulu, and that the Senate did not want to give our Lieutenant Governor any advantage in his campaign. Now, Mr. Speaker, this line of reasoning indicates that the Senate is less concerned about the passage of an effective crime prevention program than it is about our Lieutenant Governor's political plans.

Mr. Speaker, I drop this challenge in the laps of the House members sitting here tonight. House Bill No. 3458-76, HD 2, is a Democratic measure, and it sits in the Senate, neglected, while we are asked to pass a Senate resolution whose parentage is of doubtful lineage and whose creators have surpassed Dr. Frankenstein's famous production. Yet, although I am by no means a Democrat, and although I am not a political ally of our Lieutenant Governor,

I still call for each member of this House to show his and her true colors in the war against crime.

Mr. Speaker, the Senate has issued a challenge to this House. The Senate has said, in effect, take this ugly, misshapen, ineffective version of a Crime Commission measure, because this is all you are going to get.

Well, Mr. Speaker, I issue my own challenge to the Democrats in this House--are you members of the majority party here today going to take this challenge lying down? Are you going to let petty and partisan politics interfere with your duty to give our citizens the best possible crime prevention bill possible? Are you going to let the Senate dictate what this House shall or shall not do?

Mr. Speaker, the issues are clear, and the battle has been joined. The roll call on Senate Concurrent Resolution No. 84 is going to present clear evidence of how the Democratic majority in this House see their role when they are faced with a choice between good government and bad politics.

Mr. Speaker, I challenge each and every Democrat sitting here tonight to kill Senate Concurrent Resolution No. 84, which is a defective and virtually useless measure as far as crime prevention is concerned; and to force the passage of House Bill No. 3458-76, HD 2, without amendments, out of the Senate Judiciary Committee. Our House Bill is a good bill, Mr. Speaker. Its passage would serve notice that the Legislature is serious about mobilizing a full-scale citizens war against crime in this State.

Mr. Speaker, by killing this Senate resolution in this House, in my opinion, we will force the Chairman of the Senate Judiciary Committee to face the full responsibility for passing or killing the most effective crime prevention bill introduced during this session.

Mr. Speaker, in all good conscience, I cannot vote for this measure. We all know that resolutions do not carry the weight of law. I have pursued this Crime Prevention Commission from the outset, Mr. Speaker. You have my firm commitment that the Crime Commission bill will be reintroduced in the next session and the session after that until we come out with a law that has teeth

in it. . . a measure that is meaningful and gives the people what they want and deserve.

Thank you, Mr. Speaker."

At 11:07 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 11:11 o'clock p.m.

At this time, Representative Roehrig moved to recommit Stand. Com. Rep. No. 1021-76 and S.C.R. No. 84 to the Committee on Judiciary, seconded by Representative Uechi.

Representative Roehrig then stated:

"Mr. Speaker, this was put on the calendar anticipating that this was the last night of the session, but in light of what will further transpire this evening, I think that the House Judiciary Committee would like to be given the opportunity to clean up the language in this resolution and see what further can be done.

I would like to agree with some of the remarks about the contents of House Bill No. 3458-76 that the prior speaker addressed her remarks to. I think that the House Bill wasn't an excellent bill relating to the Crime Commission and we will do what we can to salvage this concept and come out with a House draft, if that is the only route, as soon as possible.

Thank you."

Representative Kunimura then rose and stated:

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

I would like to thank my good friend, Kamalii, for her words of wisdom and magnanimity of our Chairman of the Judiciary Committee."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 1021-76 and S.C.R. No. 84 were recommitted to the Committee on Judiciary.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1022-76) recommending that S.C.R. No. 108, SD 1, be referred jointly to the Committees on Finance and Legislative Management.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.C.R. No. 108, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF PUBLIC FINANCING OF POLITICAL CAMPAIGNS", was referred jointly to the Committees on Finance and Legislative Management.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1023-76) recommending that S.C.R. No. 106 be adopted.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.C.R. No. 106, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE U.S. BUREAU OF THE CENSUS TO MAKE CERTAIN REFINEMENTS IN THE 1980 CENSUS OF POPULATION AND HOUSING", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1024-76) recommending that H.R. No. 622 be adopted.

Representative Roehrig moved that the report of the Committee be adopted and H.R. No. 622 be adopted, seconded by Representative Uechi.

Representative Sutton then rose and stated:

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

Mr. Speaker, it is requested in this Department of Social Services and Housing in conjunction with the Judiciary and the Board of Paroles and Pardons to consider the issue of mandatory sentencing and to state their respective policy positions as to whether such a system should be adopted in Hawaii. And if so, for which crimes and which offenders and to report that policy positions in recommendations back to us.

Mr. Speaker, a recent issue of 'U.S. News and World Report' states that here in Hawaii, crime has increased by 126 percent. Mr. Speaker, I think it is time that we had mandatory sentences and that repeat offenders not be permitted back on the street to victimize innocent victims.

Mr. Speaker, it is necessary for

us to consider that recent statistics and studies indicate that we also have an immense problem on the use of firearms in the commission of criminal activities and this has increased to the point where significant percentage of felony cases have involved the use of firearms. We must get mandatory sentences that do not give the leeway which has existed.

Therefore, I would urge you, Mr. Speaker, and my colleagues to support this resolution.

Thank you, Mr. Speaker."

Representative Abercrombie was recognized by the Chair and he stated:

"Mr. Speaker, I rise to speak in support because I think the issues involved need to be addressed. They need to be addressed for the reasons outlined by the propagandistic talk that was just delivered.

The report in 'U.S. News and World Report' is a scandalous example of the misuse of statistics. It's the kind of thing that is guaranteed to inflame a population to put a perspective on this very, very emotional and fundamental issue in crime and law enforcement into perspective and I hope that this study will help to relieve the community of having to deal with the kind of nonsense that was just cited as being a justification for mandatory sentencing."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 622, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF MANDATORY SENTENCING", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1025-76) recommending that H.C.R. No. 119 be adopted.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF MANDATORY SENTENCING", was adopted.

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1026-76) recommending that H.R. No. 212, HD 1, be adopted.



On motion by Representative Akizaki, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 212, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE IMPLEMENTATION OF A SENIOR CITIZEN LEGISLATIVE RESEARCH AIDE INTERNSHIP PROGRAM", was adopted.

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1027-76) recommending that H.R. No. 294 be adopted.

On motion by Representative Akizaki, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 294, entitled: "HOUSE RESOLUTION RE: FEASIBILITY OF ESTABLISHING A HAWAII STATE VETERANS HOME", was adopted.

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1028-76) recommending that H.R. No. 305 be adopted.

On motion by Representative Akizaki, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 305, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF THE LEGISLATIVE AUDITOR TO CONDUCT AN AUDIT OF DEPARTMENT OF SOCIAL SERVICES AND HOUSING'S PROVISION OF CHILDREN'S SERVICES", was adopted.

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1029-76) recommending that H.R. No. 331, HD 1, be adopted.

On motion by Representative Akizaki, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 331, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE COMPENSATION SCHEDULE FOR LIVING AND CARE ARRANGEMENTS FOR ELDERLY AND DISABLED ADULTS", was adopted.

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1030-76) recommending that H.R. No. 570 be adopted.

On motion by Representative Akizaki, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 570,

entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE STRUCTURE AND ORGANIZATION OF THE AGENCIES OF THE STATE", was adopted.

#### CONFERENCE COMMITTEE REPORT

Representative Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1810, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 53) recommending that H.B. No. 1810, HD 2, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 53 on H.B. No. 1810, HD 2, SD 1, CD 1, was deferred until Monday, April 19, 1976, 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, CD 1, were made available to the members of the House at 10:30 o'clock p.m.

At this time, Representative Ho moved to recall Senate Bill No. 2406-76, SD 1, from the joint Committees of Tourism, Water, Land Use, Development, and Hawaiian Homes, and Finance, seconded by Representative Abercrombie.

At 11:20 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 11:45 o'clock p.m.

Representative Kimura then moved that the previous motion lay on the table, seconded by Representative Machida.

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

"Mr. Speaker, the effect of the motion to lay on the table would be to defer action until Monday and, in effect, kill any chance for consideration in any shape or form of the tourist tax by the full House."

Representative Kimura rose on a point of order and stated:

"This matter is not debatable as clearly specified in Rule 42.3 and 42.4."

The Chair stated:

"That is correct."

Representative Cobb, on a point of order, stated:

"The points of procedure are always subject to discussion in this House. The only limitation on a matter that is non-debatable is that we may not discuss the merits."

Representative Kimura then stated:

"Mr. Speaker, he is talking about the . . . the speaker from Waialae-Kahala is referring to the passage or non-passage of a particular bill and with respect to that, Mr. Speaker, I think it is clearly stated it is not debatable."

Representative Cobb stated:

"Mr. Speaker, the passage or non-passage of a bill does not void the merits and once you discuss the reasons why it should be or should not be passed, the procedural aspects only without any mention of the merits of the legislation is proper in any point of order."

The Chair remarked:

"Representative Cobb, you have made your point. I think it is quite clear the effect of this motion."

Representative Cobb stated:

"Then, Mr. Speaker, I would like to ask for a roll call vote on this motion, knowing full well that if we defer action on the recall motion of the tourist tax, we do run the risk. . ."

Representative Kimura interrupted:

"Point of order, Mr. Speaker, I think he is elaborating further on his previous point."

The Chair, at this point, asked for a show of hands on whether or not to have a roll call vote.

The Chair denied the request for a roll call vote due to an insufficient number of hands (7).

The motion to lay on the table was put by the Chair and carried.

#### GOVERNOR'S MESSAGE

A message from the Governor (Gov.

Msg. No. 133) was read by the Clerk as follows:

"STATE OF HAWAII  
Executive Chambers  
Honolulu

April 15, 1976

The Honorable James H. Wakatsuki  
Speaker, House of Representatives  
Eighth State Legislature  
Regular Session, 1976  
State of Hawaii

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for an extension of the 1976 Session of the Eighth Legislature.

With warm personal regards, I remain,

Yours very truly,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI

Enclosure

#### EXECUTIVE ORDER

WHEREAS, SECTION 11, Article III of the Constitution of the State of Hawaii, provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members of which each house is entitled or may be granted by the governor'; and

WHEREAS, said Section 11 further provides that 'Saturdays, Sundays, holidays and any days in recess pursuant to a concurrent resolution shall be excluded in computing the number of days of any session'; and

WHEREAS, it appears that an extension of the legislative session is necessary in the public interest;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of Hawaii, pursuant to the power vested in me by Section 11, Article 111 of the Constitution of the State of Hawaii, do hereby extend the 1976 regular session of the Eighth Legislature of the State of Hawaii for a period of forty-eight hours, following 12:00 midnight, April 15, 1976, but excluding Good Friday (a holiday), Saturday and Sunday, pursuant to Section 11, Article 111 of the Constitution of the State of Hawaii.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 15th day of April, 1976.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Ronald Y. Amemiya

RONALD Y. AMEMIYA  
Attorney General"

At 11:49 o'clock p.m., on request  
by Representative Peters, the Chair  
declared a recess, subject to the  
call of the Chair.

The House of Representatives  
reconvened at 11:50 o'clock p.m.

#### SUSPENSION OF RULES

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

#### DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No.  
116, HD 1, was taken from the Clerk's  
desk.

On motion by Representative Roehrig,  
seconded by Representative Uechi and  
carried, H.B. No. 116, HD 1, entitled:  
"A BILL FOR AN ACT RELATING TO  
EXEMPTIONS FROM ATTACHMENT AND  
EXECUTION", having been read through-  
out, passed Final Reading by a vote of  
50 ayes, with Representative Morioka  
being excused, in accordance with  
Article 111, Article 16, of the Constitution  
of the State of Hawaii.

By unanimous consent, H.B. No.  
846 was taken from the Clerk's desk.

On motion by Representative Roehrig,  
seconded by Representative Uechi and  
carried, H.B. No. 846, entitled: "A BILL  
FOR AN ACT RELATING TO MARRIAGE  
LICENSES", having been read through-  
out, passed Final Reading by a vote of  
49 ayes to 1 no, with Representative  
Sutton voting no, and Representative  
Morioka being excused, in accordance  
with Article 111, Section 16, of the

Constitution of the State of Hawaii.

By unanimous consent, H.B. No.  
1411 was taken from the Clerk's desk.

On motion by Representative Roehrig,  
seconded by Representative Uechi and  
carried, H.B. No. 1411, entitled: "A  
BILL FOR AN ACT RELATING TO  
SEPARATION", having been read  
throughout, passed Final Reading by  
a vote of 50 ayes, with Representative  
Morioka being excused, in accordance  
with Article 111, Section 16, of the  
Constitution of the State of Hawaii.

By unanimous consent, H.B. No. 1399  
was taken from the Clerk's desk.

On motion by Representative Kawakami,  
seconded by Representative Ho and  
carried, H.B. No. 1399, entitled: "A  
BILL FOR AN ACT RELATING TO  
EASEMENTS", having been read  
throughout, passed Final Reading by  
a vote of 50 ayes, with Representative  
Morioka being excused, in accordance  
with Article 111, Section 16, of the  
Constitution of the State of Hawaii.

By unanimous consent, H.B. No. 1413  
was taken from the Clerk's desk.

On motion by Representative Kawakami,  
seconded by Representative Ho and  
carried, H.B. No. 1413, entitled: "A  
BILL FOR AN ACT RELATING TO FEES  
AND ACTIONS FOR RECOVERY OF LOSS  
OF LAND", having been read through-  
out, passed Final Reading by a vote  
of 49 ayes to 1 no, with Representative  
Sutton voting no, and Representative  
Morioka being excused, in accordance  
with Article 111, Section 16, of the  
Constitution of the State of Hawaii.

By unanimous consent, H.B. No. 1776  
was taken from the Clerk's desk.

On motion by Representative Lee,  
seconded by Representative Takamine  
and carried, H.B. No. 1776, entitled:  
"A BILL FOR AN ACT RELATING TO  
CITIZENSHIP AND RESIDENCE REQUIRE-  
MENTS FOR GOVERNMENT OFFICIALS  
AND EMPLOYEES AND AMENDING  
CHAPTER 78, HAWAII REVISED  
STATUTES", having been read  
throughout, passed Final Reading by  
a vote of 50 ayes, with Representative  
Morioka being excused, in accordance  
with Article 111, Section 16, of the  
Constitution of the State of Hawaii.

The Chair directed the Clerk to note  
that H.B. Nos. 116 and 846 had passed  
Final Reading at 11:51 o'clock p.m.;  
H.B. No. 1411 at 11:52 o'clock p.m.;  
H.B. No. 1399 at 11:53 o'clock p.m.;  
H.B. No. 1413 at 11:54 o'clock p.m.;

and H.B. No. 1776 at 11:55 o'clock p.m.

At 11:56 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 11:57 o'clock p.m.

At this time, Representative Kunimura rose and stated:

"Mr. Speaker, with the few more minutes left, I would like to express appreciation of this House to the Honorable Governor Ariyoshi, our Governor, for extending the session for 48 hours."

Representative Takamura then stated:

"Mr. Speaker, I just also, before

the closing of this session, like to express, I hope on behalf of all the members of the House, our appreciation, I think, to the staff work of the people in the printshop, to the Sergeant-at-Arms office and the many support services. I think many people don't realize the number of people that really worked to have this thing moving and I would like to ask for a round of applause by the members here for all the people who really do the real work of the House."

#### ADJOURNMENT

At 11:59 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned to 9:00 o'clock a.m. on Monday, April 19, 1976.

## SIXTY-FIRST DAY

Monday, April 19, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 9:19 o'clock a.m., with the Assistant Vice-Speaker presiding.

The Divine Blessing was invoked by Representative Sakima.

At 9:20 o'clock a.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House stood in recess, subject to the call of the Chair.

Upon reconvening at 8:10 o'clock p.m., the Speaker assumed the rostrum and the Roll was called showing all members present with the exception of Representatives Cobb and Morioka, who were excused.

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

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 481 to 533) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 481) transmitting Senate Concurrent Resolution No. 122 extending Aloha and Best Wishes to Dr. Roland Wynfield Force and commending his accomplishment over the last 14 years as Director of the Bishop Museum, which was adopted by the Senate on April 15, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Fong and carried, S.C.R. No. 122 was adopted.

A communication from the Senate (Sen. Com. No. 482) transmitting Senate Concurrent Resolution No. 123 endorsing public participation in the national tolling of bells on the occasion of the nation's bicentennial, which was adopted by the Senate on April 15, 1976, was placed

on file.

On motion by Representative Kimura, seconded by Representative Fong and carried, S.C.R. No. 123 was adopted.

A communication from the Senate (Sen. Com. No. 483) transmitting Senate Concurrent Resolution No. 63 requesting the U. S. Congress to enact legislation to compensate or to make reparation to Hawaiians for damages suffered by them at the time of annexation, which was adopted by the Senate on April 15, 1976, was placed on file.

By unanimous consent, action on S.C.R. No. 63 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 484) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2227-76, was adopted by the Senate; and House Bill No. 2227-76, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR CARRIER LAW, passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 485) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1794-76, SD 1, was adopted by the Senate; and Senate Bill No. 1794-76, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC", passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 486) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2139-76, SD 1, was adopted by the Senate; and Senate Bill No. 2139-76, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERIM TOURISM POLICY ACT", passed Final Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 487) returning House Concurrent Resolution No. 57, HD 1, which was adopted by the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 488) returning House Concurrent Resolution No. 81, HD 1, which was adopted by the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 489) returning House Concurrent Resolution No. 100, which was adopted by the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 490) returning House Concurrent Resolution No. 123, which was adopted by the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 491) returning House Bill No. 1247, HD 1, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 492) returning House Bill No. 1441, HD 3, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 493) returning House Bill No. 2023-76, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 494) returning House Bill No. 2101-76, HD 1, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 495) returning House Bill No. 2137-76, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 496) returning House Bill No. 2147-76, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 497) returning House Bill No. 2151-76, which passed

Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 498) returning House Bill No. 2159-76, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 499) returning House Bill No. 2160-76, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 500) returning House Bill No. 2161-76, HD 1, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 501) returning House Bill No. 2167-76, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 502) returning House Bill No. 2220-76, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 503) returning House Bill No. 2224-76, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 504) returning House Bill No. 2230-76, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 505) returning House Bill No. 2231-76, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 506) returning House Bill No. 2235-76, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 507) returning House Bill No. 2246-76, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 508) returning House Bill No. 2300-76, HD 2, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate  
(Sen. Com. No. 530) returning



House Bill No. 3110-76, HD 1, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 531) returning House Bill No. 3126-76, HD 1, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 532) returning House Bill No. 3162-76, HD 1, which passed Third Reading in the Senate on April 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 533) informing the House that the Senate had reconsidered its action taken on this date in passing Third Reading, House Bill No. 3040-76, and requested the return of said bill for further consideration, was placed on file.

#### ORDER OF THE DAY

#### DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
63	Committee on Judiciary
74	Committee on Judiciary

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 783-76 on S.B. No. 2932-76, SD 1 (Deferred from April 15, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 783-76 and S.B. No. 2932-76, SD 1, was deferred until tomorrow, April 20, 1976.

Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1 (Deferred from April 15, 1976):

By unanimous consent, action on Stand. Com. Rep. No. 786-76 and S.B. No. 1801-76, SD 1, was deferred until tomorrow, April 20, 1976.

#### SUSPENSION OF RULES

On motion by Representative Kimura,

seconded by Representative Fong and carried, the rules were suspended for the purpose of taking up bills on Third and Final Readings on the basis of a modified consent calendar.

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 980-76 on S.B. No. 28, SD 2 (Deferred from April 15, 1976):

Representative Suwa moved that the report of the Committee be adopted and that S.B. No. 28, SD 2, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

At this time, Representative Amaral requested that the following be inserted into the Journal:

"Mr. Speaker, I rise to speak in opposition to S.B. No. 28, SD 2.

Fellow members of this House, I hardly know where to begin. Shall I first tell you why I am voting against this bill? Or shall I first tell you why I would like to vote for this bill? At least one of my colleagues in the Finance Committee asked me how I could vote against this bill when the Hana Highway, in my own district, was in such terrible need of repair? To him, I answer, 'that is exactly why I vote against this bill.' My 'no' vote is a protest over the poor planning, incomplete surveys, less than adequate maintenance, and overall sloppy management of the State Department of Transportation's Highway Division. Because of this Division's poor record, the Hana Highway is in danger of closing; the highway fund faces deficits that rise every year; more money is spent on servicing the debt for our highways than we spend on maintaining those highways; the DOT asks for higher gasoline taxes every year; road, shoulder, and median strip maintenance is so poor as to be disgraceful; the Highway Division reacts to a crisis instead of planning to avoid those critical situations. Indeed, the entire DOT appears to me to be sinking deeper into an alligator filled swamp, from which the only way to escape is to tax our citizens into the poor house. Will Rogers once said, 'We will be the only nation in the world to go to the poor house in an automobile.' Mr. Speaker, if we continue on the way we are going, we'll be walking to the poor

house because the highways will be in such bad shape as to prohibit any vehicles. And yet, here comes another 'temporary' tax to bail out the highway fund.

Mr. Speaker, advocates of this bill insist the 3.5 cents a gallon tax is temporary. The administration makes no such statement. In fact, in public testimony before the House Energy and Transportation Committee, the Director of the DOT stated that next year the Department will ask for 2.5 cents more a gallon. I suppose that 2.5 cents will also be 'temporary'. So we will then have a temporary tax on top of a temporary tax. How many temporaries make a permanent? What total and absolute shibai. Why is it that the administration and this House do not tell the people of Hawaii the truth. That the State highway fund, and indeed the entire highways division has been so mis-managed by everyone -- the previous Legislatures included -- that there is literally no way to get out of the box we are in without having severe impact upon the total debt of this State. Why can't we admit that this is not a temporary tax. Why can't we stand up and face the fact that the burden on the State's people will grow. I usually vote for a bill because it will do the people of Hawaii some good. Some of my colleagues, and indeed the report of the Committee on this bill, tell me to vote for this bill because it will mean there will be less of a deficit in the highway fund if we pass it. No one tells me that here is a plan to set the highway fund right. No, just a bill that treats a symptom and doesn't even do that very well. The cubic inch displacement tax is a laugh. It would cost me 40 cents for my car. The one dollar registration fee is also a laugh. That will generate a half a million dollars at the most. A half a million dollars, in the face of a 17.1 million dollar deficit in the highway fund in 1977, a 21 million dollar deficit in 1978, and 25 million dollars in 1980. The cost of administering the cubic inch displacement tax and the registration tax has been conservatively estimated at twice the amount that the taxes will bring in. And this is supposed to be a responsible Legislature?

Mr. Speaker, when I am asked by my friends and neighbors at home about the poor conditions of the highways and roads they must travel, what am I to say? Those who advocate this bill would have

me say 'wait until next year. We'll fix it all up then.' The supporters of this bill would have me tell my friends, 'it's a bad bill but we can repair the damage next year.' Or shall I say that if we didn't pass this bill, many pet projects would not get funded. And so you people will just have to live with the jungle of poor transportation planning and programming for a while longer? I, for one, will not do that. I will not compromise my responsibilities for fiscal management and restraint. We cannot wait until next year to 'fix it up.' The future is here -- now.

Mr. Speaker, allow me to add some additional comments. The much touted Arthur Young study of the special funds for highways, harbors, and airports has been hailed by many people as the answer to our financing problems. I disagree. All that this study really recommends is that we hide the mis-management of the highways fund by shifting the burden of paying for the roads to the general fund. What that study is saying is that a surplus in one fund should be used to reduce the deficit in another. I am not an economist. But, that sounds like a big cover-up to me. As a businessman, it is not good practice to use money from a profitable operation to keep an unprofitable one going. Furthermore, I am concerned that such a shift to the general fund will cause a change in priorities for monies in that fund. This is unacceptable.

I have been reading a 1964 report from the Tax Foundation of Hawaii concerning the financing of the highways in Hawaii. This report is 12 years old. It raises the same questions concerning highway funding that we are raising today. Allow me to compare the conclusion section of this 1964 report with the 1976 report.

1964: 'Because Hawaii State plus County fuel taxes are about the highest in the nation, it is recommended that no increases be proposed in this area. . .'

1976: 'Liquid fuel taxes are regressive. . . must be adjusted by law and are not responsive to inflation. . .'

Therefore, the Arthur Young study does not recommend increasing the fuel tax. It is of interest to me that that is exactly what the Tax Foundation said twelve years earlier. And here we are today, being asked to increase the fuel tax again.

1964: 'Because Hawaii's motor vehicle weight tax is modest when compared with the annual registration fees of other states, it is suggested that the present rates on passenger vehicles be raised. . .'

1976: The Arthur Young study: ' . . . a State vehicle registration tax. . . an incentive tax aimed at encouraging ownership of efficient vehicles. . . '

The Tax Foundation called for a weight tax; the higher the weight, the more you pay. Today, we know that the higher the weight, the less efficient the automobile will be. The two recommended taxes are exactly the same twelve years apart.

1964: 'Finally, it is recommended that the Counties collect for the State, at the time of annual registration, a standby fee of \$10.00 per each motor vehicle, be it truck or passenger car.'

1976: Arthur Young said: ' . . . we believe it is appropriate to look to a highly stable revenue source. . . a flat per vehicle tax designed to simply provide revenue.'

The Arthur Young study cost over \$100,000 to tell us exactly what we were told twelve years earlier. And believe me, the Tax Foundation study didn't cost \$100,000.

What I am saying is the two reports -- twelve years apart -- identify the same ills. The difference is that the latest report, deciding any other action won't work, wants to bury the ills in the general fund.

Finally, let us go back, not twelve years, but fourteen years. The Public Administration Service of Chicago, Illinois, published a report entitled: 'State and Local Government Relationships in the State of Hawaii'. The report was commissioned by then Governor Quinn. That report, published in 1962, recommended the following:

1. Defining a State highway system and establishing priorities for its development.
2. Consolidating State and County maintenance forces.
3. Consolidating yards and related facilities.
4. Devising plans for future financing of roads and streets.

Does that sound familiar? It does if you have read the 1976 Arthur Young report. Every single item recommended in the 1962 report is found in the later one -- fourteen years later.

The Tax Foundation commented on the 1962 report. In 1964 the Foundation stated, 'This study should not be permitted to gather dust.'

Fourteen years later, the report gathers its dust and we spend more than \$100,000 to tell us the same thing all over again. The 1976 study was for the specific purpose of, and I quote from the study, 'to develop and evaluate administrative and financial alternatives to support transportation development, operations, and maintenance.' Fourteen years too late, Mr. Speaker.

Mr. Speaker, the time has past to end this foolishness. I ask my colleagues to join me in a 'no' vote on S.B. No. 28, SD 2. Thank you."

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak against S.B. No. 28.

Mr. Speaker, there is a basic concept in taxation - that it should not be regressive. Now, if we have a person that lives in Honokaa; has to take his children to Hilo every day to school; pays his 3½ cents additional tax; he thereby subsidizes our roads. It seems to me that we can work something out other than a gasoline tax to take care of the road fund.

I am fully aware of the bonded indebtedness. I am fully aware that we have come near the billion and a quarter mark where we are going to have the bonds lowered because of the fact that the roads are going to throw \$90 million into that. I know all of the complications. I happen to also be a CPA, Mr. Speaker, and I am fully aware of this. But I do not feel that that little man who lives in Honokaa gotta pay this bill just because he's gotta take his children to Hilo. I think that we can get the work done as intelligent people and find something where he's not paying a tax at the gas station - when he comes in and he doesn't really know he's paying it - that's one of the worst types of taxes there is - it's regressive and is one of the worst types of

taxes because it's taking it away from the fellow that can't afford it. Taxes should be based on ability to pay, not the necessity to pay. And I would like to say, Mr. Speaker, you join your colleagues in voting this down.

Thank you."

Representative Cayetano then rose and stated:

"Mr. Speaker, I rise to speak in support of this bill. Mr. Speaker, although I speak in support of this bill, I have some reservations about the bill which I would like to relate.

Mr. Speaker, this bill proposes to extend for one year the 3.5 cent fuel tax increase that we passed last year. The bill also proposes two new tax sections, a State registration fee and an engine displacement tax of ten cent per cubic inch.

I support this bill because additional revenues are required to pay for the increasing costs of operating and maintaining our State highway system and also to pay for the costs of constructing highways incorporated into the system.

We are told that without the extension of the 3.5 cent increase, the State highway deficit will be approximately \$17.1 million in fiscal year 1977, \$21 million in 1978, \$23 million in 1979, and \$25 million in fiscal year 1980. With the increase, the projected deficit will be \$6.7 million in fiscal year 1977, \$10.5 million in year 1978, \$12.4 million in 1979, and \$14.3 million in 1980.

It is important to note that these projected costs do not include estimated costs for the construction of major portions of the TH-3 project, the proposed State ferry system, if we ever have one, and the fixed guideway system with which we will be sharing costs with the city.

Accordingly, Mr. Speaker, the projected increases in the State fuel tax will be 3.5 cents for this 1976, an additional 2.5 cents for next year, and 3.5 cents for 1978 and an additional 3.5 cents for 1979.

In trying to come to grips with this unceasing increase in the fuel tax, your Committee on Energy and Transportation came to the conclusion that it is simply unwise for this State

to rely solely on fuel tax as the primary source of revenue for the highway fund.

The reasons for our conclusion are as follows: (1) the fuel tax is a very unstable source of revenue - it is subject to factors and forces which are beyond our control. For example, the oil embargo; (2) sole reliance on fuel as the base for the highway fund is in obvious conflict with our State's and nation's goals of energy conservation in that we cannot encourage our people to use less fuel on the one hand and expect on the other hand to maintain adequate levels of revenue from fuel consumption for the highway fund and its related projects. This, Mr. Speaker, leads to a vicious, never ending upward spiral in fuel prices, and (3) the fuel tax is highly unfair and regressive to our citizens who must drive long distances in their daily affairs. Mr. Speaker, unlike our mainland counterparts, the citizens of Hawaii do considerably less discretionary driving than the people on the mainland. In short, we drive most of the time because we must.

In recognition of these facts, this House tried to establish an alternative source of revenue for the highway fund by passing H.B. No. 1508 last year. House Bill 1508 provided for a graduated vehicle weight tax. This tax was not only a more stable source of revenue for the highway fund -- it was also a revenue source which was compatible with our State's policy of energy conservation. The testimony received on 1508 was highly favorable. Fred Bennon of the Tax Foundation of Hawaii described H.B. No. 1508's provisions as being 'excellent'.

Unfortunately, Mr. Speaker, for a number of reasons--legitimate reasons--your Committee on Energy and Transportation was unable to incorporate the provisions of 1508 into S.B. No. 28, SD 2, prior to the deadline for amendments.

This brings us to the bill before us, S.B. No. 28, SD 2.

Mr. Speaker, this bill, I must confess, has many defects. In my opinion, it is technically flawed and leaves much to be desired. For example, the bill is woefully silent on administrative details - there is no 'definition' section; there is no 'exemption' section. The engine displacement tax itself is so nominal that it could not possibly pay for administrative costs in its

present form.

However, there is one saving grace. The engine displacement section does not go into effect until January 1, 1978. Thus the Legislature may appropriately deal with these problems in the next legislative session.

Notwithstanding all of these problems with this bill, I'm urging all of my colleagues to support it for the following reasons: (1) it is imperative that the 3.5 cent fuel tax be extended - because, Mr. Speaker, as far as I'm concerned, this bill is the only vehicle left for that purpose; (2) passage of this bill will mean that Hawaii is the first state to take a step toward energy conservation legislation relating to automobile usage. It is a foot in the door. This is very important because it is high time that we all recognize that there is no easy way to pass this type of legislation. Energy conservation laws disrupt lifestyles to which we all have been accustomed. One need only recall the strong opposition with which we on the Committee on Energy and Transportation have had from various sections of the public, business and labor with respect to our various proposals for energy conservation legislation. For example, on the driver's license minimum age bill, we received strong opposition from students and young people. When we proposed a staggered work hour plan for government workers, that proposal died because of opposition from labor unions. I could go on and on and cite other examples, but I think you all know what I mean.

If we truly believe that we must establish a transportation funding which is compatible with our goals of conserving energy, then we, as legislators, must all be prepared to bite the bullet and get on with the job. There is simply no other way.

Therefore, notwithstanding some of the reservations I have expressed about this bill, I am urging all of you to support it. It is a step in the right direction. I strongly believe that unless we take this step tonight, we may never have the opportunity to do so again in the immediate future.

Thank you."

Representative Abercrombie then

rose to speak against the bill, stating:

"Mr. Speaker, at this time last year, we passed a 3.5¢ tax because we were going to deal with the problem this year. Now we are told this year we are going to pay a 3.5¢ tax because we are going to deal with the problem next year. There is no way on earth that we are ever going to deal with the problem until we come to the realization and have the courage to say that we will no longer pay obeisance to the machine and that the machine is supposed to be utilized on behalf of the social and economic benefit of the people of the State.

If you will think for a moment of such raises, as may be coming your way if you are a working person, you will find that over the next three years, you will be expected to pay, in addition to this 3.5¢ tax, another 9.5¢ - a total of 13¢. Thirteen cents. If you think of the raises that you as a working person may receive, a good portion of that is going to go for nothing but the enrichment of the multinational oil companies who haven't the slightest intention of seeing there's anything like energy conservation, who have acted in an open conspiracy throughout the country to deprive us of the necessary refineries that we need.

To act as if our problems come from oil embargos when the importation of oil in terms of the refinement of gasoline has never been the question for this country who are determined to choke the very life blood out of the people of the United States in order to line their own pockets; when we find the situation in which we, by sheer luck, had the availability of oil from Indonesia at a price that was fixed in one of the rare contracts throughout the world, not just the nation, but the world, one of the rare situations in which a long term contract was signed at a special price which cannot be raised during the terms of the contract and when that contract ends, finding ourselves in a situation in which the price of refined gasoline is going to skyrocket in the State; when we continue to have a situation in which the Governor of the State indicates he cut millions and millions and millions of dollars out of the education budget, out of the higher education budget, out of numerous departments, year in and year out; where we find ourselves in committee whether it's the Agriculture Committee, the Education Commit-

tee, the Higher Education Committee, Water and Land; when we come to beach parks, can we afford it? Can we afford diagnostic teams for learning disabled children? When we find ourselves arguing with each other to the point of involving ourselves in intense arguments, and personalities being involved over whether or not we can afford to take care of retarded children. We find ourselves in situations of endangering our own organized research at the University of Hawaii; when we find ourselves unable to afford the logistical necessities of moving people from this island to the Big Island and to Maui to participate in our astronomy work-- astronomy work that is going to be first and foremost in the entire earth; when we cannot do any of these things; when we cannot afford those things and we have not the courage in this body to face squarely the idea that we are now in ransom to the oil companies. And when Admiral Wright can come in here and say to us, you will pay 3.5¢ on every single gallon of gas -- everybody in this State -- because he asked for it; because the highways demand it; because the automobiles demand it. And we are told it is going to be 2.5 next year; 3.5 the year after that; and 3.5 the year after that; and we have not even gotten into the mess of the H-3 yet.

Does anyone presume for a moment that the deficit won't mount there? Why is the Department of Transportation sacrosanct when the retarded children are not? Why is the Department of Transportation sacrosanct when the University of Hawaii's organized research program is not? Why is the Department of Transportation sacrosanct when the people of Kohala are not? Why can we not have housing at reasonable prices in this State? Why can a carpenter not afford the home he's building? Why should the oil companies be able to make us do as they will, when they want?

When are we going to have the courage to say 'no'? No, we'll slow down. Yes, the roads will have a few more holes in this year. Maybe we'll even go the Department of Transportation and find out why the hell the roads aren't made better. When you can pave roads on the mainland that can take rock salt for the whole winter and still be usable the next year, and we pave roads in Hawaii and three months later, they

got potholes in them six inches deep. Maybe the contractors are making a little too much and Admiral Wright ought to be paying a little bit more attention to the context of the work that is being done.

I am not going to vote for a tax once more -- another 3.5¢ tax -- the only tax we seem to gonna pass this year on ourselves while the hotel industry romps about being able once again to get out from under so we don't have those beach parks. Of course, it will be a lot easier to get to them when you slow down in those big potholes in the road; more comfortable going there, I suppose, when your speed's a little less. You'll be able to look at some of that scenery that Admiral Wright promises we'll be able to see in Moanalua Valley.

There is no energy conservation. As the Chairman of the Committee has pointed out in Energy and Transportation, we've got signs all over this Capitol -- save energy. But if you save energy in gasoline, you lower the resources that you get. So that means that the prices will have to go even higher. We don't want to stop using gasoline. We want people to use more. So this is the kind of head in the sand attitude that we're going to have -- charge more for gasoline and expect people are going to keep paying more? Using more? I don't think so! They'll have to try and find some other ways. Hopefully we'll have AMPO off the dime and we'll get to work where we should be on the guideway system and getting alternative transportation and improving our bus and transportation system. And until we say 'no' to Admiral Wright and the Department of Transportation; till we have the courage in this body, for once, to say 'no' to the automobile and mega-machine that now runs our lives; till we have that kind of courage, we are not going to deal with this problem. It's going to be shifted from year to year and the taxpayers of this State will have the burden of it. So I ask that you vote 'no' to save us from this contradiction to put us in the position which we said we would take last year of dealing with this for one year and one year only, and say unequivocally, clearly that we will no longer be on our knees to the machine; that we'll try to direct our society in a human dimension if the cost of that is for one year; that we all have to slow down to 50 mph and that we have

to conserve in this State and that the Department of Transportation has to live within its means the same way the citizens of this State do; the same way that other departments of this State have had to do. Then that is all to the good and that's what we should do; and that's the way we should vote - that's the way I'm going to vote."

Representative Poepoe then rose and asked:

"Will the Chairman of Energy and Transportation yield to a question, please?"

Representative Cayetano replied:

"I will, Mr. Speaker."

Representative Poepoe then asked:

"Mr. Speaker, I'm not a lawyer, but in his speech in favor of this bill, he mentioned that the item before us had technical flaws. I'd like him to point those out?"

Representative Cayetano stated:

"Mr. Speaker, I was referring to the absence of a definitions section. For example, if you look at the county vehicle weight section, there is a definition section which defines exactly what a motor vehicle is. I was referring to the absence of a section exempting certain types of vehicles which is also present in the county vehicle weight law.

All of those things are not present in this law and, in my estimation, although those are serious defects, because this law does not go into effect until January 1, 1978, we can deal with them next year."

Representative Poepoe then stated:

"Mr. Speaker, that answer is satisfactory; however, the means to achieve the passage of this bill on final reading is not. The Committee can't get together. We've got to figure out a different system to get a final bill that's out before us, that is properly worked."

Representative Blair then rose and stated:

"I rise to speak against this bill, but before doing so, I would like to go on record as saying that your Chairman of the Committee and your Committee members and, in fact,

this body, has squarely faced that problem presented here in House Bill 1508, and it's unfortunate that that bill is not here before us.

What we are faced with, Mr. Speaker, after two years of work on a special fund crisis, we have only a continuation of an admittedly untenable situation plus an extremely ephemeral future commitment to an alternative funding system.

Sadly, Mr. Speaker, the passage of Senate Bill 28, as opposed to House Bill 1508, will be another example of substance being overcome by form in this body.

Thank you."

At 8:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:58 o'clock p.m., Representative Ikeda rose and stated:

"I rise to speak in favor of this bill, but with some reservations.

"Mr. Speaker, I am supporting this bill only because of the impending financial crisis of our highway fund. I realize that the extension of the 3½¢ a gallon tax is necessary to avoid an even greater fiscal disaster because if this tax is not extended, the State highway fund deficit will have to be supplemented by the general fund. Such a move would have a dire effect on our debt ceiling.

In addition, if this bill is not passed, the Department of Transportation has testified that the estimated operating deficit of the State highway fund will reach \$17.1 million by the next fiscal year. Moreover, these projected deficits do not include construction cost of major transportation proposals such as the proposed ferry, the fixed guideway system, and the completion of TH-3.

Mr. Speaker, I am very concerned about what we are doing today for we are trying to treat a compound fracture with a band-aid. As it stands now, one-half of the total expenditures of the fund pays for debt service on reimbursable bonds issued for highway construction projects. For a six-year period, this will require 92 percent of the estimated revenues.

Testimony before the Committee has also uncovered the fact that the Department of Transportation, at least ten years



ago, predicted that the present situation would occur if the State insisted on paying for all highways by floating reimbursable bonds. Their recommendation that only the interstate highways be funded by bonds was ignored, but no provisions were made to offset the impending deficit.

There was also hope, Mr. Speaker, that the Arthur Young study would produce some solutions to the problem. But, Mr. Speaker, we stand here today faced with the dilemma. There is no question that the revenue base of the highway fund needs to be broadened. But the registration tax and the cubic inch displacement tax included in this bill are nothing but token attempts to broaden the base. Worst, as presently proposed, the cost of administering these token charges will be greater than the revenues the taxes will bring in.

It is with a great deal of reluctance that I will cast an affirmative vote on this measure and I do so only because it seems to be the more prudent choice. We are buying time; another year to try to resolve the problem at hand. I expect this Legislature to take positive and innovative action during the next year to prevent further increases to the gasoline tax, or as far as I am concerned, this is the last time I will support any measure to bail out the highway fund.

Thank you, Mr. Speaker."

Representative Cayetano then rose and stated:

"Mr. Speaker, I rise to speak in rebuttal to the remarks made by the Representative from Manoa.

Mr. Speaker, I don't mind being accused of being a captive of the multi-national oil companies. I have a lot of affection for the Representative from Manoa, so I'm sure he didn't mean what he said. But, I do mind, Mr. Speaker, the Representative from Manoa misstating the facts, or misstating the entire whole situation.

The Representative from Manoa, Mr. Speaker, knows full well that if this tax is not passed, over \$200,000,000 of highway bonds will be counted against the State's debt margin. And he knows full well, Mr. Speaker, that if that happens, that the programs that he talked about, that the pay

raises, etc., all of the things he mentioned, will not be able to even get off the ground because there will be no money to house those people and those programs. There will be no money for construction, for equipment, for housing buildings, etc., because the State will not be able to borrow.

The Representative from Manoa fully knows that, and yet he goes on to make these remarks. I can only feel, Mr. Speaker, that this being a political year that I guess it is somewhat a plus to be able to vote against a tax. But those of us who are on the Committee, those of us who were committee chairmen at times, have a responsibility to try and develop and accomplish the goals of the committee, notwithstanding that we may not fully do so.

And as I said in my opening remarks, this bill is better than nothing. If the Senate had its way, we would have the 3½¢ gas tax standing alone. Your Committee chose this bill because this bill has a token engine displacement tax. That, Mr. Speaker, is a disincentive tax. It is a move toward a policy of energy conservation. It does not go into effect until January 1, 1978, and we can deal, or try to amend the bill next year, to truly try and get transportation funding on a level which is compatible with our State's and of our goal of energy conservation.

I think sometimes those who criticize committees and the work of committees, should try and join the crowd instead of sitting on the fence and taking potshots. It's a different matter when you have the responsibility for passage of a legislation whose financial ramifications are so serious that they threaten the fiscal integrity of this State.

The tourist tax is peanuts compared to the passage of this bill. And let no member here forget it tonight that unless this bill passes, you can kiss your CIP goodbye."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I regret that the Chairman of the Energy and Transportation Committee thought that I said that he was the sole captive of the multi-national oil companies. I thought we were all included in that and if I didn't make that clear, I do so now.

Also, if I didn't make it clear, Mr. Speaker, I think that the Chairman of the Committee on Energy and Transportation knows full well that I would have voted for the House bill, and I told him that I would on the basis that the weight tax provision and other approaches that were implied and explicit in the bill that came out of the House was an attempt, not only a good faith attempt, but more than just a step in the direction of dealing with the technology obeisance that I spoke of. This tax situation does not do that.

If we are going to speak about who knew full well what they were doing, I think we might talk about the Senate, and we might talk about the situation in which this House only recently indicated that it must stand, at all costs, on the basis of what certain committees might or might not do. But when it came to the Energy and Transportation Committee, suddenly that evaporated.

So I think if we are talking about who knows what full well, I think we ought to talk about who really has the power in this State. Let's talk about who, when it comes down to the nitty gritty, can really shove things down people's throats when they want to do it and pick and choose the time to do it. And if the argument is going to be that you must acquiesce to that power when it is convenient for that power to exercise it against you, then I refuse it. I am not going to be blackmailed into voting for anything on that basis.

When we're talking about who knew what full well, let's talk about who knew full well. . . ."

Representative Sutton, on a point of order, stated:

"The subject before us is the 3½¢ tax on gasoline, not who controls this — and the subject has gotten way off of relevancy, sir."

The Chair then stated:

"Representative Abercrombie, with that in mind, will you proceed. You have approximately, and I am stretching it, two minutes left of your ten minutes."

Representative Abercrombie continued, stating:

"Thank you, Mr. Speaker. I'll

have it right in mind and I'll try to bring it all together so that even Representative Sutton can understand it.

We talk about the displacement situation. The fact is, of course, that the oldest cars are the ones with the biggest engine displacements because that's the way they were made and that's the way it was presented to the American public, so it's the poorest people who are going to pay the most again.

When we are talking about full well, we knew full well last year and we knew this year that the exact circumstances as outlined by the Chairman of the Energy and Transportation Committee regarding the debt service and all the rest of it, but we didn't do anything about it. So if we want to talk about full well, let's say that we knew full well when we vote now that we didn't do our duty and didn't face up to what we were supposed to do. And what I am saying is, what is really called for in the way of courage, if you want to talk about getting off the fence, is to vote 'no' when you know you're doing the wrong thing instead of knuckling under the power structure of this State that keeps saying each and every year, it'll be able to get away with what it wants to get away with simply because the Legislature won't have the courage to stand up against it."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and S.B. No. 28, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TAXES", having been read throughout, passed Third Reading by a roll call vote of 37 ayes to 12 noes, with Representatives Abercrombie, Amaral, Blair, Carroll, Ho, Kamalii, Kondo, Machida, Mizuguchi, Peters, Santos and Sutton voting no, and Representatives Cobb and Morioka being excused.

S.B. No. 2348-76, SD 1, on Third Reading (Deferred from April 15, 1976):

On motion by Representative Yamada, seconded by Representative Yamada and carried, the report of the Committee was adopted and S.B. No. 2348-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPORTATION OF LIQUOR AS HOUSEHOLD GOODS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Cobb and Morioka being excused.

S.B. No. 1301, SD 1, on Third Reading (Deferred from April 15, 1976):

By unanimous consent, action on S.B. No. 1301, SD 1, was deferred until tomorrow, April 20, 1976.

S.B. No. 2909-76 on Third Reading (Deferred from April 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2909-76, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Cobb and Morioka being excused.

S.B. No. 2819-76 on Third Reading (Deferred from April 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2819-76, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC BROADCASTING AUTHORITY", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Cobb and Morioka being excused.

S.B. No. 2715-76, SD 1, on Third Reading (Deferred from April 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2715-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STADIUM AUTHORITY", having been read throughout, passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no, and Representatives Cobb and Morioka being excused.

S.B. No. 1850-76 on Third Reading (Deferred from April 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1850-76, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Cobb and Morioka

being excused.

The Chair directed the Clerk to note that S.B. Nos. 28, SD 2, and 2348-76, SD 1, had passed Third Reading at 9:11 o'clock p.m.; S.B. No. 2909-76 at 9:12 o'clock p.m.; S.B. Nos. 2819-76 and 2715-76, SD 1, at 9:13 o'clock p.m.; and S.B. No. 1850-76 at 9:14 o'clock p.m.

Conf. Com. Rep. No. 19 on S.B. No. 2139-76, SD 1, HD 1, CD 1 (Deferred from April 15, 1976):

On motion by Representative Machida, seconded by Representative Lunasco and carried, the report of the Committee was adopted and S.B. No. 2139-76, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERIM TOURISM POLICY ACT", having been read throughout, passed Final Reading by a vote of 46 ayes to 3 noes, with Representatives Abercrombie, Blair and Sutton voting no, and Representatives Cobb and Morioka being excused.

Conf. Com. Rep. No. 22 on S.B. No. 79, SD 1, HD 1, CD 1 (Deferred from April 15, 1976):

Representative Roehrig moved that the report of the Committee be adopted and that S.B. No. 79, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Lee.

Representative Roehrig then rose and stated:

"Mr. Speaker, when this bill passed the House, I stated that when it was up for Final Reading, I had a few remarks to make about this rather lengthy bill - it's 340 some odd pages. This is the Uniform Probate Code that we are about to enact.

As you know, Mr. Speaker, this bill has been around the House at least for the last six years. And every year, the House Judiciary Committee has either worked on it or waited for the bill to come back from the Senate. We haven't been able, in the past six years, to have both the Senate and the House pass it in the same year, and it looks like this is the year.

This session, your Judiciary Committee has spent at least forty working days in decision-making

on this particular bill, and the estimate was given at the time that it was in excess of 120 hours just on the decision-making alone.

We have provided informal probate procedures so that where estates are less than \$30,000, that there is going to be fees one-half as much as what they cost now, if not less than that. Work will be done by laymen. There is no necessity to have a lawyer, as is the present case, and the procedures are much refined and forms are to be given out by the courts.

In the area of the guardianship, we have enacted a very comprehensive civil commitment bill which ties in very nicely with the probate procedure provisions of the Uniform Probate Code, and for once and for all, it lays out for attorneys in this community the steps to go through in probate and in guardianship so that it isn't as mumbo jumbo as it used to be. Time was that you had to be in one of the big firms in Honolulu and be old and gray before you understood the probate law, or so it would seem to the public, and the fees were commensurate.

I might add, Mr. Speaker, the Committee Report on this bill is some 44 pages in length and what we have tried to do here, in the Committee Report, is to sum up all of the changes that have been made by the Senate, by the House, and by the Conference Committee so that when counsel is working with the probate code and wants to get the historical intent clear, he can start without the Uniform Probate Code as proposed. He can read the Committee Report, read the bill, and he'll have a continuous train of thought expressed so that he will be able to comprehend what the intent is, and so that it will give us a key to the uniformity that we are trying to achieve.

I would like to thank all the Committee members who worked hard on this bill, and the Senate staff and the Senate Judiciary Committee members who worked with us in the conference on this matter, and I think special thanks should go to Carroll Taylor, a Honolulu attorney, who worked with us as our secretary or reporter, if you want to call it that, in our decision-making. He was the secretary for the Judicial Council which first considered this measure when it was first brought before the Bar Association of the

State of Hawaii back in 1969 and 1970.

And, so, with those words, Mr. Speaker, I would urge all members to vote 'aye' on this measure. Thank you."

Representative Sutton, upon being recognized, stated:

"Mr. Speaker, I rise to speak in favor of Senate Bill No. 79, SD 1, HD 1, CD 1.

Mr. Speaker, this is the most comprehensive law on property rights I have presented to a legislative body in the history of Hawaii. It even covers wills, trusts, probate, intestacy, guardianship and it even goes as far as the joint bank accounts that Mr. Ushijima tells us are so good. There are, however, Mr. Speaker, deviations from the Uniform Probate Code.

Now, when I introduced this bill and asked that it be printed in total a year ago, I was reprimanded on this for wasting paper. But now you Democrats have taken the Ike Sutton platform and I'm very happy to have you come along - the water is fine, come on in.

Now, Mr. Speaker, we have tailored some things here to the care of the uniqueness of Hawaii and I think these are legitimate deviations from the Uniform Probate Code.

As you know, land is of tremendous value here in Hawaii, and there is a desire to keep the land in the family, and both on probate and intestacy, we have taken care of that particular contingency. I, myself, would have liked to see informal probate go up to \$60,000 because \$60,000, as you well know, is the amount of exemption of the federal tax; therefore, that would have been a logical step - take it up to \$60,000 for informal procedures and not have the courts appointing, as they do the aikane system of an appraisal. I am satisfied that for the present, until we amend this next year--I hope I'll be back next year--that \$30,000 is the limit.

Now, I would have liked to see family allowances, Mr. Speaker, higher than \$6,000. You have a spouse, and you have some minor children, and you have this thing tied up in probate -- \$6,000 can disappear awfully fast if any of those children are in college as you will find out soon when your children

get that age.

Now, Mr. Speaker, I had asked to retain your services on a paternity case here. But let us now say, Mr. Speaker, that the Senator from Paiko Lagoon and the House Judiciary Chairman from Hilo Lagoon have so hiberdized this bill that you are now discharged from any paternity proceedings in my defense. I am compelled, however, Mr. Speaker, to ask that you vote in favor of this bill, and I urge my colleagues that with these reservations in mind, to also vote in favor and come back next year with these amendments.

Thank you."

Representative Roehrig then rose and stated:

"Mr. Speaker, I appreciate the remarks by the former speaker in favor of this bill, and when he started to speak, I thought that he was going to address himself as being the speaker from the Dark Lagoon."

Representative Blair, upon being recognized, stated:

"Mr. Speaker, I would just like to, in speaking in favor of the bill, like to add that I also feel that the informal proceedings could have had a higher limit and will so move next session."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 79, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Cobb and Morioka being excused.

Conf. Com. Rep. No. 29 on H.B. No. 2984-76, HD 1, SD 1, CD 1 (Deferred from April 15, 1976):

On motion by Representative Yamada, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.B. No. 2984-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Cobb and Morioka being excused.

Conf. Com. Rep. No. 30 on H.B. No. 2700-76, HD 2, SD 1, CD 1 (Deferred from April 15, 1976):

By unanimous consent, action on Conf. Com. Rep. No. 30 and H.B. No. 2700-76, HD 2, SD 1, CD 1, was deferred until tomorrow, April 20, 1976.

Conf. Com. Rep. No. 31 on H.B. No. 2786-76, HD 1, SD 1, CD 1 (Deferred from April 15, 1976):

On motion by Representative Roehrig, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.B. No. 2786-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEAS", having been read throughout, passed Final Reading by a vote of 44 ayes to 5 noes, with Representatives Ajifu, Evans, Medeiros, Poepoe and Sutton voting no, and Representatives Cobb and Morioka being excused.

Conf. Com. Rep. No. 33 on S.B. No. 1853-76, SD 1, HD 1, CD 1 (Deferred from April 15, 1976):

On motion by Representative Roehrig, seconded by Representative Kondo and carried, the report of the Committee was adopted and S.B. No. 1853-76, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLES", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Cobb and Morioka being excused.

Conf. Com. Rep. No. 34 on S.B. No. 75, SD 2, HD 2, CD 1 (Deferred from April 15, 1976):

By unanimous consent, action on Conf. Com. Rep. No. 34 and S.B. No. 75, SD 2, HD 2, CD 1, was deferred until tomorrow, April 20, 1976.

Conf. Com. Rep. No. 35 on H.B. No. 3196-76, HD 2, SD 1, CD 1 (Deferred from April 15, 1976):

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 3196-76, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF FIREARMS IN CERTAIN OFFENSES", having been read

throughout, passed Final Reading by a vote of 49 ayes, with Representatives Cobb and Morioka being excused.

Conf. Com. Rep. No. 37 on H.B. No. 2932-76, HD 2, SD 1, CD 2 (Deferred from April 15, 1976):

Representative Roehrig moved that the report of the Committee be adopted and that H.B. No. 2932-76, HD 2, SD 1, CD 2, having been read throughout, pass Final Reading, seconded by Representative Kondo.

Representative Naito, upon being recognized, stated:

"I rise to speak in favor of this bill, but I wish to express some concerns I have.

When this bill was first addressed in Committee, which refers to mandatory sentences for repeat offenders who are convicted of crimes in the exact categories of a previous crime that they have committed, which the Honolulu Police Department presented some statistics for the year of January to December of 1975. In those statistics, it was stated that they were repeat offenders. The rate was 52.4% in that one year for repeat offenders; however, that was for all offenses.

In the category of repeaters of the same offense, the rate was only 8.6%. It was at that point that I thought that perhaps we should broaden the bill and go into other categories other than repeat offenders of the same crimes.

We also learned later that the FBI did a study from 1965 to 1969 which showed that 73% of the people that had been arrested during that four-year period had had previous arrests, but not necessarily in the same offense. However, we did pass the Committee Report and it went over to the Senate so that it would be only the same offense and we felt that this was at least a beginning.

When it went into Conference Committee, however, we had a number of categories and the Conference Committee watered it down - the Senate conferees watered it down considerably - so that only the very very major, what they considered the most major, felonious acts would be subject to mandatory repeat offenders. What this eliminated, for instance, was the fact that a person who is a rapist, who is convicted

for a second time for rape, if he didn't, in addition to the rape, totally beat up and destroy the person whom he raped, he would not be subject to this mandatory sentence. And I was very concerned about that.

At the time, my learned colleagues convinced me to go along with this bill because they felt that it was a step in the right direction. I feel it is a step in the right direction, but I feel it is unfortunate that it has been watered down to the extent it has, and I hope that those of us who are back here next year will take a look at this and try to beef up what we started this year. I, therefore, urge my colleagues to vote 'aye' on this measure.

Thank you."

Representative Sutton then rose and, upon being recognized, stated:

"I rise, Mr. Speaker, to speak in favor of this particular bill, and I think that we have accomplished a great deal. I think that the lovely lady, who helped so much on this Committee, is correct in what she has said, but I feel it is a step in the right direction - that anyone who commits an offense for the second time, convicted for the second time, and then again for the third time, should receive a sentence for which the judge has no discretion.

Sir, I have served on a bench and I feel that I need these types of guidelines, and I am glad to see the other judges get them.

Thank you, sir."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2932-76, HD 2, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING OF REPEAT OFFENDERS", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Cobb and Morioka being excused.

Conf. Com. Rep. No. 38 on S.B. No. 1758-76, SD 2, HD 2, CD 1 (Deferred from April 15, 1976):

On motion by Representative Shito, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and S.B. No. 1758-76, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING

TO HOUSING", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Cobb and Morioka being excused.

Conf. Com. Rep. No. 39 on H.B. No. 2253-76, HD 1, SD 1, CD 1 (Deferred from April 15, 1976):

On motion by Representative Shito, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 2253-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", having been read throughout, passed Final Reading by a vote of 46 ayes to 3 noes, with Representatives Amaral, Kamalii and Sutton voting no, and Representatives Cobb and Morioka being excused.

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

"Mr. Speaker, I rise to speak in favor of H.B. No. 2253-76, HD 1, SD 1, CD 1.

The purpose of this bill is to enable lessees of residential leaseholds to acquire fee simple ownership of their residential lots at a fair and reasonable price through the Hawaii Housing Authority; to enable lessees of residential leases to derive full enjoyment from their leaseholds; and to clarify the law relating to renegotiation of lease rents. This bill provides a vehicle for lessees of residential leaseholds to purchase the leased fee from lessors at a price which is just compensation to the lessor and which is fair and reasonable to the lessees.

During the last legislative session, Act 184 was enacted to facilitate the implementation of the Land Reform Act of 1967, thus increasing the opportunities for lessees to convert their properties from leasehold to fee. It utilizes a formula based on the current fair market value of the lot excluding onsite improvements, less any replacement costs of existing offsite improvements. During implementation of this Act, however, it was discovered that this formula is difficult to effectuate when it is not stated whether the lessee or the lessor paid for the offsite improvements. An inequity was also encountered under the present formula, in that the lessee is not credited for the number of years remaining on his lease. Additionally, despite passage

of this Act, prices still remain beyond the reach of the majority of lessees in the State.

The conference draft of this bill is designed to alleviate the above-mentioned problems and to reduce the lessee's purchase price, while equitably compensating the lessor. This bill utilizes an equitable method of determining the fair market value of the leased fee interest in residential leasehold properties based on either the income or market data approach. The fair market value of the leased fee shall be determined by whichever approach provides just compensation to the lessor and gives consideration to the lessee's interest.

Your Conference Committee has spent many long hours toiling over this bill in order to arrive at a formula which would be equitable to both parties. I feel that it is a good bill, and I urge all members of this honorable body to join me in voting for its passage."

Conf. Com. Rep. No. 40 on S.B. No. 2394-76, SD 1, HD 1, CD 1 (Deferred from April 15, 1976):

Representative Kawakami moved that the report of the Committee be adopted and that S.B. No. 2394-76, SD1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Blair.

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

"Please bear with me, Mr. Speaker. I've been carrying this speech with me for ten days in my pocket.

Mr. Speaker, members of the House, I rise to speak in opposition to Senate Bill 2394-76, Conference Draft 1, otherwise known as the Kakaako bill.

I oppose the bill for one specific reason: Urban renewal is not the State's kuleana. It is a County responsibility. Through Article 7 of our State Constitution, the people of this State have sanctified the right of each County to govern itself by a charter which shall be superior to all but general laws. Mr. Speaker, one of the most critical areas of local government is zoning. HRS 46-4 states that, and I quote, 'zoning shall be one of the tools available to the County to put the general plan into effect in an orderly manner.' This section further states that,



'the powers granted herein shall be liberally construed in favor of the county exercising the, and in such a manner as to promote the orderly development of each county . . . in accordance with long-range, comprehensive, general plan. . . .'

For some reason, this Legislature has continually sought to bypass the principle of home rule when it comes to the City and County of Honolulu. This bill is another example. Whether these efforts are cheap political shots at the present Mayor of Honolulu or merely misdirected efforts at city planning, I do not know. But laws should not be made on the basis of personalities.

Members of the House, this is a bad bill because it would allow the State to usurp powers that properly belong to the people of the island of Oahu. We do not need another issue to intensify the feud between our State and City governments. A State-operated redevelopment district right in the heart of Honolulu will, I promise you, tie the island in knots for years to come.

Kakaako cannot function without city integration and, possibly, the city will be unable to function with the State holding its crossroads for political ransom.

I urge you, therefore, to vote 'no' on this measure.

Thank you."

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

"Mr. Speaker, one of the most significant provisions in this bill is the potential by-passing of county ordinances. It should be obvious that the enactment of such a provision would jeopardize the concept of comprehensive State and county planning 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. A plan, once adopted, should be altered only if the changes enhance the plan when considered as an integrated unit.

These concepts were cornerstones

of the Honolulu Charter Revisions and the Republican's comprehensive planning program which is now embodied in Hawaii Revised 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, this bill we are voting on today, seeks to establish yet another burdensome layer of planning bureaucracy not bound by the concept of the State and county plans. The State plan need only be considered, compliance is not mandated.

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 Community Development Authority, to spot-plan and spot-zone.

County ordinances on health, safety, building, planning and zoning need only be followed 'as closely as is consistent with standards meeting minimum', and I repeat minimum, 'requirements of good design, pleasant amenities, health, safety and coordinated development', in the sole discretion of the Hawaii Community Development Authority.

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, all within the constraints of our State plan.

Therefore, Mr. Speaker, I ask that the members of this House uphold the integrity of our concept of comprehensive planning and to vote 'no' on this concept until it is revised to require compliance with the State plan upon adoption.

Thank you, Mr. Speaker."

Representative Blair then rose

to speak in favor of the bill, stating:

"It has been noted that it is a county's responsibility, but I think it should also be noted that it is a county responsibility by delegation only, and that when such delegation results in unproductive inaction in a critical area, then that delegation is properly revoked. Thank you, Mr. Speaker."

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

"Mr. Speaker, what we have before us, in this conference draft, is an invitation to sue. In at least three places, this bill treads upon our Federal and State Constitutions.

First, the theory of local government, embodied in Article 7 of the State Constitution, is very severely threatened, Mr. Speaker. By general law, we have recognized the rights of the counties to play their development. In fact, according to our Hawaii Revised Statutes 205-2, once land is designated urban, Mr. Speaker, the county is given sole jurisdiction as follows: 'Urban districts shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated'. Moreover, Hawaii Revised Statutes 205-5, Section 4, states: 'The powers granted to the counties under Section 46-4 shall govern the zoning within the districts other than in conservation districts'.

Yet, under proposed Section 7 of this bill, Mr. Speaker, the authority having command to establish rules on health, safety, building, planning, zoning and land use, which shall supersede all inconsistent county ordinances thereon. Moreover, and perhaps more importantly, Mr. Speaker, for the violation of all local government and the concept that government begins at the lowest level, this bill specifies from the heart of Honolulu, its geographical hub - namely Kakaako - and separates it from local government by placing it in the hands, Mr. Speaker, of a non-elected body.

To be true to the concept of homerule, this bill should have amounted to no more than an enabling act under which the counties could designate and plan their own integrated development district. We have suffered enough from state-county conflicts, Mr. Speaker. This bill creates the Godiva of state-county discords,

and shall fail under close constitutional scrutiny.

Secondly, this bill's delegation of health, safety, building, planning, zoning and land use, Mr. Speaker, are a law-making power to a non-elected body, and it's an unconstitutional delegation of legislative power, Mr. Speaker; in violation of Article 3 of both the State and Federal Constitution. To delegate the entire health and welfare powers to a non-elective body returns us, ironically, in this bicentennial - 200 years we've been alive, Mr. Speaker, as a great union of states - and it takes us back to the days of non-representation - taxation without representation of the Boston Tea Party.

Also, Mr. Speaker, this Legislature has abdicated its prerogative to establish CIP priorities under proposed Section 6, by directing the authority to develop the district-wide improvement program. Of course, our representatives from the 15th District may not have wanted to exercise their pork barrel rights anyhow.

Yet another unconstitutional delegation of legislative power is contained in proposed Section 14, which permits the authority to sell or lease land without public auction on such terms as it sees fit. Without public auction, Mr. Speaker, besides being an open invitation for law suits, for injunctions, for terms in equity, and even law, this provision opens a door to favoritism and graft in a field historically subject to such influences.

Thirdly, Mr. Speaker, this bill treads upon vested rights when it seeks to permit a non-elective body to extract land, facilities and cash - its condition precedent to development. Even our City Council, an elective body, has treaded lightly in the area of conditional zoning since several mainland cases have rules that these are unconstitutional.

A bill like this, Mr. Speaker, so replete with constitutional shortcomings, should be voted down on these grounds alone; let alone its other problems of violating our comprehensive planning policy of just last year.

Mr. Speaker, I am sentimental - I played for the barefoot Kakaako football team - and I hate to see Kakaako subject to this, so I would urge that you vote 'no' and that my colleagues do likewise.

Thank you."

Representative Abercrombie, speaking against the bill, stated:

"Mr. Speaker, the previous speakers have covered most of the ground, I think, in legal detail and philosophical terms.

I would like to draw the members' attention to page 2 of the Conference Report, at the bottom (10) - this refers to page 13 of the Conference draft itself - and if I can read from page 2 briefly: 'The provision giving the agency management and control of all State lands within the community development district has been amended to allow the Governor to set aside public lands located within the district to the authority for its use.' And it goes on to say: 'There are possible constitutional problems with reference to the University and Hawaiian Homes Commission lands.'

I think reading of page 13 of the bill itself, on that section to which the Conference Committee Report refers, will indicate that the provisions are even more drastic than it might appear in the Conference Committee Report itself.

I do not think that it is prudent for the State Legislature, keeping in mind the comments of the previous speakers, to step in and indicate that our will, our desire, our intention, to allow the Governor, at his discretion, subject only to certain legal covenants that may be in existence with Boards and so on as is related on page 13, to abdicate the area of how University land or Hawaiian Homes Commission land shall be used. I think that is an extremely dangerous circumstance.

I presume that the constitutional reference has to do, in the one instance, with the Board of Regents now having the constitutional power to direct the functioning of the higher education system. I'm not precisely sure what provisions of the Hawaiian Homes Commission Act would apply, but I certainly can understand what the reference is - and that is to say that University business and Hawaiian Homes Commission business; that is to say the proper business they should be engaged in, will be in the hands of the executives, to the exclusion of the Legislature in all likelihood. I do not subscribe to such a view. I think we have much too much administrative authority over us now, in terms of Boards and Commissions, that are not subject to the will of the people in terms of having to seek re-election,

or election in the first place. And such a development authority, as has been indicated, as would be put together under the bill, probably will have no better luck than previous development authority throughout the country, which have failed miserably in this respect.

I don't think the delicate mechanism involved in the University system, and certainly not the delicate mechanism that's involved in the proper disposition of Hawaiian Homes Commission lands, should be allowed to pass into the hands of a non-elected authority such as the one proposed in this bill."

As requested, Representative Ikeda's speech against the bill, is as follows:

"Senate Bill 2394-76, as amended by your Conference Committee, proposes that we create another layer of bureaucracy involved in planning: The Hawaii Community Development Corporation. Merely adding to the bulk of our government would not be so bad, if this new agency were not so powerful and so potentially dangerous.

Just imagine this: a non-elected body of 11 - not directly responsible to the people - with the power to spot zone, spot plan, and to formulate a myriad of rules and regulations, completely unrestricted by county ordinances, general plans, and even by the forthcoming State plan.

I refer you to page 11, section 5d, of the conference draft, and I quote: 'Whenever possible, planning activities of the authority shall be coordinated with Federal, State and County plans.'

'Consideration shall be given to State goals and policies, adopted State plan or land use guidance policies, county general plans, development plans or ordinances.'

It appears obvious that the Development Authority is not legally obligated to do more than to give consideration to existing plans, whether they be State or County. And the phrase 'whenever possible; could be interpreted to mean 'if the authority feels like it'.

And what has happened to all the talk we heard last session about taking the comprehensive approach to planning the development of our State?

If a State agency such as the Development Authority is not required to follow the State plan, it would amount to hypocrisy of the worst kind. I would hate to tell all those people at DPED and everyone else working on the State plan that they are wasting their time.

And, where are all the promises of cooperation between the State, County and Federal governments?

SB 2394-76, in its current form, allows the counties a voice in selecting the minority block on the authority's executive board. This is the last time the county governments are guaranteed any direct influence in the development of areas within their respective counties.

County ordinances and general plans are to be given consideration and then may be bypassed. Neither the Mayor nor the County Councils need be consulted regarding the formulation or the implementation of development plans. Now, this could be interpreted as cooperation by any stretch of the imagination. Passage of this bill would be tantamount to gagging the counties on matters dealing with development districts.

In closing, Mr. Speaker, I wish to make it clear that I am all for the development of Kakaako so that it may realize the potential that it has. Governor Ariyoshi said in his State of the State address that the time for 'Kakaako has come'. I agree full heartedly. But there are already mechanisms and resources currently at our disposal that can allow the area to flourish. We need not create a monster agency to do it for us. Let us not act out of haste.

I ask all members of this honorable body to join me in voting 'no' on this measure."

Representative Roehrig then rose and stated:

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

When this bill was considered by the House and sent back to the Senate, it related to Kakaako community development, and I believe this was all a result of considerable amount of study that has been done with respect to the Kakaako area to try to have some urban renewal there, and which I think we are generally in favor of.

But the way this bill came out of conference, it applies to the whole State. It has Kakaako as being the first district that is being designated. But I think the members here better understand loud and clear that this affects every single county. It's not just Kakaako any more. And it's not just some Kakaako development corporation. This can take place in any county of the State. It flies directly in the face of all the county planning departments and the county planning commissions and the authority of the County Councils and the City Councils. And for that reason, Mr. Speaker, I think this is a very bad bill.

In the neighbor islands we have tried very hard to try and have a plan of moderate and well-planned growth, having a general plan, having adequate zoning and subdivision ordinances. And I'm very surprised this bill's been on our desks a number of days now and that the neighbor island planning departments haven't brought this to our attention. But this seems to usurp all of the powers that they've had up to now to do the planning in the various neighbor island counties and I hope we vote this matter down."

At this time, Representative Poepoe asked that his remarks against the bill be inserted into the Journal:

"Mr. Speaker, I rise to speak against SB 2394-76, SD 1, HD 1, CD 1.

Mr. Speaker, according to Act 189, which we enacted last session, it is the declared policy of the State of Hawaii that all planning be comprehensive in nature, encompassing every imaginable factor and giving serious consideration to the interests of all.

If this is so, I cannot understand why the honorable members of the House and the Senate have gone through such great effort in order to bring this bill before us this evening.

In its present form, Mr. Speaker, SB 2394-76 holds many dangers and pitfalls which would seriously hamper our efforts to establish a truly comprehensive approach in planning the development of our State.

First of all, Mr. Speaker, SB 2394-76, as amended, allows a new

State agency known as the Hawaii Community Development Authority to disregard any State or County land use plan in order to carry out its duties. All that is required of the Authority is to 'consider' any existing plans.

In addition to that, Mr. Speaker, once the development plan has been approved by the Governor and the Legislature, the Development Authority has the prerogative of changing the plan without the consent of either the Executive or Legislative branches.

I ask you, Mr. Speaker, does this not leave the door wide open for piecemeal planning? If a State agency such as the Development Authority is not required to follow even the State plan - which is currently being formulated - why have a State plan at all?

Now, Mr. Speaker, let us examine the other interesting powers of the Hawaii Community Development Authority. This super agency will have the authority to establish community development rules regarding health, safety, building, planning, zoning, and land use which would supersede all county ordinances. Not only does this violate the concept of State-County cooperation and interaction in comprehensive planning, but also amounts to the unconstitutional delegation of legislative authority to a non-elected body.

This is not the only instance of this. SB 2394-76, as amended, gives the Development Authority the power to require developers to dedicate land, facilities, and/or cash as a condition of being allowed to develop parcels in the community development district.

It should be noted that even the Honolulu City Council has encountered considerable constitutional problems in cases dealing with conditional zoning.

Mr. Speaker, I recognize that there is good reason for the impatience regarding the development of Kakaako. I need not mention the reasons for the long periods of discussion without positive action. But, I ask you, is this the right way? Does this bill really provide long-range answers to the problems of Kakaako and other areas with similar problems and similar potential? Or will this bill cause more problems than it would solve?

Thank you, Mr. Speaker."

At 9:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:59 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Cobb.

At this time, Representative Kawakami rose and stated:

"In reference to Senate Bill 2394-76, SD 1, HD 1, CD 1, I would like to make one clarification before I ask for a deferral for one day, and that is that the Legislature plays a big part in the procedures of designating areas for renewal.

The Legislature will have two cracks, or two chances, before action is taken. The first will be the designation portion. And the second, when it comes time to appropriate funds for the redevelopment; again, the Legislature will take action.

With these comments, Mr. Speaker, I ask for one day deferral."

The Chair then asked:

"Will you withdraw your motion for passage on Final Reading?

Representative Kawakami replied:

"I will."

Representative Blair then rose and stated:

"Mr. Speaker, before withdrawing my second, I would like to also note that there's substantial County representation on the governing body.

With that caveat, I will withdraw my second."

The Chair then stated:

"If there's no objections, Senate Bill No. 2394-76, SD 1, HD 1, CD 1, deferred for one day."

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.

Conf. Com. Rep. No. 41 on H.B.

No. 2335-76, HD 2, SD 2, CD 1  
(Deferred from April 15, 1976):

On motion by Representative Shito, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.B. No. 2335-76, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 42 on H.B.  
No. 2949-76, SD 2, CD 1 (Deferred from April 15, 1976):

On motion by Representative Shito, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.B. No. 2949-76, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 43 on H.B.  
No. 3230-76, HD 2, SD 1, CD 1  
(Deferred from April 15, 1976):

On motion by Representative Shito, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.B. No. 3230-76, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING FOR THE ELDERLY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 44 on H.B.  
No. 3261-76, HD 2, SD 2, CD 1  
(Deferred from April 15, 1976):

By unanimous consent, action was deferred until tomorrow, April 20, 1976.

Conf. Com. Rep. No. 45 on S.B.  
No. 2121-76, SD 1, HD 2, CD 1  
(Deferred from April 15, 1976):

By unanimous consent, action was deferred until tomorrow, April 20, 1976.

Conf. Com. Rep. No. 46 on H.B.  
No. 639, HD 1, SD 2, CD 1 (Deferred from April 15, 1976):

By unanimous consent, action was deferred until tomorrow, April 20, 1976.

Conf. Com. Rep. No. 47 on H.B.  
No. 2359-76, HD 1, SD 2, CD 1  
(Deferred from April 15, 1976):

By unanimous consent, action was deferred until tomorrow, April 20, 1976.

Conf. Com. Rep. No. 48 on H.B.  
No. 2227-76, SD 2, CD 1 (Deferred from April 15, 1976):

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2227-76, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR CARRIER LAW", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 49 on H.B.  
No. 2022-76, HD 1, SD 1, CD 1  
(Deferred from April 15, 1976):

By unanimous consent, action was deferred until tomorrow, April 20, 1976.

Conf. Com. Rep. No. 50 on H.B.  
No. 62, HD 1, SD 3, CD 1 (Deferred from April 15, 1976):

By unanimous consent, action was deferred until tomorrow, April 20, 1976.

Conf. Com. Rep. No. 51 on S.B.  
No. 1794-76, SD 1, HD 1, CD 1  
(Deferred from April 15, 1976):

On motion by Representative Roehrig, seconded by Representative Cayetano and carried, the report of the Committee was adopted and S.B. No. 1794-76, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 52 on H.B.  
No. 1998-76, HD 1, SD 1, CD 1  
(Deferred from April 15, 1976):

By unanimous consent, action

was deferred until tomorrow,  
April 20, 1976.

Conf. Com. Rep. No. 53 on H.B.  
No. 1810, HD 2, SD 1, CD 1 (Deferred  
from April 15, 1976):

On motion by Representative Yamada,  
seconded by Representative Takamine  
and carried, the report of the Commit-  
tee was adopted and H.B. No. 1810,  
HD 2, SD 1, CD 1, entitled: "A  
BILL FOR AN ACT RELATING TO  
PREFERENCES FOR HAWAII SERVICES",  
having been read throughout, passed  
Final Reading by a vote of 50 ayes,  
with Representative Morioka being  
excused.

The Chair directed the Clerk to note  
that S.B. No. 2139-76 had passed Final  
Reading at 9:14 o'clock p.m.; S.B. No.  
79 at 9:24 o'clock p.m.; H.B. Nos.  
2984-76 and 2786-76 at 9:25 o'clock  
p.m.; S.B. No. 1853-76 at 9:26 o'clock  
p.m.; H.B. No. 3196-76 at 9:27 o'clock  
p.m.; H.B. No. 2932-76 at 9:30 o'clock  
p.m.; S.B. No. 1758-76 at 9:31 o'clock  
p.m.; H.B. No. 2253-76 at 9:32 o'clock  
p.m.; H.B. No. 2335-76 at 10:02 o'clock  
p.m.; H.B. No. 2949-76 at 10:03 o'clock  
p.m.; H.B. No. 3230-76 at 10:04 o'clock  
p.m.; H.B. No. 2227-76 and S.B. No.  
1794-76 at 10:05 o'clock p.m.; and  
H.B. No. 1810 at 10:06 o'clock p.m.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos.  
689 to 691) were read by the Clerk and  
were disposed of as follows:

A resolution (H.R. No. 689) express-  
ing the sincere appreciation of the  
House of Representatives to foster  
grandparents and others involved  
in the Foster Grandparent Program  
was jointly offered by Representatives  
Takamura, 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, Naito, Oda,  
Peters, Poepoe, Roehrig, Sakima,  
Santos, Segawa, Shito, Stanley,  
Sutton, Suwa, Takamine, Uechi,  
Ushijima, Yamada, Yap and Yuen.

On motion by Representative Takamura,  
seconded by Representative Kunimura  
and carried, H.R. No. 689 was  
adopted.

A resolution (H.R. No. 690) commend-  
ing Edward Forsythe on his contributions

to education was jointly offered  
by Representatives Takamine, Ajifu,  
Akizaki, Blair, Cayetano, Clarke,  
Cobb, Evans, Hakoda, Ho, Inaba,  
Kawakami, Kihano, Kimura, Kiyabu,  
Kondo, Larsen, Lee, Lum, Lunasco,  
Machida, Medeiros, Mizuguchi,  
Naito, Oda, Poepoe, Roehrig, Sakima,  
Santos, Segawa, Shito, Stanley,  
Sutton, Suwa, Takamura, Uechi,  
Ushijima, Yamada, Yap and Yuen.

On motion by Representative Takamine,  
seconded by Representative Inaba  
and carried, H.R. No. 690 was  
adopted.

A resolution (H.R. No. 691) commend-  
ing Chief Ernest J. Fergerson  
on his service was jointly offered  
by Representatives Takamine, Abercrom-  
bie, 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, Takamura,  
Uechi, Ushijima, Yamada, Yap,  
Yuen and Wakatsuki.

On motion by Representative Takamine,  
seconded by Representative Segawa  
and carried, H.R. No. 691 was  
adopted.

By unanimous consent, the following  
concurrent resolution (H.C.R. No.  
124) was referred to the Committee  
on Legislative Management and further  
action was deferred until tomorrow,  
April 20, 1976:

A concurrent resolution (H.C.R.  
No. 124) requesting the establishment  
of a joint legislative interim committee  
to study the taxation of tourism and  
alternative methods of such taxation,  
and to ascertain the impact of such  
taxation on the tourist industry,  
on the economy, on the environment,  
and on the residents of the State  
of Hawaii was offered by Representa-  
tive Wakatsuki.

#### THIRD READING

S.B. No. 1994-76:

On motion by Representative Roehrig,  
seconded by Representative Uechi,  
S.B. No. 1994-76, entitled: "A  
BILL FOR AN ACT RELATING TO  
TRAFFIC VIOLATIONS", having  
been read throughout, passed Third  
Reading by a vote of 50 ayes, with



Representative Morioka being excused.

The Chair directed the Clerk to note that S.B. No. 1994-76 had passed Third Reading at 10:08 o'clock p.m.

At 10:08 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:09 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1031-76) recommending that S.C.R. No. 84, as amended in HD 1, be adopted.

Representative Roehrig moved that the report of the Committee be adopted and that S.C.R. No. 84, HD 1, be adopted, seconded by Representative Uechi.

Representative Kamalii then rose and stated:

"Mr. Speaker, I am not completely happy with Senate Concurrent Resolution 84 because, again, I say, the resolution has not the teeth a bill has; but we have done, and I hope the Senate will concur, in putting in with what the bill had, and I ask that this body vote 'aye' on this measure."

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

The House of Representatives reconvened at 10:11 o'clock p.m.

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

"Just by way of an addendum to the previous speaker's comments. I realize that a baby isn't born with teeth, and in that context, I would urge my colleagues to vote in support of this measure."

Representative Kunimura then rose and stated:

"If I may add a little bit to my friend's remarks, I too gonna vote for this resolution because I'm gonna wait until the teeth grows out."

Upon being recognized, Representative Kamalii stated:

"Mr. Speaker, there are some babies that have teeth when they are born, and I had hoped that this one had teeth; but half a loaf is better than none."

Representative Roehrig then stated:

"Mr. Speaker, shortly in favor of it. With the technologies of science, if it doesn't have teeth, we'll find some dentures."

Representative Ho then rose and stated:

"Just a point of information. My daughter was one of the fortunate ones to be born with a tooth."

Representative Abercrombie then stated:

"Maybe this baby will be lucky enough to be born with other appendages that might give it some standing."

Representative Kunimura, at this time, asked:

"Would I be out of order if I discussed babies being born with or without hair?"

The Chair replied:

"You will be out of order."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.C.R. No. 84, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A CRIME COMMISSION FOR THE STATE OF HAWAII", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1032-76) recommending that H.R. No. 27, as amended in HD 1, be adopted.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.R. No. 27, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE STATE'S CORRECTIONAL AND REHABILITATIVE PROGRAMS", was adopted.

At 10:13 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:30 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1033-76) recommending that S.B. No. 1874-76, SD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

Representative Suwa moved that the report of the Committee be adopted and that S.B. No. 1874-76, SD 1, HD 2, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Akizaki.

At this time, Representative Poepoe asked:

"Mr. Speaker, this S.B. No. 1874-76, SD 1, has a House Draft on it?"

The Chair replied:

"That is correct."

Representative Poepoe then asked:

"Do we have an agreement with the Senate that this bill can pass?"

The Chair answered:

"There is no particular substantive amendment from the original of the Senate Draft 1."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 1874-76, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF REAL PROPERTY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 20, 1976.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1034-76) recommending that S.B. No. 2274-76, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2274-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 20, 1976.

The Chair directed the Clerk to note that printed copies of S.B.

No. 1874-76, SD 1, HD 2, and S.B. No. 2274-76, SD 1, were made available to the members of the House at 10:20 o'clock p.m.

#### DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.C.R. No. 97, as amended by the Senate, was taken from the Clerk's desk.

Representative Kawakami moved that the House agree to the amendments proposed by the Senate to H.C.R. No. 97, and H.C.R. No. 97, as amended, be adopted, seconded by Representative Ho.

Representative Kawakami then explained that the "Senate has amended the resolution by inserting language 'whereby anchoring within the bay itself do not conflict with the intent and purposes of the marine life conservation district'. The House position was that there be no anchoring allowed within the bay area."

The motion was put by the Chair and carried, and H.C.R. No. 97, as amended, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE HULOPOE-MANELE BAY, LANAI, A MARINE CONSERVATION DISTRICT", was adopted.

By unanimous consent, H.B. No. 1801, HD 1, as amended by the Senate, 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. 1801, HD 1, and H.B. No. 1801, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Kiyabu.

Representative Cayetano then explained that "originally H.B. No. 1801, HD 1, provided that the State or County agency shall hold a public hearing for major projects which take right of way, and that interested persons be given sufficient time for notification of a public hearing. The Senate has made amendments to the bill, and for the words, 'sufficient time to apprise', the Senate has substituted the words, 'early as practical time'. These words are found in Chapter 343 of the Hawaii Revised Statutes relating to environmental impact

statements. The Senate bill also adds that interested persons may submit testimony either orally or in written form. The Senate has also added that public hearing requests may be ratified by conjunctive hearing held on the project to meet requirements of any Federal, State or County law. Another addition would be that the proposing agency may satisfy requirements if adequate notice of the opportunity for the hearing are received by the agency within a reasonable time. And finally, the final amendment, the Senate has included a provision which would allow the Governor to dispose of the requirement for public hearing if there is a formal declaration that the particular highway project is an emergency and is needed. Those are the amendments."

The motion was put by the Chair and carried, and H.B. No. 1801, HD 1, as amended, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS", passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Roehrig and Sutton voting no, and Representative Morioka being excused.

The Chair directed the Clerk to note that H.B. No. 1801, HD 1, SD 1, passed Final Reading at 10:36 o'clock p.m.

By unanimous consent, H.C.R. No. 19, as amended by the Senate, was taken from the Clerk's desk.

Representative Cayetano moved that the House agree to the amendments proposed by the Senate to H.C.R. No. 19, and H.C.R. No. 19, as amended, be adopted, seconded by Representative Kiyabu.

Representative Cayetano then explained that "the members of this body may recall that H.C.R. No. 19 originally provided for a two-part plan for the pilot project. The first would be the development of a plan for the pilot project, and the second would be the implementation phase. What the Senate has done is that they have deleted the implementation phase and they have also amended the first phase to include on existing proposals which have been made to the Department of Transportation for the construction of an inter-island ferry system."

At 10:38 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:43 o'clock p.m.

Representative Ikeda then rose and stated:

"Mr. Speaker, when this resolution passed the House, I spoke against it, and I would like to request that those remarks be inserted into the Journal at this time because the resolution was bad when it passed and it came back in worst shape."

The Chair then stated:

"No objections, so ordered."

Representative Ikeda's remarks are as follows:

"Mr. Speaker, I rise to speak in opposition to H.C.R. 19, House Draft 1.

For more than 20 years, the people of Hawaii have been bombarded with plans and counter-plans for an inter-island ferry system. These proposals have ranged from State owned systems to private systems to systems combining both private and government funds. We have been planned to death and yet the one fact which has emerged from all of these proposals is that there is no valid economic or social reason to have an inter-island ferry system.

It has been pointed out many times that the existing privately owned and operated inter-island marine transport systems are providing services which, if not the optimum, are responsive to the greater needs of Hawaii's people. Further, the inter-island air transport system, primarily passenger, is one of the most complete systems in the world, providing this small geographic segment of the earth with an amazing amount of variable opportunity to travel among the islands. I would further point out that all of the supposed advantages of an inter-island ferry also accrue to the present inter-island passenger service, Seaflight, and yet that company looks forward to a bleak economic future without State subsidies.

And that brings me, Mr. Speaker, to my final point. This State is contemplating the construction and operation of a massive rapid transit system for Oahu — a system which, by very conservative estimates, will cost \$600 million to construct and many, many millions more

a year to operate and maintain. Are we then also to contemplate a multi-million dollar inter-island ferry system of dubious value to be paid for by the already overburdened taxpayer of Hawaii?

Mr. Speaker, time after time, this body and all the people of Hawaii have been told that it is not economically feasible, nor even necessarily socially desirable, to press forward with planning for an inter-island ferry system. Now we are asking again for another plan. I say that the State Department of Transportation has more pressing problems to address than the possibility of a ferry system.

I, therefore, urge defeat of House Concurrent Resolution 19, House Draft 1. Thank you."

Representative Carroll then rose and stated:

"Mr. Speaker, I would like to have the remarks that I made with reference to this incorporated and made a part."

The Chair stated: "If there's no objections, so ordered."

Representative Carroll's remarks are as follows:

"Mr. Speaker, I rise to speak against House Concurrent Resolution No. 19, HD 1.

Mr. Speaker, for many years, hunters, farmers and legislators have fantasized about the inter-island ferry system and apparently most of these people have not been out into the Alanuihaa or the Molokai Channels to see exactly what kind of conditions the proposed ferry system would be having to cover.

The history of the ferry system is one of failure and bankruptcy all the way back to the time when it cost but \$5.00 to go from here to Hilo. We persist in this; we've had innumerable studies; we've had experts in these fields indicate to us clearly that there is no viable ferry system that can serve the so-called latent needs of this State for a ferry system.

As far as the evidence that was received by the Transportation Committee - testimonies came in from technicians, from people who are merchandising equipment. We had no testimony to indicate that there is this so-called

latent need and yet, we persist in talking about it.

We are discussing an expenditure of approximately \$4 million for the proposed ferry system and I realize that it is not indicated in this Standing Committee Report, but that was the indication at the hearings and at the decision-making time.

Mr. Speaker, I believe that this ferry system is being put upon the public almost as a fraud upon the taxpayer and I do not know why we persist in this. All the evidence indicates that this system will not go and I say, let us not be found guilty of putting a fraud upon the public and I ask that everyone vote 'no' on this measure.

Thank you."

Representative Roehrig, upon being recognized, stated:

"Mr. Speaker, I make the same request. When this resolution went out of the House, it was weak and it came back and it's comatose."

The following are Representative Roehrig's remarks:

"Mr. Speaker, I rise to speak in favor of this concurrent resolution, and in doing so, I would like to say that I would prefer that I was speaking on the bill to implement a neighbor island transportation system.

Listening to the comments this morning in this chamber, I am wondering whether or not the neighbor islands are still part of the State of Hawaii. It seems as though there seems to be a question of difference of opinion on that and this difference of opinion seems to be popular this year.

We have had Dillingham Transportation and the Chamber of Commerce make a lot of self-serving comments about what kind of transportation system we should have; principally because of the fact that they are going to be affected by it and they've got a vested interest to protect, I would suggest, so if we are going to discuss matters relating to misrepresentation and fraud, I think that we ought to really direct our attention to who has been promoting this kind of talk in the community about the cost of neighbor island transportation.

I think the neighbor island members of this body recognize that it is almost prohibitive for neighbor island families to travel to and from the various islands. From the Big Island, if you have a family of two children, you and your wife wanted to come to Oahu, the round trip cost would be \$240. That is prohibitive, I should say. The only time people come to Oahu is when they come for a funeral or for a holiday or for Christmas. But, as a practical matter, the average wage earner in the neighbor islands do not travel between the islands very much because of the high cost. But I haven't seen any groundswell of questions that we should somehow try to equalize the problems of living in an island state, and when I hear criticism of a resolution just asking for a pilot study on a ferry system, I am just absolutely astounded. When the people of Oahu want to come to the neighbor islands because of the fact that they can't stand the damn traffic and the pollution, you know the neighbor islands are a great place to be, but when it comes time to take care of the neighbor islands in terms of minimal transportation requirements that we have had, I would suggest that another tune is sung.

Now, a statement was made that the existing services are adequate. I would suggest that it is just the contrary. You talk to any farmer who lives on the neighbor islands who tries to transport his cargo by surface carrier to Oahu and he will tell you that the service is inadequate; it doesn't come often enough; the refrigeration containers leak; the tariff's too high and there's continual squabble between the farmers and the carriers.

As far as the airlines' cost is concerned, I have already alluded to that. People who come from the mainland, who come here for a vacation, they ride on the common fare between the islands. Local residents don't even have a common fare. No matter how many times you ride in the airlines, you pay the same cost time after time. I have not seen any legislation or resolution that is going to try to take care of that problem. However, I am kind of pleased to see the Transportation Committee, at least, was able to come up with a resolution to do a pilot study on the ferry system. So, Mr. Speaker, it is with a little bit of frustration I hear the comments

made today and I am not speaking today to try to make anything divisive between the neighbor islands and Oahu. I am just pointing out the concerns the neighbor islanders have that we may be an island state, but because of the cost of transportation, it is getting to be that the neighbor islands are getting to be states in and of themselves because the people can't travel. And I would hope that every member would vote in favor of this resolution no matter how modest it is.

Thank you."

The motion was put by the Chair and carried and H.C.R. No. 19, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE PROPOSED STATE FERRY SYSTEM", was adopted by a Roll Call vote of 33 ayes to 17 noes, with Representatives Abercrombie, Ajifu, Amaral, Carroll, Clarke, Cobb, Evans, Fong, Hakoda, Ikeda, Kamalii, Larsen, Lum, Medeiros, Poepoe, Santos and Sutton voting, and Representative Morioka being excused.

By unanimous consent, H.C.R. No. 38, as amended by the Senate, was taken from the Clerk's desk.

Representative Kawakami moved that the House agree to the amendments proposed by the Senate to H.C.R. No. 38, and H.C.R. No. 38, as amended, be adopted, seconded by Representative Ho.

Representative Kawakami then explained that "during the course of the Senate hearing, the Senators learned that there was a suit pending on this particular trail system on the Windward side of Oahu, and the Senate has inserted language in this resolution directing the Department of Land and Natural Resources that no action be taken which would influence any current litigation and we agreed to that."

The motion was put by the Chair and carried and H.C.R. No. 38, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INCLUSION OF THE CASTLE TRAIL, PUNALUU VALLEY, AND UPPER KALUANUI STREAM OF KALIOWAA VALLEY, OAHU, IN THE NA ALA HELE", was adopted.

RECONSIDERATION OF  
ACTION TAKEN

Representative Kawakami moved that the House reconsider its action taken on S.B. No. 2394-76, SD 1, HD 1, CD 1, seconded by Representative Blair.

Representative Sutton, at this time, rose on a point of order and stated:

"Mr. Speaker, can I direct your attention, please, to House Rule 46, Motion to Reconsider, and can I direct your attention to page 208 of Parliamentary Practice as published by Mr. Cushing in his manual. 'When a motion has been made once and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move for reconsideration.' Did the gentleman who made the motion to reconsider vote in the minority or not?"

The Chair remarked:

"Representative Sutton, the question is whether the deferred matter should be acted upon at this time."

Representative Sutton then stated:

"We have a motion to reconsider."

At 10:49 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:58 o'clock p.m., Representative Sutton, upon being recognized, stated:

"Mr. Speaker, I pointed out that when a motion has been made once and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move for reconsideration, and I yield to Mr. Kawakami."

Representative Kawakami then stated:

"Mr. Speaker, I withdraw my motion."

Representative Blair then rose and stated:

"Mr. Speaker, I withdraw my second."

At 10:59 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:01 o'clock p.m.

## DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.C.R. No. 87, as amended by the Senate, was taken from the Clerk's desk.

Representative Ho moved that the House agree to the amendments proposed by the Senate to H.C.R. No. 87, and H.C.R. No. 87, as amended, be adopted, seconded by Representative Abercrombie.

Representative Ho then explained that "on this amendment, on Senate Draft 1, what they did to this resolution was to add in two Whereas clauses, and if I may be permitted: 'WHEREAS, the Hui Malama Aina O Kahana has done extensive research on Kahana Valley and has prepared a general plan for the development of a 'Native Hawaiian Lifestyle Living Park;' and WHEREAS, it is the intent of the Legislature that the Kahana Valley Konohiki work with both the Hui Malama Aina O Kahana and the Hui O Kanani O Kahana in planning and developing the valley; and that members of the former be encouraged to join the latter; now, therefore, That's the addition."

The motion was put by the Chair and carried and H.C.R. No. 87, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PROGRESS REPORT ON KAHANA VALLEY", was adopted.

The Chair, at this time, made the following announcement:

"The Chair would like to remind all of you to be back here promptly at 11:45 o'clock p.m. The Chair expects everyone of you to be present here."

On motion by Representative Kimura, seconded by Representative Ajifu and carried, the House stood in recess until 11:45 o'clock p.m.

The House of Representatives reconvened at 11:48 o'clock p.m.

## CONFERENCE COMMITTEE REPORTS

Representative Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 934, HD 2, presented a report (Conf. Com. Rep. No.

54) recommending that H.B. No. 934, HD 2, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 54 on H.B. No. 934, HD 2, SD 1, CD 1, was deferred until tomorrow, April 20, 1976, 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, CD 1, were made available to the members of the House at 6:30 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2100-76, HD 1, presented a report (Conf. Com. Rep. No. 55) recommending that H.B. No. 2100-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 55 on H.B. No. 2100-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 20, 1976, 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, CD 1, were made available to the members of the House at 11:30 o'clock p.m.

Representative Kunimura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1997-76, HD 1, presented a report (Conf. Com. Rep. No. 56) recommending that H.B. No. 1997-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 56 on H.B. No. 1997-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 20, 1976, 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, CD 1, were made available to the members of the House at 11:40 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2333-76, presented a report (Conf. Com. Rep. No. 57) recommending that S.B. No. 2333-76, HD 1, as amended in CD

1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 57 on S.B. No. 2333-76, HD 1, CD 1, was deferred until tomorrow, April 20, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2333-76, HD 1, CD 1, were made available to the members of the House at 11:40 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1191, presented a report (Conf. Com. Rep. No. 58) recommending that S.B. No. 1191, HD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 58 on S.B. No. 1191, HD 2, CD 1, was deferred until tomorrow, April 20, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1191, HD 2, CD 1, were made available to the members of the House at 11:40 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2237-76, presented a report (Conf. Com. Rep. No. 59) recommending that H.B. No. 2237-76, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 59 on H.B. No. 2237-76, SD 1, CD 1, was deferred until tomorrow, April 20, 1976, 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, CD 1, were made available to the members of the House at 11:40 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 682, HD 1, presented a report (Conf. Com. Rep. No. 60) recommending that H.B. No. 682, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 60 on H.B. No. 682, HD 1, SD 1, CD 1, was deferred until tomorrow, April 20, 1976, 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, CD 1, were made available to the members of the House at 11:40 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2987-76, HD 1, presented a report (Conf. Com. Rep. No. 61) recommending that H.B. No. 2987-76, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 61 on H.B. No. 2987-76, HD 1, SD 1, CD 1, was deferred until tomorrow, April 20, 1976, 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, CD 1, were made available to the members of the House at 11:40 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2226-76, SD 1, presented a report (Conf. Com. Rep. No. 62) recommending that S.B. No. 2226-76, SD 1, HD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 62 on S.B. No. 2226-76, SD 1, HD 1, CD 1, was deferred until tomorrow, April 20, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2226-76, SD 1, HD 1, CD 1, were made available to the members of the House at 11:40 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2001-76, HD 2, presented a report (Conf. Com. Rep. No. 63) recommending that H.B. No. 2001-76, HD 2, SD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 63 on H.B. No. 2001-76, HD 2, SD 2, CD 1, was deferred until tomorrow, April 20, 1976, and in accordance with Article III, Section 16, of the Constitu-

tion of the State of Hawaii, printed copies of H.B. No. 2001-76, HD 2, SD 2, CD 1, were made available to the members of the House at 11:40 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3299-76, HD 1, presented a report (Conf. Com. Rep. No. 64) recommending that H.B. No. 3299-76, HD 1, SD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 64 on H.B. No. 3299-76, HD 1, SD 2, CD 1, was deferred until tomorrow, April 20, 1976, 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, CD 1, were made available to the members of the House at 11:40 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2745-76, SD 1, presented a report (Conf. Com. Rep. No. 65) recommending that S.B. No. 2745-76, SD 1, HD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 65 on S.B. No. 2745-76, SD 1, HD 2, CD 1, was deferred until tomorrow, April 20, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2745-76, SD 1, HD 2, CD 1, were made available to the members of the House at 11:40 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1187, SD 2, presented a report (Conf. Com. Rep. No. 66) recommending that S.B. No. 1187, SD 2, HD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 66 on S.B. No. 1187, SD 2, HD 2, CD 1, was deferred until tomorrow, April 20, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1187, SD 2,

HD 2, CD 1, were made available to the members of the House at 11:40 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 942, HD 1, presented a report (Conf. Com. Rep. No. 67) recommending that H.B. No. 942, HD 1, SD 1, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 67 on H.B. No. 942, HD 1, SD 1, CD 1, was deferred until tomorrow, April 20, 1976, 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, CD 1, were made available to the members of the House at 11:40 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the Senate to

the amendments proposed by the House to S.B. No. 2827-76, SD 1, presented a report (Conf. Com. Rep. No. 68) recommending that S.B. No. 2827-76, SD 1, HD 2, as amended in CD 1, pass Final Reading.

By unanimous consent, consideration of Conf. Com. Rep. No. 68 on S.B. No. 2827-76, SD 1, HD 2, CD 1, was deferred until tomorrow, April 20, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2827-76, SD 1, HD 2, CD 1, were made available to the members of the House at 11:40 o'clock p.m.

#### ADJOURNMENT

At 11:59 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned until 12:05 o'clock a.m. tomorrow, Tuesday, April 20, 1976.

## SIXTY-SECOND DAY

Tuesday, April 20, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 12:15 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Segawa, after which the Roll was called showing all members present with the exception of Representative Morioka, who was excused.

Representative Kimura moved that reading and approval of the Journal for the Sixty-First Day be deferred.

Representative Ajifu then rose and asked:

"Mr. Speaker, before I second the motion, I would like to ask, what happens to all of the Journals that we have not approved before this session ends?"

The Chair answered:

"The Chair assures the members that it will be done sooner or later."

Representative Ajifu asked:

"Will they be ready for approval?"

The Chair answered:

"We will approve all of the Journals today."

The motion was seconded by Representative Ajifu and carried, and the reading and approval of the Journal for the Sixty-First Day was deferred.

## SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 534) transmitting Senate Concurrent Resolution No. 96, 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, which was adopted by the Senate on April 19, 1976, was read by the Clerk and was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 96 was

adopted.

## UNFINISHED BUSINESS

Conf. Com. Rep. No. 40 on S.B. No. 2394-76, SD 1, HD 1, CD 1 (Deferred from April 19, 1976):

Representative Kawakami moved that the report of the Committee be adopted and that S.B. No. 2394-76, SD 1, HD 1, as amended in CD 1, having been read throughout, pass Final Reading, seconded by Representative Blair.

Representative Poeppoe then rose and asked whether or not the Majority Leader would yield to a question to which Representative Ushijima replied in the affirmative.

Representative Poeppoe asked:

"Mr. Speaker, this is a new legislative day and I want to know if his caucus has had time to meet and review this matter before us this morning?"

Representative Ushijima replied:

"Mr. Speaker, in answer to the question, yes, we had already met and discussed this matter."

Representative Abercrombie then rose and remarked:

"In answer to the last question, I don't know when we did."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2394-76, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT", having been read throughout, passed Final Reading by a Roll Call vote of 31 ayes to 19 noes, with Representatives Abercrombie, Ajifu, Amaral, Carroll, Clarke, Cobb, Evans, Fong, Hakoda, Ho, Ikeda, Kamalii, Larsen, Lum, Medeiros, Poeppoe, Roehrig, Santos and Sutton voting no, and Representative Morioka being excused.

The Chair directed the Clerk to note that S.B. No. 2394-76 had passed Final Reading at 12:26 o'clock a.m.

At 12:27 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:31 o'clock a.m., the Chair made the following announcement:

"The Chair would like to remind all Chairpersons to have your Committee Reports on resolutions in early today to the Clerk's Office with proper signatures."

At 12:33 o'clock a.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House stood in recess until 7:00 o'clock p.m. tonight.

#### NIGHT SESSION

The House of Representatives reconvened at 8:25 o'clock p.m.

Representative Kunimura then rose and stated:

"Mr. Speaker, Mr. Peters and I would like to make a presentation before the calendar gets crowded."

Directed by the Chair to "proceed", Representative Kunimura remarked:

"Just to clarify in your mind, if you have any doubts about that lollipop, I would like to say that we appreciate very much the past two years what you have done for us in leading us through this quagmire, through legislative booby traps, but I would like to say this for the record--that anybody who wants to be the Speaker of the House is the biggest sucker in the world."

The Chair remarked:

"The Chair appreciates Representative Kunimura's remarks and I believe those remarks are applicable to all of the members. Without the cooperation and help of all the members here, the Chair would be without much stability. Mr. Clerk?"

Representative Poepoe then rose and presented the Chair with a picture, stating:

"On behalf of the Republican caucus, I also would like to present you with a picture."

The Chair then said:

" 'GOP' and it says further, 'What do you mean I never let Republicans have their say.' With all the time that Representative Sutton has taken up on this floor, I think that quote is quite apropos."

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

Representative Sutton introduced Mr. and Mrs. Shears from Saint John, Newfoundland.

Representative Lunasco introduced Mrs. Richard Ho, wife of Representative Ho.

#### ORDER OF THE DAY

##### DEFERRED RESOLUTION

The following concurrent resolution was disposed of as follows:

<u>H.C.R. No.</u>	<u>Referred to:</u>
124	Committee on Finance

#### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 535 to 544) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 535) informing the House that the amendments proposed by the House to Senate Bill No. 1786-76, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading on April 19, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 536) returning House Concurrent Resolution No. 34, which was adopted by the Senate on April 19, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 537) returning House Bill No. 626, HD 1, which passed Third Reading in the Senate on April 19, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 538) returning House Bill No. 2056-76, HD 1, which passed Third Reading in the Senate on April 19, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 539) returning House Bill No. 2087-76, which passed Third Reading in the Senate on April 19, 1976, was placed on file.

A communication from the Senate

(Sen. Com. No. 540) returning House Bill No. 2102-76, HD 1, which passed Third Reading in the Senate on April 19, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 541) returning House Bill No. 2239-76, which passed Third Reading in the Senate on April 19, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 542) informing the House that the Senate had reconsidered its action taken on April 1, 1976, in disagreeing to the amendments proposed by the House to Senate Bill No. 2643-76, and the President had, on April 19, 1976, discharged the Managers on the part of the Senate for the consideration of said amendments.

A communication from the Senate (Sen. Com. No. 543) returning House Bill No. 2895-76, HD 1, which passed Third Reading in the Senate on April 19, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 544) returning House Concurrent Resolution No. 119, which was adopted by the Senate on April 19, 1976, was placed on file.

#### UNFINISHED BUSINESS

S.B. No. 1301, SD 1 on Third Reading (Deferred from April 19, 1976):

Representative Roehrig moved that S.B. No. 1301, SD 1 be recommitted to the Committee on Judiciary, seconded by Representative Uechi and carried with Representatives Abercrombie and Naito voting no.

Representative Cobb then rose and stated:

"Mr. Speaker, while we're still under Unfinished Business, there is a matter which pertains to action taken by this body two nights ago.

Before going on to Item 7, Reports of Standing Committees, I wish to rise on a point of parliamentary inquiry to inquire whether or not it is proper under the Rules for a motion to table to be used to defeat a motion to recall."

The Chair stated:

"The Chair ruled at the time that you're out of order. The matter that you are bringing up is a matter of record in the Journal."

Representative Cobb then stated:

"Mr. Speaker, then I must rise on a point of order to reluctantly, on Rule 44.1 referring to matters tabled -- before any decision can be made on a matter that has been previously tabled, a ruling of the Chair as to the propriety of that motion to table would first be required."

The Chair replied:

"The Chair has ruled that the question you have raised is a matter of record so, therefore, the Chair rules you out of order at this time.

"Let's proceed, Mr. Clerk."

#### STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1035-76) informing the House that House Resolution Nos. 641 to 688, House Concurrent Resolution No. 123, Special Committee Report Nos. 19 to 23, and Conference Committee Report Nos. 37 to 53 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. 1036-76) informing the House that House Resolution Nos. 689 to 691, House Concurrent Resolution No. 124, Standing Committee Report Nos. 1031-76 to 1034-76 and 1037-76 to 1044-76, and Conference Committee Report Nos. 54 to 68 have been printed and distributed.

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

Representatives Suwa and Akizaki, for the Committees on Finance and Legislative Management, presented a report (Stand. Com. Rep. No. 1037-76) recommending that S.C.R. No. 113 be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the joint

Committees was adopted and S.C.R. No. 113, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON STATE TAXATION OF WARRANTY PARTS AND LABOR OF AUTOMOBILES SOLD THROUGH NEW CAR FRANCHISED DEALERSHIPS", was adopted.

At this time, the Chair re-referred S.C.R. No. 95 to the Committee on Energy and Transportation solely.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1038-76) recommending that S.C.R. No. 95 be adopted.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and S.C.R. No. 95, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A TRANSPORTATION FUNDING TASK FORCE", was adopted.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1039-76) recommending that S.C.R. No. 77, SD 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 S.C.R. No. 77, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO WITHHOLD ACTION ON THE LOCATION OF A GENERAL AVIATION AIRPORT AT BELLOWS FIELD, WAIMANALO, UNTIL COMPLETION OF THE 'WINDWARD OAHU REGIONAL PLAN' ", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1040-76) recommending that S.C.R. No. 73 be adopted.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and S.C.R. No. 73, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO USE OF BIKEWAYS BY JOGGERS", was adopted.

Representatives Kawakami and Blair, for the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection, presented a

report (Stand. Com. Rep. No. 1041-76) recommending that S.C.R. No. 110 be adopted.

On motion by Representative Kawakami, seconded by Representative Blair and carried, the report of the joint Committees was adopted and S.C.R. No. 110, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING EXPEDITIOUS PROTECTION OF THE UNIQUE ENVIRONMENT OF MOLOKINI", was adopted.

Representative Kawakami, for the majority of the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1042-76) recommending that S.C.R. No. 101 be adopted.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the majority of the Committee was adopted and S.C.R. No. 101, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE PLAN", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1043-76) recommending that S.C.R. No. 79, SD 1, 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. 79, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE PROTECTION OF OPIHI", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1044-76) recommending that S.C.R. No. 64 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. 64, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO FISHING IN THE NORTHWESTERN HAWAIIAN ISLANDS", was adopted.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1045-76) recommending that S.C.R. No. 74, SD 1, be adopted.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.C.R. No. 74, SD 1, entitled: "SENATE CONCURRENT

RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO OPPOSE ANY PROVISION OF S.1, ALSO KNOWN AS 'THE CRIMINAL JUSTICE REFORM ACT OF 1975', WHICH INFRINGES UPON THE CONSTITUTIONAL RIGHTS OF THE PUBLIC", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1046-76) recommending that S.C.R. No. 114, as amended in HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.C.R. No. 114, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE BUDGETARY PROCESS INCLUDING THE PLANNING, PROGRAMMING AND BUDGETING SYSTEM", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1047-76) recommending that H.C.R. No. 124, as amended in HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.C.R. No. 124, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE TAXATION OF TOURISM AND ALTERNATIVE METHODS OF SUCH TAXATION, AND TO ASCERTAIN THE IMPACT OF SUCH TAXATION ON THE TOURIST INDUSTRY, ON THE ECONOMY, ON THE ENVIRONMENT, AND ON THE RESIDENTS OF THE STATE OF HAWAII", was adopted with Representative Sutton voting no.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 692 to 709) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 692) extending sincere gratitude and thanks to the Honolulu Council of Churches and all of its member churches, the Association of the Oahu Evangelicals, the Honpa Hongwanji Mission and the Catholic Diocese was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Amaral, Blair, Cayetano, Clarke, Cobb, Ho, Kawakami, Kimura, Kunimura, Lum, Mizuguchi, Poepoe, Roehrig, Santos, Segawa, Shito,

Sutton, Suwa, Takamura, Uechi and Yuen.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 692 was adopted.

A resolution (H.R. No. 693) extending warmest aloha and congratulations to Marga B. Stubblefield upon her qualification into the Ladies Professional Golf Association was jointly offered by Representatives Ushijima, Abercrombie, Akizaki, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Naito, Oda, Peters, Santos, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

On motion by Representative Ushijima, seconded by Representative Kihano and carried, H.R. No. 693 was adopted.

A resolution (H.R. No. 694) authorizing and directing the Committee on the Journal to compile and print the Journal of the House of Representatives of the Regular Session of 1976 was jointly offered by Representatives Ushijima, Ajifu, Kimura and Poepoe.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 694 was adopted.

A resolution (H.R. No. 695) authorizing the Speaker to approve the Journal of the House of Representatives of the Sixty-Second Day was jointly offered by Representatives Ushijima, Ajifu, Kimura and Poepoe.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 695 was adopted.

A resolution (H.R. No. 696) authorizing the Speaker of the House of Representatives to designate which employees and officers of the House shall be given additional employment in order to meet the work after the session was jointly offered by Representatives Ushijima, Ajifu, Kimura and Poepoe.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 696 was adopted.

A resolution (H.R. No. 697) authorizing and empowering the Speaker to expend such sum or sums as he deems necessary from funds appropriated for legislative and other expenses of the Eighth Legislature, Regular Session of 1976, for the purposes of completing the



work of the Eighth Legislature, Regular Session of 1976, subsequent to the adjournment thereof, including the carrying out of any official legislative business in the interim between the 1976 and 1977 sessions, up to and including January 18, 1977, this authorization being in addition to any other authorization heretofore granted to the Speaker or any other officer or officers of the House of Representatives was jointly offered by Representatives Ushijima, Ajifu, Kimura and Poepoe.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 697 was adopted.

A resolution (H.R. No. 698) relating to Standing and Special Committees authorized to conduct hearings during the interim between the adjournment of the Regular Session of 1976 and the convening of the Regular Session of 1977 was jointly offered by Representatives Ushijima, Ajifu, Kimura and Poepoe.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 698 was adopted.

A resolution (H.R. No. 699) expressing appreciation to the Legislative Reference Bureau for its splendid cooperation and service rendered to the House during this session was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Ho, Kawakami, Kimura, Kunimura, Larsen, Lum, Medeiros, Mizuguchi, Poepoe, Roehrig, Santos, Segawa, Shito, Sutton, Suwa, Takamura, Uechi and Yuen.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 699 was adopted.

A resolution (H.R. No. 700) expressing appreciation to the Legislative Auditor's Office for its splendid cooperation and service rendered to the House during this session was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Ho, Inaba, Kawakami, Kimura, Kunimura, Larsen, Lum, Medeiros, Mizuguchi, Poepoe, Roehrig, Santos, Segawa, Shito, Sutton, Suwa, Takamura, Uechi and Yuen.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 700 was adopted.

A resolution (H.R. No. 701) expressing appreciation to the Central Services Division, Department of Accounting and General Services, for excellent services

rendered to the House of Representatives, Regular Session of 1976 was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Inaba, Kawakami, Kimura, Kunimura, Lum, Medeiros, Mizuguchi, Poepoe, Roehrig, Santos, Segawa, Shito, Sutton, Suwa, Takamura, Uechi and Yuen.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 701 was adopted.

A resolution (H.R. No. 702) expressing appreciation to the Capitol Security Force for outstanding service throughout the Regular Session of 1976 was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Ho, Kawakami, Kimura, Kunimura, Larsen, Lum, Medeiros, Mizuguchi, Poepoe, Roehrig, Santos, Segawa, Shito, Sutton, Suwa, Takamura, Uechi and Yuen.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 702 was adopted.

A resolution (H.R. No. 703) extending appreciation to the Honolulu Police Department for its kind and efficient service rendered during the entire session was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Ho, Kawakami, Kimura, Kunimura, Larsen, Lum, Medeiros, Mizuguchi, Poepoe, Roehrig, Santos, Segawa, Shito, Sutton, Suwa, Takamura, Uechi and Yuen.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 703 was adopted.

A resolution (H.R. No. 704) commending the United Press International for its extensive coverage of the activities of the Eighth Legislature, Regular Session of 1976 was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Inaba, Kawakami, Kimura, Kunimura, Larsen, Lum, Medeiros, Mizuguchi, Poepoe, Roehrig, Santos, Segawa, Shito, Sutton, Suwa, Takamura, Uechi, Yap and Yuen.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 704 was adopted.

A resolution (H.R. No. 705) commending the Associated Press for its extensive coverage of the activities of the Eighth Legislature, Regular Session of 1976 was jointly offered by Representatives

Ushijima, Abercrombie, Ajifu, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Inaba, Kawakami, Kimura, Kunimura, Larsen, Lum, Medeiros, Mizuguchi, Poepoe, Roehrig, Santos, Segawa, Shito, Sutton, Suwa, Takamura, Uechi and Yuen.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 705 was adopted.

A resolution (H.R. No. 706) commending the Honolulu Star-Bulletin for its coverage of the activities of the Eighth Legislature, Regular Session of 1976 was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Ho, Inaba, Kawakami, Kimura, Kunimura, Lum, Medeiros, Mizuguchi, Poepoe, Roehrig, Santos, Segawa, Shito, Sutton, Suwa, Takamura, Uechi, Yap and Yuen.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 706 was adopted.

A resolution (H.R. No. 707) commending the Honolulu Advertiser for its coverage of the activities of the Eighth Legislature, Regular Session of 1976 was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Amaral, Blair, Cayetano, Clarke, Cobb, Ho, Kawakami, Kimura, Kunimura, Larsen, Lum, Medeiros, Mizuguchi, Poepoe, Roehrig, Santos, Segawa, Shito, Sutton, Suwa, Takamura, Uechi and Yuen.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 707 was adopted.

A resolution (H.R. No. 708) expressing deepest appreciation to the radio stations and TV stations for having provided extensive coverage throughout the session was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Amaral, Blair, Cayetano, Clarke, Cobb, Evans, Ho, Inaba, Kawakami, Kimura, Kondo, Kunimura, Larsen, Lum, Medeiros, Mizuguchi, Poepoe, Roehrig, Santos, Suwa, Uechi and Yap.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 708 was adopted.

A resolution (H.R. No. 709) conveying appreciation and thanks to the Pineapple Growers Association of Hawaii for supplying fresh pineapple juice was jointly offered by Representatives

Ushijima, Ajifu, Blair, Cayetano, Clarke, Cobb, Evans, Ho, Inaba, Kawakami, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lum, Medeiros, Mizuguchi, Poepoe, Roehrig, Santos, Suwa and Yap.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, H.R. No. 709 was adopted.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 54 on H.B. No. 934, HD 2, SD 1, CD 1 (Deferred from April 19, 1976):

On motion by Representative Yamada, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.B. No. 934, HD 2, SD 1, CD 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 50 ayes, with Representative Morioka being excused.

The Chair directed the Clerk to note that H.B. No. 934 had passed Final Reading at 8:37 o'clock p.m.

At 8:38 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:45 o'clock p.m., the Vice Speaker assumed the rostrum.

#### SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Ajifu and carried, the rules were suspended for the purpose of allowing entry into the record, statements and debates of members of this House relative to each of the bills to be taken up in the Order of the Day, irrespective of whether or not the said bills have awaited the 24-hour period.

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

"Are we going to follow the procedure set in Supplemental Calendar 2 first?"

The Chair replied:

"No, we are going through Supplemental Calendar No. 1 first, then through No. 2."

The following remarks were received for entry into the Journal:

Conf. Com. Rep. No. 30 on H.B.  
No. 2700-76, HD 2, SD 1, CD 1:

Representative Yamada requested that the following remarks be inserted into the Journal:

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

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

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

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

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

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

All medical malpractice claims must be submitted to a medical claim conciliation panel before court action

can be initiated. The panel will hold informal fact-finding hearings and make a finding as to the merits of the claim and if the claim is found to be valid, a recommendation as to the amount of damages which should be paid.

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

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

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

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

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

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

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

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

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

Representative Amaral submitted the following remarks for insertion into the Journal:

"Mr. Speaker, I rise today to speak in favor of H.B. No. 2700-76, HD 2, SD 1, CD 1:

In addition to speaking in favor of this measure, I would like to dwell on areas that are of concern to me. I agree that this bill is a step forward necessary to begin to alleviate the problems we, the citizens of Hawaii, are facing in today's society. It is, however, by no means the final answer to the medical malpractice issue. We have watched our mainland compatriots wrestle with their outrageous medical malpractice insurance premiums. We have seen numerous hospitals across the nation shut down because doctors could no longer operate under such high costs.

We, in Hawaii, have seen a warning sign of impending doom. We cannot allow insurance premiums to outweigh the necessity of having a doctor in an emergency room. We, as responsible legislators, have to take measures toward preventing a crisis like that which has affected states like New York or California. Indeed, we have taken a step forward, but we must not kid ourselves on the type of step that we have taken. No bill is designed to be inflexible

and we must remember this, so that we will be able to change it according to society's needs. For those of us who may return next year, and for those who will follow some of us, we must be prepared to meet the challenges which will be before us now and in the future regarding medical malpractice. This is not the end of a solution to the problem. No, in fact, this is just the beginning to ensure us, our family, and our friends that we will have in the future a medical profession that we will continue to be proud of and one which will be there to serve those in need of their services and talents.

There are many problems to which this bill and other studies have addressed themselves, but by no means have answered. The contingency system, which attorneys use to gain their fees, needs to be re-evaluated to provide a more equitable amount of the award to the injured patient. We have seen fit to codify a practice among the legal profession to take 40 percent of the award the client is given by a jury or a Judge. I see no reason for a lawyer to take almost 50 percent of what a jury has seen as a reasonable amount to compensate a patient for his or her loss. Everyone should be treated fairly, but the contingency system incorporated in this bill is, in my opinion, too heavily in favor of the attorneys.

We have also seen fit to not address the legal doctrine of *res ipsa loquitur*. This is a very crucial doctrine, for it allows the plaintiff to shift the burden of proof to the defendant. In other words, this doctrine would require the doctor to prove he was not negligent. Grant it, the courts in Hawaii have been conservative enough in the past regarding the use of this doctrine by the plaintiff. But, will this continue to be the case?

This bill requires the Board of Medical Examiners to establish standards for a doctor to follow so he can gain an informed consent from his patient. Many things can have different meanings to many people, so we must make sure that these standards are clear enough for the patient and the doctor to understand so that a rational decision may be achieved by the patient.

We have also established a very powerful Board of Medical Examiners. A Board which has jurisdiction over

the entire population of doctors in Hawaii. Yet, we have provided the doctors with no substantive power in the final selection of the members of the Board which will govern them. A Board which will ultimately determine whether or not they will work. Is it fair to anyone to be policed by such an administrative council? What would it be like if this Legislature was entirely appointed by the Governor?

Another facet of this bill is the medical claim conciliation panel which will be comprised of a person selected by the Chief Justice of the Supreme Court of Hawaii. This person will also serve as chairperson whose first duties are to select an attorney and a physician who will make up the remaining membership of the panel. This is giving a great deal of discretion to someone who will be part of the panel he picks. I have also some reservations on the length of servitude which the panel has. A month is not a reasonable time for anyone to adequately give proper attention to important decisions such as medical malpractice complaints, nor to become knowledgeable in its rules, procedure and regulations of the panel.

Finally, I question the need to require anyone to show financial responsibility when ability is to be proven. No other profession in this State has to prove financial responsibility before they take their examination for licensure. Why should we add this burden to our already burdened doctors?

In closing, I would like to state for the record that although I will vote in favor for passage of this bill, I shall look forward to the continued evaluation and improvement of this measure in behalf of our physicians and their patients."

Representative Sutton then rose and asked:

"Mr. Speaker, may I speak?"

The Chair asked:

"Are you speaking for or against the bill?"

Representative Sutton answered:

"I am speaking against the bill."

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

"Mr. Speaker, my family comprises one percent of the attorneys of Hawaii. It is the only family that has three generations, and yet I feel that we attorneys are getting the advantage of this bill and that we have taken the doctors and put them under very severe restraints. We have said that if you want to practice medicine in Hawaii, you have to pay \$100,000 down; you got to have at least \$100,000 in a security fund. Then you are subject to immense restrictions; you are forced to study without having particular requisites for your speciality; you are judged, not by your peers, but you are also judged by the Bureau of Regulatory Agencies which doesn't have a doctor in it. And you have a proposition where the doctors are completely hog-tied.

Now, Mr. Speaker, there are many other problems in the era of litigation. Public liability is a greater problem than the problem of medical malpractice insurance. As a matter of fact, in 1974, there were only two malpractice cases that had very high judgments and these were not exceedingly high, and in 1975, it did seem to increase. But this is a problem that is national, not one of Hawaii's and we have solved the thing backwards. The reason we solved it was that there was only one insurance company that was offering medical malpractice and, therefore, we should have attacked it from the point of view that any company that wanted to sell casualty insurance in Hawaii need have to also allow medical malpractice insurance. Then, we would have had competition and the rates would have gone down.

Instead, we attacked it from the point of view that the various doctors were to blame for malpractice. We called them health providers instead of doctors and pretty soon, why, we have lashed them absolutely to the mast. We have said that attorneys can get 33 1/3 percent up to the date of filing and 40 percent from the date of filing to judgment. And it is wide open for appeal but as far as the doctors are concerned, they have to have all these restrictions and they take a tremendous chance of losing their license if they make slight infringements in their practice and I think that we have hog-tied the doctors, and we have given a hunting license to the attorneys and, therefore, I would urge my colleagues and you, Mr. Speaker, to vote against this."

Representative Cobb then rose and stated:

"I had some written remarks that I will insert later into the Journal. I would just like to add a couple of brief remarks in favor of the bill on the floor here, taking advantage of the opportunity for discussion before we vote on this appropriation measure later on tonight.

Mr. Speaker, this bill reminds me somewhat of a movie that we've seen some time ago in that it incorporates many elements into the Conference Committee Report, the title of the movie being, 'The Good, the Bad, and the Ugly.' And this particular measure has all three elements in it -- mostly good, I should point out. But one item of concern is the fact that we do not have court review of attorneys' contingent fees spelled out in the bill. It is my understanding that the courts do have that power; however, it would have been more appropriate to flag that out as a specific proviso, either in the bill or at least in the Committee Report.

Secondly, we do not have reports for attorneys or doctors required; only for the insurance carrier. Now this may or may not lead to an incomplete picture as to the actual costs and the dollar ratio to the patient of malpractice cases in Hawaii once this bill becomes law. However, it is my feeling that the reporting provisions for both doctors and attorneys should be included. The fact that they are not is not a major defect; however, it will lead to some possible gaps in the reporting provisions. Although the Director of Regulatory Agencies has testified that with the insurance carriers reporting, most of the essential information can be gathered.

I think what is crucial, Mr. Speaker, is that this measure, like no-fault, is a beginning and a very solid beginning, that it is always possible to amend the basic law once it is on the books. The problem is getting that law in the first place. I recall that it took three years to get no-fault. It finally passed. I would like to extend my compliments to the Chairman of the Consumer Protection Committee. He was able to do it in one session.

Thank you."

Conf. Com. Rep. No. 47 on H.B.

No. 2359-76, HD 1, SD 2, CD 1:

Representative Yamada submitted the following remarks for insertion into the Journal:

"Mr. Speaker, I rise to speak in favor of H.B. No. 2359-76, HD 1, SD 2, CD 1.

I think it is worth noting that work on this bill began right after the 1975 legislative session when a joint Senate-House interim committee was appointed to review the findings of a public utilities program audit conducted by the Office of the Legislative Auditor. The study was done at the request of the Legislature in recognition of the need for changes in our public utilities programs. It identified several shortcomings in existing regulatory practices and operations.

Our interim committee held public hearings and discussions in the community to assess and study these shortcomings. In Special Committee Report No. 6, filed this year with the House of Representatives, our recommendations to the 1976 Regular Session were submitted, which included the establishment of a full-time Public Utilities Commission to replace the existing part-time Commission arrangement, providing it with its own staff, and clearly charging the Director of Regulatory Agencies with the responsibility of being Consumer Advocate in hearings before the PUC. During this 1976 session, we were able to further review and refine these recommendations.

The need for a full-time Commission is derived from our finding the workload of the Public Utilities Commission to be such that the Commission spent most of its time on adjudicatory cases and little, if any, on such activities as policymaking, planning, industry surveillance, issue analysis and staff direction. As a result, the public utilities program lacked the resources and the overall direction necessary to balance the interests of utilities and consumers.

Mr. Speaker, since statehood in 1959, the responsibilities of the PUC have increased at a tremendous rate. It is now responsible for the regulation of electric, gas, telephone, sewage and transportation companies. It has to deal with matters relating to accounting practices, safety, rate-making, financing, certification and determining adequacy of services to customers for each utility company

under its purview.

Rate-making alone has become an extremely complex process requiring expertise in accounting, engineering, financing and law. It's very clear that, today, we need a full-time Commission as well as staff expertise to properly deal with these issues. Let's face it, these decisions have far reaching effects on our community.

Mr. Speaker, House Bill No. 2359-76, HD 1, SD 2, CD 1, provides for a full-time Public Utilities Commission of three members to be appointed by the Governor for six-year terms. The first commissioners will serve staggered terms to ensure continuity of membership on the Commission. Because of the complexities of the regulatory process, the persons appointed to the Commission will be required to have experience in accounting, business, engineering government, finance, law or other similar fields.

The bill further empowers the Chairman of the Commission to appoint and employ such personnel necessary to effectively perform the functions of the Commission. It also calls for the appointment of assistant administrators on each of the neighbor island counties to receive and act on consumer complaints. Each county of the State is represented on the present part-time Commission, and therefore, such representation will be continued through the placement of these administrative officers in each county, with direct access to the Commission. They are required to report directly to the Commission, and are to carry out certain investigative functions as directed by the Commission Chairman.

This bill further removes the PUC from the Department of Regulatory Agencies, where it has been housed since its inception. Since we are designating the Director of Regulatory Agencies to act as Consumer Advocate in hearings before the PUC, it doesn't make sense to have the PUC's decision-making and policy-making functions mixed in with the Consumer Advocate function within the same Department. The bill states that the Director of Regulatory Agencies, as Consumer Advocate, is to represent, protect and advance the interest of consumers of utility services. A separate and clear distinction then, is being made between the responsibility of advocating the interests of consumers and those regulatory responsibilities of the PUC.

Mr. Speaker, House Bill No. 2359-76, HD 1, SD 2, CD 1, is the first significant amendment to our public utilities law in the last decade and recognizes the tremendous increase in the level and volume of regulatory responsibilities of our Public Utilities Commission. It is a major step toward the improvement and updating of our laws relating to public utilities and the regulation thereof. It is the result of several years of legislative study and review, and reflects our collective and deliberative judgments on that portion of our State's regulatory activities which has such far reaching impact on all of us. I, therefore, urge favorable action on this bill.

Thank you."

Conf. Com. Rep. No. 50 on H.B. No. 62, HD 1, SD 3, CD 1:

Representative Takamura submitted the following remarks for insertion into the Journal:

"Mr. Speaker, I rise to speak in favor of H.B. No. 62, HD 1, SD 3.

This bill creates an Executive Office on Aging within the Governor's Office and abolishes the State Commission on Aging. It is supported by virtually every senior citizen's group in the State, as well as by every government agency dealing with senior citizens, including the Commission on Aging.

The programs and services available to the elderly are inadequate and fragmented; they are continually locked in conflicts between State, local and federal regulations and standards; and inadequate outreach prevents many senior citizens who could benefit from programs the most, from ever making use of them.

House Bill No. 62, HD 1, SD 3, mandates the Executive Office on Aging to correct these problems, and gives the office the authority, structure and funds to get the job done. Accountability is ensured by assigning clear responsibility at both State and county levels, and responsiveness to the elderly is assured by building in meaningful senior citizen participation at both levels.

House Bill No. 62, HD 1, SD 3, will improve the quality of life for the elderly in Hawaii by providing them with a single, powerful voice



to speak in their behalf.

It has taken two years for this bill to come to a final vote -- two years of hearings, revisions and hard work for the many senior citizens who have placed their unstinting efforts into making this new executive office a reality.

I, therefore, urge the members of the House to join me in support of House Bill No. 62, HD 1, SD 3."

At 9:03 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 9:05 o'clock p.m.

Conf. Com. Rep. No. 55 on H.B. No. 2100-76, HD 1, SD 1, CD 1:

At this time, Representative Suwa rose and stated:

"Mr. Speaker, I would like to submit into the Journal some other statements, but at the present time, I feel that the Committee Report reflects the views of the Conference Committee.

As to the amount that has been agreed upon in our general fund relating to Part II of the budget, it represents about \$16.1 million. As to Part 5A, it represents \$13.8 million. As to the general obligation bonds, the executive CIP represents \$92.8 million, and the legislative CIP represents \$63.2 million, for a total of \$156 million.

Mr. Speaker, at this time, I would like to thank every member of the House who have contributed their knowledge and talent and also to the staff, and I would like to thank especially, my staff.

Thank you very much."

Representative Kamalii then rose, stating:

"Mr. Speaker, I rise to speak in favor of House Bill No. 2100-76, HD 1, SD 1, CD 1.

Mr. Speaker, I wish to take this opportunity to express my sincere congratulations to the Chairman of the Finance Committee, Mr. Jack Suwa, for completing the monumental

job of assembling and finalizing this budget after the Senate made a shambles of three months of our careful, deliberate, and fair-minded work. During this tedious period, Mr. Speaker, including the past several days and nights, our Chairman, like the gentleman he is, kept his cool and produced this massive document on time. For that and for his consideration to all of us, I wish to say, mahalo.

However, Mr. Speaker, no document, however carefully it is drafted and how carefully it is scrutinized, is perfect and this budget, so carefully nurtured and grafted, embodies within its pages an item that is so inequitable, so far-fetched, so irresponsible, and so darn right malicious that I would be guilty of complicity and a crime of sizeable portions if I did not speak out against it tonight.

Mr. Speaker, I refer to page B1A-72, covering capital improvement projects for the City and County of Honolulu, specifically in my district, Waikiki. Mr. Speaker, there is a CIP item for \$75,000 earmarked, 'condemnation of the equity of the licensee, Waikiki Yacht Club, in license number 66, land acquisition to condemn the equity in lots 1 and 2 of license number 66 of that portion of land, adjacent water, which was licensed to the Waikiki Yacht Club.'

Mr. Speaker, that item for my district was inserted into the CIP budget by the young boy from the 14th Representative District when his House Bill 2886-76, HD 1, died. Normally, I would welcome another representative voluntarily offering my district a sum of money for a CIP item. However, without even the courtesy of asking my opinion or support of this grant, this Representative has proposed that a 30 year old landmark in Honolulu, the Waikiki Yacht Club, be exterminated by means in a portion to purchase that organization's equity in a State lease to condemnation.

Mr. Speaker, this is a brazen and blatant attempt to condemn private property in my district. It is totally unwarranted, is unprecedentedly irresponsible and constitutes in mind an attempt to deprive a long-established private institution of its right and property without due process and with total disregard with the basic elements of economics. Mr. Speaker, I am not a member of the Waikiki Yacht Club, but there

are 365 regular due-paying members of that Club, representing practically every racial group in Hawaii and a broad spectrum of residents who love a boat and boatings, brings them together to share the delights of that recreational pursuit. There are only 136 boat slips at the Waikiki Yacht Club so there are more than three members to each boat.

Mr. Speaker, the Waikiki Yacht Club celebrated its 30th Anniversary just one year ago. This means that the Club was in existence in Waikiki since 1945 and all during that period, that Club has been paying to the State of Hawaii a lease rent based on the appraiser's recommendation, together with moorage fees that are already set by the State Department of Transportation.

Mr. Speaker, I think it is necessary to go into some economics at this point in order to point out the utter lack of comprehension on the part of the future attorney who so generously offers to do away. . ."

The Chair interrupted:

"Representative Kamalii, will you please make reference to another Representative simply as Representative. Please continue."

Representative Kamalii replied:

"If the adjectives fit, Mr. Speaker. . ."

The Chair then said:

"Please confine your remarks to another Representative."

Representative Kamalii asked:

"To another?"

The Chair replied:

"Just simply use the word 'Representative' will be sufficient."

Representative Kamalii continued:

"Mr. Speaker, the Waikiki Yacht Club operates under a lease with the Harbors Division. . .excuse me, Mr. Speaker, as long as I don't mention his name, I think I'm in my rights."

The Chair replied:

"I would prefer, as Speaker, that you limit your remarks to another Representative and just refer to him as Representative. Please continue."

Representative Kamalii continued, stating:

"I'll try."

Mr. Speaker, the Waikiki Yacht Club operates under a lease with the Harbors Division that is renewable every ten years. The last renewal was executed in 1972. Thus, the present lease has some six years to run. That lease, Mr. Speaker, covers a land area of 53,776 square feet and the Club pays \$14,917.92 per annum in lease rent. The lease rent has increased since 1972 by 372 percent. For ten years, the Waikiki Yacht Club has paid to the State of Hawaii \$150,000 in lease rent alone plus \$15,201.60 a year in moorage fees. The improvements are valued at \$502,631.50. Mr. Speaker, the Representative inserted the figure of \$75,000 to purchase the equity of the Waikiki Yacht Club, perpetuating a great hoax on the taxpaying public with an obvious attempt, in my opinion, to misinform the Legislature, as well as to what it would cost to take over the Club's property and lease.

Mr. Speaker, I do not know where this Representative got his figures or on what basis he concluded that the State could virtually steal the leasehold rights of the Waikiki Yacht Club for virtually nothing. My calculation is that there is no way the State could acquire that property and that lease without spending ten times that amount and then facing prolonged litigations in the courts.

But let me return to my economics for a moment, Mr. Speaker. The Waikiki Yacht Club is a taxpayer like all of us and its taxes for 1975 came to \$30,457. That included property taxes, income taxes, gross income taxes, and employee taxes.

Mr. Speaker, this move to acquire the Waikiki Yacht Club's property would make some sense if there was an over-abundance of boat moorage facilities provided by the State. However, as we all know, there is a distinct shortage of such facilities, especially on Oahu. So, Mr. Speaker, the elimination of 136 boat slips at the Waikiki Yacht Club would only serve to create even more of a problem for boat owners. Where would the 136 boats go for moorage?

Mr. Speaker, let us turn our attention to another disturbing aspect of this matter. Why has only the

Waikiki Yacht Club been singled out for the honor of being bought out for a piddly \$75,000? I do not see in this budget document, running some 200 pages, any reference to any other private yacht club also being bought out. Why only this Club in my district? Who is being hurt by the continued presence of the Waikiki Yacht Club, Mr. Speaker? Certainly, if that Club occupied the entire length of Ala Moana Park, I would be the first to object. So, Mr. Speaker, I cannot be silent on this matter. It affects and threatens to affect my constituents and this attempt to eliminate this Club is uncalled for. It is unreasonable; it is unjust; and I consider it an unwarranted interference in the well-being of my district. I believe in the tradition that the Representatives of each district know best what their districts need and want and I, therefore, bitterly resent and oppose this breach of legislative etiquette and tradition.

So let this young boy from the 14th District be warned. I do not take such challenges lightly and I will fight this measure up to the Governor's Office, so help me God.

Thank you, Mr. Speaker."

Representative Blair then rose, stating:

"Mr. Speaker, in response, I think there are two issues raised here. One is the question of the Waikiki Yacht Club itself; and the other is the question of propriety of using my CIP monies on a portion of Ala Moana Beach Park which is not physically in my district, and I would like to take them up one at a time, if I may.

On the first point regarding the Waikiki Yacht Club lease itself and the use of the figure \$75,000, I think the Representative from Waikiki misunderstood. This relates to only two lots of the four lots which contains no major capital improvements and the figure was derived both from use of figures supplied by the Waikiki Yacht Club to the Department of Transportation which they were required to do under the provisions of the license and the particular provisions of the license which relates to the operation of condemnation proceedings. I admit it is a cheap price to pay for the land but that's precisely what the conditions of the license itself provides.

Another point, Mr. Speaker, that can't be overlooked and which was addressed in the document which was submitted to this body by the Legislative Auditor earlier this session regarding small boat harbors is the questionable legality of the Waikiki Yacht Club lease in the first place. I don't want to go into that in great detail at the moment but there were at least three particular provisions in that licensing arrangement which were illegal and which the Attorney General's Office commented on in writing which I would be happy to show Representative Kamalii at her leisure.

I suppose I can just gloss over the other inaccuracies regarding the lease itself, Mr. Speaker, and go next to the point of propriety of spending 14th District CIP money in the 11th District. A little background information might be helpful there. The Ala Moana Park resides in part in the 11th District and in part in the 14th District, and what has happened, Mr. Speaker, I have allowed my concern for Ala Moana Park to run to the entire park and not merely that portion of the park which happens to be in my district. I suppose I could best express this by relating an incident which occurred this morning. As you know, Mr. Speaker, last session, the two Representatives from the 14th District, the young boy and the woman, appropriated \$1 million for CIP for Ala Moana Park. It came to my attention that \$400,000 of that money has been released by the Governor for the replenishment of sand along Ala Moana Beach Park. As you may be aware, there is coral jutting out and it is a tremendous inconvenience to people using the beach. I received a call today requesting that we be given some legislative word as to what the intent was because the language in the appropriation was a little bit ambiguous and it occurred to me at that point because Representative Kamalii had mentioned that she might bring this issue to the floor that perhaps I should request that they only put the sand on that portion of the beach which resides in the 14th District. But then it occurred to me that it is a little bit silly really, Mr. Speaker, to put sand only in the 14th District portion of Ala Moana Beach Park because, in fact, Ala Moana Beach Park is a single entity and I can't seem to address my concerns to that portion of it which happens to lie within the 14th District, and if I am concerned about Ala Moana

Beach Park, my concern should run to the entire park.

Mr. Speaker, it was in that spirit that I asked that the \$75,000 be appropriated. Thank you."

Representative Carroll then rose and stated that he is a member of the Waikiki Yacht Club and asked for a ruling as to whether or not there was a conflict of interest.

The Chair ruled that there was no conflict.

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

"Mr. Speaker, I rise to speak in favor of the budget and I would like to address my remarks specifically to Line Item N-1, City and County condemnation of the Waikiki Yacht Club, as noted on Page B1-A-72.

First, I would like to have the remarks made by my esteemed colleague from the 11th District incorporated by reference and made part of my own, and I would like to address one simple issue.

I have heard what I would term as 'bilge' regarding this attempt to purchase or condemn the rights of the Waikiki Yacht Club, and it has been stated on the floor of this House that there is a definite personal interest in things in which I have a personal interest. And I think that this Waikiki Yacht Club measure was shot down by the House based on the testimony which was received by the Transportation Committee. There was nothing shown there to indicate that there was any benefit to be gained by the State and now, through this, and I will call it a sneaky way of bringing CIP into the City and County appropriation what was missed by even the most sharp eyes in both the House and the Senate and this thing appears before us now. I think it was personally flavored. I think it stinks and we are going to seek a line veto on it.

Thank you."

Representative Sutton then rose to speak against H.B. No. 2100-76, stating:

"Mr. Speaker, the name of this bill is 'A Supplemental Appropriation for the Fiscal Biennium, July 1975 to June 30, 1977.'

If you will look at that word 'supplemental', last year we passed the budget. Now we pass the supplement and how much are we adding? On the testimony just given by the Chairman of the Finance Committee, the learned gentleman from Puna, was to the effect, \$165 million added on to a budget of over \$1 billion.

Now, Mr. Speaker, we are talking in terms of a very small state, a state that has no resources in oil; has no resources of vast lands like the state of California. You know the state of California, Mr. Speaker, has more assets than the German empire had at its zenith, and we keep comparing our assets to California. We don't have them. We have a group of islands that have no fuel; have no natural assets; and we have a group of about a million people that have to be supported from four or five industries plus the Army and Navy.

Now, Mr. Speaker, this particular budget is a concept that will increase our bonded indebtedness by the difference between \$165 million and the amount which we can generate with cash. We can generate with cash around \$30 million. This \$30 million, therefore, will not be part of the bonded indebtedness, but subtract the \$30 million from \$165 million and you have \$126 million that must be funded by additional bonds. Add increased interest rates, Mr. Speaker. The rates of bonds in New York is now 1½ percent to 2 percent higher, and it is difficult because we are competing and there is a new concept because people have seen what has happened to New York City.

Now, Mr. Speaker, the State's total outstanding debt is now in the neighborhood of \$1 billion. Debt service costs -- those are the service costs where you repay principal and interest -- have nearly tripled so that we are now at \$92 million and the Department of Budget and Finance and the magnificent cabinet officer in charge, Eileen Anderson, estimates that debt service cost will increase to \$163 million by 1980. These are debt service costs! This is something which doesn't generate anything for us. Once we get this bonded indebtedness, we just get encoiled with the service charge and the debt service cost. This is a magnitude of the State's debt and clearly calls for prudence and restraint, Mr. Speaker, in authorizing new capital investment which require

financing through the issuance of general obligation bonds. We have very timely lessons that we should learn, Mr. Speaker, from the problems that befell New York City last year and they are not completely solved either. And I think they had a fine Governor, but he was a man that lost sight of fiscal restraint -- Governor Nelson Rockefeller.

The State of Hawaii currently enjoys a favorable credit rating compared to New York City; compared to many other cities. But if you look at the latest Moody rating, we have gone down and they are beginning to look at our \$1 billion which is very close to the maximum allowed in the Constitution.

Now, Mr. Speaker, I would like to bring to your attention the basic concept that we have here. I started out by telling you that it was a supplemental -- supplement to add thereto. This is not a budget year; this is a supplement thereto and, therefore, Mr. Speaker, it behooves us to have even more fiscal restraint at a time when we are not in the budget year. Supplemental appropriation this is and we have just heard on this floor, totally innocent of anything that I knew about before, people worrying about their own CIP's and the effects of them. Now, is this a well thought out document when somebody uses CIP -- a supplemental -- to try to exert a type of influence on the mode of life and the style of life of people in another district? I don't think so. I don't want to get in that argument because I want to deal with the economics. There are two of us here that hold doctorates. Maybe Mr. Abercrombie and I are educated a little beyond our own intelligence. . . ."

At this point, the Chair interrupted:

"Representative Sutton, will you please limit your remarks to yourself" and directed Representative Sutton to continue.

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

"I have constantly admonished the junior Representative from the 15th District please not be on my side."

Representative Peters then rose on a point of order and asked:

"Mr. Speaker, did Representative Sutton make a motion? If so, I will second it."

Representative Sutton continued, stating:

"I really think that this subject is so serious and I appreciate the gratitude of these two gentlemen, but we are dealing, not with hay; we are dealing with dollars, Mr. Speaker. This isn't hay -- \$165 million isn't hay in anybody's book and the bonded indebtedness of this State of \$1 billion isn't hay, and we have got important considerations.

Let me tell you a little bit about the economy of this island. May I, Mr. Speaker, because this ties in with this budget. The latest unemployment figure for Hawaii shows an unemployment rate of 9.3 percent. That is the highest in 27 years. That's the highest since the Great Depression hit here and it is very painfully obvious that the unemployment problem is continuing to be serious. What we should be doing is developing new industries, creating new jobs, getting people off of the unemployment lines and into industry. What we should be doing is concentrating our efforts, not on pork barrel. . . ."

Representative Kimura rose on a point of order and stated:

"Mr. Speaker, we have other areas of legislation and I think he is going beyond the scope of the bill at hand."

The Chair replied that the "point is well taken" and asked Representative Sutton to continue.

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

"Mr. Speaker, this budget contains several items and also following it are appropriation measures for other employment programs. If they are going to be commented upon in terms of lacking in the budget, perhaps it should be addressed by the speaker as to their adequacy."

The Chair stated:

"Your point is well taken. Representative Sutton, with that in mind, please continue."

Representative Sutton continued, stating:

"Now, may I address your attention to page 718. We have given the Governor a blank check of \$5 million. I am very fond of the Governor; he is my neighbor; he is my constituent, but I

don't like to give him a blank check of \$5 million and that is what this is. You don't have to be a former Federal Judge or a Stanford Law graduate to understand this. It says here, 'to accomplish the purpose of this Section, the Governor is authorized to expend up to \$5 million in savings.' That sounds like a Sears, Roebuck ad. You know, buy this ice box for \$200 -- you're saving a hundred dollars. Saving a hundred dollars, you're losing \$200! And here, you are losing \$5 million. Now, Mr. Speaker, I don't think we should have a budget, a supplemental budget, a supplemental appropriation, that has a blank check of that nature in it.

Therefore, I would urge you to please vote 'no' and all my colleagues to vote 'no' if they would.

Thank you very much, Mr. Speaker."

Representative Suwa then rose and stated:

"Mr. Speaker, the concern expressed as to the economics, I appreciate the fact, but let me review what documents I have in my Finance Committee and as he has requested, I shall forward a letter that a certain Representative is concerned, and I shall ask the Governor not to allot the money because in that way, he fulfills his request.

Thank you."

Representative Abercrombie then rose and stated:

"Mr. Speaker, just a short word in favor of the bill. I feel I must defend the academia, at least to a slight degree, after the speaker from the 15th District's remarks.

I do think one thing is very important regarding the budget document. The speaker from the 15th District may be a very good lawyer and he may be a judge, but he is not an economist and I would be very happy to give him some lessons in both theoretical and practical economics, especially as it relates to the question of New York City.

The only reason I raise this at this point for just 30 or 40 seconds more is that it is extremely dangerous and it is the essence of demagoguery to constantly make reference to New York City in relation to the budget of the State of Hawaii or to the budget of the City and County

of Honolulu or other county budgets. There is no direct analogy that can be made except by those who wish to fool the public. The circumstances which prevail in New York City and prevail now are not in any way, shape, or form, to the best of my knowledge, related both in terms of theory and in terms of what I have been able to discover from writing to Governor Carey and in speaking with people in the Congress concerning the situation in New York City and the budget situation that prevails in the State of Hawaii. The Finance Chairman and his Committee are perfectly aware of this and would not, under any circumstances, lead the State of Hawaii down that kind of primrose path. And unless the speakers are prepared to show that the analogy has basis in fact, I would suggest, both for ourselves and for members of the press, and the gallery, and anyone else that is interested in the newspapers, that such references be documented and if they cannot be documented, the people take with a great big grain of salt of any analogies between New York City and its financial crisis and the financial stability of the State of Hawaii."

Representative Cobb then rose and stated:

"I rise to speak in favor of H.B. No. 2100-76, as amended, although I had not planned to. Some of the remarks bear clarification as well as expansion.

Mr. Speaker, the Finance Chairman, perhaps in his modesty, did not allude to some of the programs that will follow from this budget, and the reason that this budget is being considered at this time is because of the requirements we have in the Legislature that the budget must pass before any and all other monetary measures may pass.

Mr. Speaker, on the Committee Reports, as a result of this budget, Conference Committee Report No. 61 appropriates a total of \$12 million for collective bargaining. Conference Committee Report No. 65 appropriates \$12 million for State programs for the unemployed, not as a give-away type of program; not as a make-work type of program; not as a subsistence or welfare, but as a means of putting people to work on a short-term basis until they can get on their feet and get a job in a private economy. Conference Committee Report No. 68 appropriates



\$15 million for the funds for the repair and maintenance of State facilities. Mr. Speaker, almost all of these items are cash items, not bond items. They are being taken directly from the State surplus that we have as a commitment to putting people to work; as a commitment to helping people avoid welfare; as a commitment to our collective bargaining obligations; most importantly, as a commitment to rational spending.

It would be so easy, Mr. Speaker, to shred this budget and tear it apart and find specific objections in it. It would be too easy to say that either West Oahu College or Kohala Task Force or some other element that would be personally divisive in this House is not deserving of support. Mr. Speaker, this is a document as a whole, taken with the work of all 51 members of this House and all 25 members of the Senate who spent the better part of two weeks trying to get it together and the better part of two days hammering out an agreement that we see presented to us as Conference Draft 1.

Mr. Speaker, if there are objectionable features in the budget, and I don't think anyone in this House can completely read this budget and find one provision that they are not in accord with. Someone is going to object to everything. But when we look at this document as a whole, I think it is deserving of our support for two very basic reasons.

First, the Finance Committee and its Chairman have recognized the legitimate State needs that our people have and they have reacted to it. Maybe not as much in every detail as we would like but the response is there, contained in about 400 very dry pages, and

Secondly, Mr. Speaker, we are afraid, even to this day, the scare spectacle that has happened in New York City. I think, Mr. Speaker, an honest analyses must be made as to New York's problems and Hawaii's future and to this date, I see no incorporation in this budget of any bonding to pay salaries and that was the problem that New York encountered. To this date, we are continuing to use cash financing derived from our income taxes, derived from our regular source of revenues to pay the salaries of our employees. Should that change, Mr. Speaker, then I think a very careful examination

of our budgeting process would be in order.

But there is one other element that deserves comment and that is the budgeting process when taken as a whole. We see here over a \$100 million of CIP and, in effect, this is nothing more than a guide for a shopping list for the Administration because, to this day, we have chosen not to impose strict controls on the use or the spending of CIP, nor have we said that if there is a 10 percent economic short fall, the authority to withhold spending shall be no more than that amount. This, Mr. Speaker, is yet to be confronted totally as a budget issue in our process because after we go home, then the real decisions are made--the decision of how much to release for which pork barrel project; the decision of how much to transfer even in the operating parts of the budget. I cannot fault the Finance Committee or its Chairman for not addressing this issue because it would be difficult, under the best of circumstances, to do so when there is an economic surplus, and that brings me to my last point, Mr. Speaker.

This document represents a series of compromises, a series of accommodations, largely successes, but some failures, for we have not before us either an income tax rebate or the granting of an exemption for prescription drugs for the elderly. Both measures did not emerge this time. Both measures, along with the regular budget in 1977, will be before us again. But, Mr. Speaker, when we consider the budget process, let us bear very clearly in mind that less than \$1 out of \$5 in CIP is normally released and that the discretion, the ultimate choice as to the use of those funds, is normally with the Administration. They will decide when, where, and how much is to be spent because Conference Committee Report No. 60 lapses certain general fund appropriations that were not spent for a period of more than five years.

Finally, Mr. Speaker, my thanks to the Finance Committee, and most of all its Chairman, for their patience, their understanding and for the last two weeks, their endurance.

Thank you."

Representative Blair then rose and stated:



"Mr. Speaker, I rise on two points. The first is to correct an error that was made by the previous speaker; that being that the bill relating to the Waikiki Yacht Club was characterized as having died in Committee, in fact passed the Committee and was amended by the Committee and was only after was referred to Finance and the amount was inserted in the budget.

Mr. Speaker, if I may then be allowed to go from the defensive to the offensive, I would also like to point out, otherwise speak in favor of the bill one objectionable item from my perspective and that is on Page 6A-121, Item 34. What appears to be an appropriation of \$1,000 from the CIP, the Chairman of Ways and Means has appropriated \$1,000 to all intents and purposes but upon closer reading of the budget and, in fact, as it turns out to be, 1.2 million dollars is taken from the Mauna Kea Access Road.

Mr. Speaker, what has happened here is, I believe, all of us, as a basic matter of equity, feel that each Representative or each Senator should be given parity in terms of the amount of pork that he is allowed to spread around as he may. What we see here is a multiplication of this thousand dollars by a factor of 1.2 hundred thousand so that the Chairman of the Ways and Means Committee has padded his own pork to well beyond that granted to any other Senator or Representative, and I am somewhat aggrieved to this and will hope that future documents will not allow this to happen.

Thank you."

Representative Ho then rose and stated:

"I would like to speak in favor of House Bill No. 2100-76, HD 1, SD 1, CD 1. I would make my remarks in a minute and a half. I know we are running out of time but my concern, while I am in favor of the supplemental budget, was also a concern last session when we passed the biennium budget and yet, roughly \$17 million was withheld.

My concern by passing this supplemental, if funds are going to be withheld again and funds to be released to various departments on bulk appropriation and leave up to the departments to do what they want, are we going to make this fruitless effort in passing this supplemental? I hope the Executive

will take it to heart and fund what we try in various committees to really look out and really pull the efforts, trying to do a good job and take out the fat and make it lean, and yet if we are to give the funds and hope the Executive Branch give all the funds that we appropriated. Otherwise, to me, we have come in the second year and not have really accomplished what we set out.

Thank you."

Representative Lum then rose, stating:

"Mr. Speaker, I rise to speak in favor of this measure and doing so, try to correct some of the remarks made by the Representative from the 14th District.

I have known the Chairman of the Finance Committee ever since I became a member of this body. I have served with him in the Constitutional Convention. I served opposite him for four years and he is a man of integrity. I can only say mahalo to him and to the Finance Committee and to the members of this House for the fact that they allowed the Paiko appropriation to surface. The Paiko situation will probably be solved because of this budget.

We have pulled unexpended balances from previous appropriations which we started putting in as far back as 1969. We have also added an additional \$101,000 plus possibly \$300,000 or a total of over \$604,000 that would be available for the Governor to use.

All during the session, I have never said anything about Paiko. I didn't want it to become a political issue. The press did and on two occasions, made it a front page item and I appreciate that. But I must say that when the Chairman of the Finance Committee gives you his word; when the members of the Finance Committee say that the pork from individual districts will not be touched, that is the integrity of the Finance Committee. For you, Mr. Chairman of the Finance Committee, I commend you for that and I appreciate working with you although the last two days have been very, very tiring. The seven years I have served in the Finance Committee, this was probably the toughest week that I have ever been through, and to the Chairman of the Finance Committee whose integrity is beyond reproach, I say, mahalo, not only from myself and my colleague from our district, but from all of those Kuliouou Community Association members who stayed with us during

the conference. So from them and my colleague and myself, mahalo."

Representative Yap then rose and stated:

"Mr. Speaker, I have witnessed six budget documents--one died; this is the last of the six. The more I read into this budget document, the better I like it because the more I read into it, the more money we have for the Kalihi-Palama area.

My office is still open. Those who are dissatisfied with the budget and with the CIP, the offer is that when you come back next year, you can have it transferred to little old poor 16th District which is the Kalihi-Palama area, and I think the 17th District will appreciate that too. If you have too much money or if you don't have enough and you are not satisfied, we welcome any dollars you wish to transfer into our area.

Thank you."

Representative Naito then rose and stated:

"Mr. Speaker, last year, as a freshman, I rose to speak in favor of the budget particularly because I was in awe of the magnitude and comprehensiveness of the job that the Finance Committee and the Chairman did. This year, again I rise to speak in favor of the supplemental budget, and this year, I had more reason to because I had the opportunity of baby-sitting with the Committee on some of them last week anyway.

What I would like to bring to the attention of this honorable body is some specific things that occurred with this budget during the last few weeks in the controversy with the Senate conferees on the budget. There were many issues at stake, many large issues. Of course, this is a supplementary budget and there were conference drafts, but there were also a couple of bills that had passed the number of Committees in the House and also in the Senate which had money appropriations and somewhere in the controversy, these bills were kind of falling off the desk and two of these bills meant an awful lot to me. One of them was a master plan for the criminally insane, and the other was money for the rape legislation bill which would take care of rape victims. Now, because those bills were not subject to controversy,

they stood a very good chance of just getting lost in the shuffle. What I was so impressed with, considering the major factors and the major money items that the Chairman and the Committee had to deal with this year, they saw fit to make sure that these bills wouldn't get lost in the shuffle and instead of going as they didn't stand a chance of passing on their own, they took it upon themselves to incorporate it in the budget and for this I am really very grateful and very appreciative, and again, very much in awe of the Chairman of the Committee and of the staff, and I just want to thank them.

Thank you."

Representative Sutton, in rebuttal, stated:

"Mr. Speaker, the State's total outstanding debt is now in the neighborhood of \$1 billion. We have a debt service cost that will go up to \$163 million by an estimate of Eileen Anderson. These indicators of the magnitude of the State's debts clearly calls for prudence, Mr. Speaker, and restraint. There are timely lessons to be learned from the fiscal problems that befell New York City and we have problems which our Legislature should study. Beyond the immediate action of substituting cash for borrowing where possible, it is clear that more analysis needs to be done in the area of financial policies and management.

Mr. Speaker, among the issues which should be examined are the economics of pay as you go, of debt management, of cash management, the debt service capacity of this State, and this should be taken up in the Constitutional Convention which will be, I am sure, voted for by the electorate.

Therefore, I say to the previous speakers, New York City is relevant and it is something that we, as a legislative body, even though we are going to adjourn tonight sine die, should never allow to go sine die."

Representative Suwa then rose and stated:

"A few minutes ago, we passed Senate Concurrent Resolution No. 114, as amended, Mr. Speaker. Originally, the Senate sent Senate Concurrent Resolution requesting the study of the

budgeting process and including planning, programming and budgeting system, but the House has amended and if one would look at it, it will bring about the problem and what the interim committee is to undertake. It is all spelled out so I would advise that the Representative look at Senate Concurrent Resolution No. 14, as amended."

Representative Cobb then rose and stated:

"Yes, Mr. Speaker, without objection I hope, I would like to make a journal correction and at the same time, thank the skeleton print shop staff that we had for cranking out such massive documents in such a short time. In their haste, I think they duplicated a portion of the budget and I would like to make the journal correction if possible that the duplicated parts are not to be spent twice, but reflect only one level of spending."

The Chair then stated:

"Representative Cobb, that particular mistake has been noted and so noted in the journal."

Representative Machida requested that the following remarks be inserted into the Journal relating to Page III-1, Section 4A:

"With respect to the appropriation for the Tourism Program PED 113, \$72,459, 5 positions; the intent is to provide the Director of Planning and Economic Development the funds and positions necessary to do research, planning, coordinate the various tourist functions within government and private industry, and any other tourist-related activities as provided by law."

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

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

The final budget document before us, I think, reflects a fair representation of this House regarding prison reform and attention to the criminal processes as far as correction is concerned. It provides an increase in inmates' wages at present. At the same time, it provides for additional construction funds for the corrections process.

It also provides additional funding for the Legal Aid Society which is the group that represents the poor people

of this community in civil actions. It also provides funds for the study on the very complex and bewildering question of what to do with the criminally insane.

In short, Mr. Speaker, I think that it represents the result of a lot of hard work of this Legislature. Particularly, I would like to give thanks to the members of the Judiciary Committee. They took a prison tour this year and spent a lot of time discussing with the staff and with the prisoners the problems that this society has as it relates to the corrections process in the State of Hawaii, and I would hope that when this matter is considered next year that it will have been determined that between the time that we adjourn sine die and next session, the Department of Social Services will have ample time to get on with their business regarding home visitation and furlough programs; regarding trying to improve the vocational rehabilitation program that we have in the corrections process for I believe it is axiomatic that if we intend to rehabilitate at all, it has got to be done by programs and not by rhetoric.

Thank you."

Representative Kunimura then rose and stated:

"Thank you, Mr. Speaker.

I came here this evening with the idea of being very quiet, but when one acts like he is so holy, then it becomes incumbent upon myself to expose that holiness.

I think every member of this House understand and the people in the gallery understand the process of capital improvements. The Chairman of the Finance Committee, in his wisdom so that this House can be equally treated between majority and minority, between friend and not too friendly, equally divided in equal shares 51 portions of \$750,000 to be expended by the individual members of this House to his or her project priorities, and I would like to insert for the record, Mr. Speaker, to the one who acts so holy, to the one who acts so concerned about our abundant indebtedness, what did he do with his \$750,000? Did he leave it unappropriated? Because if it is so, then this House Bill No. 2100-76, HD 1, SD 1, CD 1, is wrong. But we have accounted for everybody's share of \$750,000 apiece and I hope that when we speak on this floor, regardless of which position we take--for or against--that we be honest, not only with ourselves, but be honest with the issue and the public here tonight."

Representative Peters then rose and stated:

"Mr. Speaker, I also had no intention of speaking; however, I'd like to say just a few comments or make a few comments, if you will, regarding House Bill No. 2100-76. I know the Chairman of Finance made the remark to me the other day that this was nothing more or less a Waianae bill because it had a number of activities appropriated for in this document.

Just by way of dispelling some of the comments made across the way as it had to do with our bonded indebtedness, I think the basic concept or premise by which this document was formulated, as presently before us, was tempered, if you will, with what I call a touch of social consciousness; that it tries or attempts to offset the inequity that exists between the haves and have nots. Too often, Mr. Speaker, people from Kalihi, Palama and also Waianae, have done without. I think this document addressed itself to that issue and try to make, if you will, a far more equitable circumstance and situation under which our people of this State can enjoy an improvement in the quality of their life styles and of their lives.

With that, I would like to thank the colleagues who served on the Finance Committee with me and more especially, the Chairman of Finance and, of course, by way of passage of this measure, all the colleagues in this House.

Thank you very much."

Representative Clarke submitted the following remarks for insertion into the Journal:

"I rise to speak in favor of House Bill No. 2100-76, HD 1, SD 1, and to voice some concerns.

Mr. Speaker, the final arbiters of this bill, the House Finance Committee under the able leadership of Representative Jack Suwa, labored many long hours to produce this compendious document. The extra hours expended were not of their choosing. Of that, I can assure you.

What your Committee, of which I am a proud member, achieved a well thought out budget though this is not a budget year. There are, of course, items that were

included which I, as a Republican, would rather have seen excluded. One specific item being the \$805,000 for the 'Kohala Biogenics Feed Lot.' I consider this nothing more than a continuation of money down the drain which started with the Kohala Task Force. Mr. Speaker, if you paint a horse a different color, he still runs at the same speed.

We did, Mr. Speaker, take care of the unemployed, the elderly and the developmentally disabled, at last. We are providing more jobs instead of outright give-away programs and this is a step in the right direction. By providing incentives to work, Mr. Speaker, we do not need to tax for the sake of taxing and here I am alluding to the reliable Republican platform of the removal of the 4 percent excise tax on food and drugs.

All in all, Mr. Speaker, the budget is a good one. It could have been better; we could have spent less.

Thank you, Mr. Speaker."

The Chair, at this time, stated:

"Before proceeding on with the Order of Business, the Chair, at this time, would like to recognize and give public appreciation to Representative Suwa, Chairman of the Finance Committee and its Committee members for a job well done and finalizing the supplementary appropriations bill."

Conf. Com. Rep. No. 56 on H.B. No. 1997-76, HD 1, SD 1, CD 1:

Representative Amaral submitted the following remarks for insertion into the Journal:

"Mr. Speaker, members of the House, it gives me a great deal of personal pleasure to speak in favor of House Bill No. 1997-76. The records of this House will show that three years ago, a bill was introduced into this body calling for the dedication of lands for residential use. Yes, in 1973, I introduced House Bill No. 266 because of the imperative need to preserve the homes of those persons in the State who were faced with paying extremely high property taxes simply because their chosen home site was in the midst of a commercial/resort zoned area. I again introduced this measure in 1975. It is indeed with great pleasure that I see this idea bearing fruit.

As this State developed over the

past years, and as it surely will develop further in the future, individuals who own property in prime locations could easily fall victim to this development and so be forced out of their homes. In this era of higher and higher property taxes, it is most important to protect the individual property owner from the encroachment of developments yielding higher tax assessments. The individual taxpayer is still the backbone of our State. He deserves the protection of the State.

Mr. Speaker, House Bill No. 1997-76 is but one of a series of measures which the 1976 Legislature has adopted to ease the very heavy burden on the State's property owners. Again, I say it is indeed a pleasure that I see this idea bearing fruit. I, for one, am pleased to see this attention being paid to our people and urge that the members of this body vote 'aye' on this measure.

Thank you."

Conf. Com. Rep. No. 61 on H.B. No. 2987-76, HD 1, SD 1, CD 1:

Representative Cobb rose and stated:

"Mr. Speaker, just one brief remark in favor.

Noting the Conference Committee arithmetic, I believe this measure passed the House with a \$1 appropriation and passed the Senate with a \$2 appropriation and now the Conference Draft has a \$12 million appropriation. One plus two I guess is one plus two and I am just delighted that we were able to get most of the collective bargaining contracts to us in time for ratification. Although the arithmetic of the Committee may look a little exotic, I think it is understandable with the lateness of the hour.

Thank you."

Conf. Com. Rep. No. 64 on H.B. No. 3299-76, HD 1, SD 2, CD 1:

Representative Ho requested that the following remarks be inserted into the Journal:

"Mr. Speaker, I think this bill is very important, not only to the Waianae Coast, but to the State of Hawaii. In this respect, when we had a disaster on February 7th and 8th, it brought to the attention to the State of Hawaii

that such a bill is needed. Being that we have in the books, on Chapter 209 of the Hawaii Revised Statutes, law pertaining to major disasters, we do not, at this time, have any measures pertaining to immediate or emergency disasters.

The Waianae Coast, Mr. Speaker, has an opportunity to get loans from the Model Cities, but this is not made available to any other part of the State who does not come under the code of Model Cities.

This bill here, if passed by this honorable body, and I am sure it will, would, in effect, assist any other area in the future where there would be a disaster but not declared a major disaster, and to give commercial loans up to \$25,000 and personal loans of \$5,000 with a twenty year period.

This, I would like to say, I would like to comment, General Seifferman and the Administration to look at this and say that a bill such as this is needed.

I would like to say to Finance that they did an outstanding job in this bill, but the only regret is that we couldn't use the Administration's bill.

Thank you."

Representative Clarke submitted the following remarks for insertion into the Journal:

"Mr. Speaker, I rise to speak in favor of House Bill No. 3299-76, HD 1, SD 2, entitled: 'A Bill for an Act Relating to Disaster Relief and Rehabilitation.'

Mr. Speaker, I was a conferee on the subcommittee that worked on this particular piece of legislation. I must say that this particular act is long overdue. Had we had such an act back in 1965, the poor people of Keapuka, on the Windward side, would have been able to have obtained almost immediate relief instead of having to wait, in some cases, two to three years. And then, Mr. Speaker, their only relief was for the city to buy their homes. They had to relocate themselves.

This Act will provide for loans to be made to individuals and businesses at low interest rates that they may recover and start life anew almost immediately.

The recent disaster suffered by Waianae is covered in this bill by

making is retroactive. It is too bad that we could not have covered the banana farmers and crop growers on the Windward side whose labor was destroyed by a near hurricane two years ago. Also, this bill would enable those whose roofs and fences were blown a few hundred yards down the street which was caused by the same wind.

Flood disasters in Kahaluu; tsunamis in Haleiwa--all have done tremendous damage in the past. Now we have a vehicle which can relieve the whole State, or the party therein, when needed.

Mr. Speaker, this is a good bill; a necessary bill and one that is long over-due. I urge this honorable body to support this measure by voting 'aye'.

Thank you, Mr. Speaker."

Representative Peters then rose and stated:

"Mr. Speaker, as the introducer of this measure, I just wanted to add and I am speaking in behalf of this measure, by the way. I thank the Chairman and the members of Finance who spent long hours in trying moments in getting this measure to the floor, and I ask the indulgence of all my colleagues here for their 100 percent support, and in that context, I thank them on behalf of the people of Waianae."

Representative Kunimura then rose and stated:

"Mr. Speaker, in speaking for this bill, I would like to have some truth brought out on the floor.

I have never seen a bill in a Committee or in Conference Committee with as much heart attacks as this one had--about three or four of them--and it took mouth to mouth resuscitation by Henry Peters to keep this thing alive, and I am very happy that it is going to be adopted tonight."

Conf. Com. Rep. No. 68 on S.B. No. 2827-76, SD 1, HD 2, CD 1:

Representative Ushijima submitted the following remarks for insertion into the Journal:

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

Mr. Speaker, one of the major

concerns confronting us today is the high unemployment situation in Hawaii. Statistics show that the unemployed are predominantly in the construction industry. This bill, appropriating funds for the repair and maintenance of State facilities, is designed to help alleviate the unemployment situation and a step to revitalize our languid economy. Notwithstanding these is also the need to repair our facilities to upgrade them in every possible way.

The consensus of the Majority members are clearly met in this bill which may seem as a simple appropriation measure, but which in a deeper sense, is a measure of greater significance.

I urge all of my colleagues to vote in favor of this bill. Thank you, Mr. Speaker."

### THIRD READING

S.B. No. 1874-76, SD 1, HD 2:

Representative Sutton submitted the following remarks for insertion into the Journal:

"Mr. Speaker, it is essential that we preserve the right of appeal by any aggrieved taxpayer.

Thank you."

At 10:06 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:07 o'clock p.m.

Representative Abercrombie then remarked:

"Mr. Speaker, just one word. As long as we are all thanking everybody, I would like to thank the taxpayers of the State of Hawaii for giving us the opportunity to spend their money."

At 10:11 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:25 o'clock p.m., the Speaker resumed the rostrum.

### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos.



545 to 575) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 545) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1810, HD 2, was adopted by the Senate; and House Bill No. 1810, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 546) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate bill No. 2333-76, was adopted by the Senate; and Senate Bill No. 233376, HD 1, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Seante (Sen. Com. No. 547) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2226-76, SD 1, was adopted by the Senate; and Senate Bill No. 2226-76, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 548) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1191, was adopted by the Senate; and Senate Bill No. 1191, HD 2, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 549) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2121-76, SD 1, was adopted by the Senate; and Senate Bill No. 2121-76, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 550) informing the House that the report of the

Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 75, SD 2, was adopted by the Senate; and Senate Bill No. 75, SD 2, HD 2, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 551) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2827-76, SD 1, was adopted by the Senate; and Senate Bill No. 2827-76, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 552) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2745-76, SD 1, was adopted by the Senate; and Senate Bill No. 2745-76, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 553) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1187, SD 2, was adopted by the Senate; and Senate Bill No. 1187, SD 2, HD 2, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 554) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the Senate to House Bill No. 2100-76, HD 1, was adopted by the Senate; and House Bill No. 2100-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 555) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 934, HD 2, was adopted by the Senate; and



House Bill No. 934, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 556) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1997-76, HD 1, was adopted by the Senate; and House Bill No. 1997-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 557) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2237-76, was adopted by the Senate; and House Bill No. 2237-76, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 558) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 682, HD 1, was adopted by the Senate; and House Bill No. 682, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 559) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2359-76, HD 1, was adopted by the Senate; and House Bill No. 2359-76, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 560) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 3261-76, HD 2, was adopted by the Senate; and House Bill No. 3261-76, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 561) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 62, HD 1, was adopted by the Senate; and House Bill No. 62, HD 1, SD 3, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 562) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 639, HD 1, was adopted by the Senate; and House Bill No. 639, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 563) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2022-76, HD 1, was adopted by the Senate; and House Bill No. 2022-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 564) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1998-76, HD 1, was adopted by the Senate; and House Bill No. 1998-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 565) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2987-76, HD 1, was adopted by the Senate; and House Bill No. 2987-76, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 566) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to

the amendments proposed by the Senate to House Bill No. 2700-76, HD 2, was adopted by the Senate; and House Bill No. 2700-76, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 567) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2001-76, HD 2, was adopted by the Senate; and House Bill No. 2001-76, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 568) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 3299-76, HD 1, was adopted by the Senate; and House Bill No. 3299-76, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 569) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 942, HD 1, was adopted by the Senate; and House Bill No. 942, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 570) informing the House that the amendments proposed by the House to Senate Concurrent Resolution No. 84 were agreed to by the Senate, and said Concurrent Resolution, as thus amended, was Finally adopted by the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 571) informing the House that the amendments proposed by the House to Senate Concurrent Resolution No. 114 were agreed to by the Senate, and said Concurrent Resolution, as thus amended, was Finally adopted on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 572) informing the House that the amendments proposed

by the House to Senate Bill No. 2643-76 were agreed to by the Senate, and said Bill, as thus amended, passed Final Reading in the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 573) returning House Concurrent Resolution No. 124, HD 1, which was adopted by the Senate on April 20, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 574) returning House Bill No. 2099-76, HD 1, which passed Third Reading in the Senate on April 20, 1976, was placed on file.

#### SUSPENSION OF RULES

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

#### THIRD READING

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

##### S.B. No. 1874-76, SD 1, HD 2:

On motion by Representative Suwa, seconded by Representative Akizaki, S.B. No. 1874-76, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF REAL PROPERTY", passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

##### S.B. No. 2274-76, SD 1:

On motion by Representative Suwa, seconded by Representative Akizaki, S.B. No. 2274-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY", 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. 1874-76 and 2274-76 had passed Third Reading at 11:26 o'clock p.m.

At 11:27 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:31 o'clock p.m.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 55 on H.B. No. 2100-76, HD 1, SD 1, CD 1 (Deferred from April 19, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2100-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIIUM JULY 1, 1975, TO JUNE 30, 1977, AND AUTHORIZING THE ISSUANCE OF BONDS", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Morioka being excused.

The Chair directed the Clerk to note that H.B. No. 2100-76 had passed Final Reading at 11:31 o'clock p.m.

At 11:32 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:33 o'clock p.m.

Stand. Com. Rep. No. 783 on S.B. No. 2932-76, SD 1 (Deferred from April 19, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 2932-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISTRICT COURTS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Morioka being excused.

Stand. Com. Rep. No. 786-76 on S.B. No. 1801-76, SD 1 (Deferred from April 19, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1801-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, 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. 2932-76 and 1801-76 had passed Third Reading at 11:33 o'clock p.m.

Conf. Com. Rep. No. 30 on H.B. No. 2700-76, HD 2, SD 1, CD 1 (Deferred from April 19, 1976):

On motion by Representative Yamada, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.B. No. 2700-76, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL PROFESSIONAL LIABILITY", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Morioka being excused.

Conf. Com. Rep. No. 34 on S.B. No. 75, SD 2, HD 2, CD 1 (Deferred from April 19, 1976):

On motion by Representative Yamada, seconded by Representative Cayetano and carried, the report of the Committee was adopted and S.B. No. 75, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY", having been read throughout, passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Ajifu and Medeiros voting no, and Representative Morioka being excused.

Conf. Com. Rep. No. 44 on H.B. No. 3261-76, HD 2, SD 2, CD 1 (Deferred from April 19, 1976):

On motion by Representative Uechi, seconded by Representative Ho and carried, the report of the Committee was adopted and H.B. No. 3261-76, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH, DEVELOPMENT AND EXPANSION OF AGRICULTURAL COMMODITIES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 45 on S.B. No. 2121-76, SD 1, HD 2, CD 1 (Deferred from April 19, 1976):

On motion by Representative Stanley, seconded by Representative Segawa and carried, the report of the Committee was adopted and S.B. No. 2121-76, SD 1,

HD 2, CD 1, 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 Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 46 on H.B. No. 639, HD 1, SD 2, CD 1 (Deferred from April 19, 1976):

On motion by Representative Segawa, seconded by Representative Mizuguchi and carried, the report of the Committee was adopted and H.B. No. 639, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HILO DAY ACTIVITY CENTER FOR THE ADULT RETARDED", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 47 on H.B. No. 2359-76, HD 1, SD 2, CD 1 (Deferred from April 19, 1976):

On motion by Representative Yamada, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.B. No. 2359-76, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION AND MAKING AN APPROPRIATION THEREFOR", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 49 on H.B. No. 2022-76, HD 1, SD 1, CD 1 (Deferred from April 19, 1976):

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 2022-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF STATE POLICY FOR SENIOR CENTERS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 50 on H.B. No. 62, HD 1, SD 3, CD 1 (Deferred from April 19, 1976):

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of

the Committee was adopted and H.B. No. 62, HD 1, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY AFFAIRS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 52 on H.B. No. 1998-76, HD 1, SD 1, CD 1 (Deferred from April 19, 1976):

On motion by Representative Lunasco, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 1998-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

The Chair directed the Clerk to note that H.B. No. 2700-76 and S.B. No. 75 had passed Final Reading at 11:34 o'clock p.m.; H.B. No. 3261-76, S.B. No. 2121-76, H.B. Nos. 639, 2359-76 and 2022-76 had passed Final Reading at 11:35 o'clock p.m.; and H.B. Nos. 62 and 1998-76 at 11:36 o'clock p.m.

At 11:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:38 o'clock p.m.

#### DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 83, HD 1, as amended in SD 3, was taken from the Clerk's desk.

Representative Uechi moved that the House agree to the amendments proposed by the Senate to H.B. No. 83, HD 1, and H.B. No. 83, HD 1, SD 3, having been read throughout, pass Final Reading, seconded by Representative Inaba.

Representative Uechi then explained that "this particular bill is regarding the establishment, in the Governor's Office, an Agricultural Coordinating Committee. The Senate amended the bill by including two farmers on the Coordinating Committee."

The motion was put by the Chair and carried, and H.B. No. 83, HD 1, SD 3,

entitled: "A BILL FOR AN ACT RELATING TO IMPROVING THE ORGANIZATION AND COORDINATION OF AGRICULTURAL PROGRAMS AND PROGRAMS RELATING TO AGRICULTURE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

By unanimous consent, H.B. No. 2691-76, HD 1, as amended in SD 2, was taken from the Clerk's desk.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2691-76, HD 1, and H.B. No. 2691-76, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LABOR EDUCATION AT THE UNIVERSITY OF HAWAII", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

By unanimous consent, H.B. No. 513, HD 1, as amended in SD 1, was taken from the Clerk's desk.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 513, HD 1, and H.B. No. 513, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RULES ADOPTED UNDER THE ADMINISTRATIVE PROCEDURE ACT", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

The Chair directed the Clerk to note that H.B. Nos. 83, 2691-76 and 513 had passed Final Reading at 11:38 o'clock p.m.

At 11:39 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:40 o'clock p.m.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 56 on H.B. No. 1997-76, HD 1, SD 1, CD 1 (Deferred from April 19, 1976):

On motion by Representative Kunimura, seconded by Representative

Inaba and carried, the report of the Committee was adopted and H.B. No. 1997-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS DEDICATED FOR RESIDENTIAL USE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 57 on S.B. No. 2333-76, HD 1, CD 1 (Deferred from April 19, 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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REVOLVING FUNDS FOR CORRECTIONAL FACILITY STORES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 58 on S.B. No. 1191, HD 2, CD 1 (Deferred from April 19, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1191, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENTS BY ASSESSMENT AND THE FINANCING THEREOF", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 59 on H.B. No. 2237-76, SD 1, CD 1 (Deferred from April 19, 1976):

On motion by Representative Suwa, seconded by Representative Mizuguchi and carried, the report of the Committee was adopted and H.B. No. 2237-76, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 60 on H.B. No. 682, HD 1, SD 1, CD 1 (Deferred from April 19, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 682, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CERTAIN

FUNDS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 61 on H.B. No. 2987-76, HD 1, SD 1, CD 1 (Deferred from April 19, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2987-76, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS AND FOR SALARY ADJUSTMENTS OF EMPLOYEES EXCLUDED FROM CERTAIN BARGAINING UNITS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 62 on S.B. No. 2226-76, SD 1, HD 1, CD 1 (Deferred from April 19, 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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 63 on H.B. No. 2001-76, HD 2, SD 2, CD 1 (Deferred from April 19, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2001-76, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE JUDICIARY FOR THE FISCAL BIENNium JULY 1, 1975 TO JUNE 30, 1977, AND AUTHORIZING THE ISSUANCE OF BONDS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 64 on H.B. No. 3299-76, HD 1, SD 2, CD 1 (Deferred from April 19, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3299-76, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN

ACT RELATING TO DISASTER RELIEF AND REHABILITATION", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 65 on S.B. No. 2745-76, SD 1, HD 2, CD 1 (Deferred from April 19, 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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE EMPLOYMENT PROGRAM", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 66 on S.B. No. 1187, SD 2, HD 2, CD 1 (Deferred from April 19, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.B. No. 1187, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ESTABLISHMENT OF THE HAWAII DENTAL EDUCATION PLAN", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 67 on H.B. No. 942, HD 1, SD 1, CD 1 (Deferred from April 19, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 942, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BONUS TO PENSIONERS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Morioka being excused.

Conf. Com. Rep. No. 68 on S.B. No. 2827-76, SD 1, HD 2, CD 1 (Deferred from April 19, 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, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPAIR AND MAINTENANCE OF STATE PROPERTIES AND FACILITIES", having been read throughout, passed Final Reading by a vote of 50 ayes, with

Representative Morioka being excused.

The Chair directed the Clerk to note that H.B. No. 1997-76, S.B. Nos. 2333-76 and 1191 had passed Final Reading at 11:41 o'clock p.m.; H.B. Nos. 2237-76, 682 and 2987-76, S.B. No. 2226-76, H.B. Nos. 2001-76 and 3299-76 had passed Final Reading at 11:42 o'clock p.m.; S.B. Nos. 2745-76 and 1187 and H.B. No. 942 at 11:43 o'clock p.m.; and S.B. No. 2827-76 at 11:44 o'clock p.m.

At 11:44 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:45 o'clock p.m.

#### SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 575) advising the House that the Senate has, on April 20, 1976, completed its business and is ready to adjourn sine die, was read by the Clerk and was placed on file.

At this time, the Chair appointed Representatives Garcia, Ushijima, Kimura, Poepoe and Ajifu as a Committee to inform the Governor and the Senate that the House of Representatives stood ready to adjourn sine die.

At 11:46 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:50 o'clock p.m.

The Chair introduced Governor and Mrs. George R. Ariyoshi, stating:

"The Chair, at this time, would like to recognize and thank our Governor for his assistance and his vigilance in helping us conclude a very productive session. Our Governor, Governor George R. Ariyoshi.

It is also my distinct privilege and honor to introduce to all of you the First Lady of our State, Mrs. Ariyoshi.

Before adjourning this session, the Chair would like to thank all of the members for their patience, understanding and cooperation. I would like to thank especially the members on this side of the aisle for all of the work and members on this side of the aisle for all of the talking.

Seriously, I think all of the members from both sides of the aisles have contributed their talents and effort towards making this session a very productive one. It was a very trying one, but if all of you would look back to the bills and programs that we have passed, we can be rightly very proud.

Thank you very much."

Representative Abercrombie then rose and stated:

"Mr. Speaker, with some of those remarks in mind, I would like to, at the close of the session, with the passage of House Concurrent Resolution, study taxation of tourism, volunteer my services to you if you care to appoint me to that body."

The Chair replied:

"The Chair would take that under advisement."

Representative Ushijima then rose and stated:

"Mr. Speaker, on behalf of the majority members, I would like to take this opportunity to thank you for your fine leadership shown to us and helping us move ahead these past two years.

Mr. Speaker, I have a prepared text but in the essence of time, I will not read the text. However, I would like to, with your kind permission, insert it into the Journal.

One last summation, with your kind permission, I would like to read what will probably explain what you had done for us:

'Mr. Speaker, all these things we have done over the course of sixteen months required many, many hours of work by the members of this House. We set out to accomplish an extremely difficult task, but I am sure that all of you will agree that our labor and efforts were a small price to pay for the resulting legislation which will improve the quality of life for our people of Hawaii.'

To you, Mr. Speaker, we thank you most sincerely."

Upon the request of Representative Ushijima, the following is inserted for the record:

"Mr. Speaker, I rise on a point of personal privilege.

During these final minutes of



the 1976 legislative session, it is appropriate that we reflect back to evaluate the accomplishments of the Eighth State Legislature.

The House of Representatives began its work immediately following the 1974 General Election by electing its leaders. With a new Speaker and with twenty-one freshmen Representatives, it was evident that the Eighth Legislature would be the dawning of a new era in the history of Hawaii's law-making body.

In reorganizing the House, the overriding theme was to provide openness, candor and accountability. To this end, the Democratic Majority adopted a new committee structure which would develop specialization among House members in related subject areas. We amended the House Rules to provide for open decision-making sessions and open Conference Committee meetings. We developed an administrative and financial manual which clearly outlines the operational procedures of the House and defines the role of staff.

In our determination to revitalize State government, we developed a comprehensive legislative program, entitled: 'New Directions for a New Hawaii', to serve as our guideline in determining legislative directions and policies during the Eighth Legislature.

At the opening of the 1975 legislative session, the stage was set, roles were defined and action commenced toward new directions. We worked undauntedly to accomplish the 'ambitious' goals outlined in our program and, while some of those goals were not realized at the end of the 1975 session, we did enact many laudable pieces of legislation and the course for the 1976 session was set in the right direction.

During the 1975 interim period, we reviewed those issues which were left undone to prepare for appropriate action in 1976 and we amended the House Rules to prohibit 'piggy-backing' in Conference Committee drafts. The Democratic Majority also developed a supplement to its legislative program entitled, 'Spirit of '76', which outlined the priorities for the 1976 session. The 'Spirit of '76' described the optimistic mood of the Democratic Majority for a fruitful session which would revitalize our languid economy and insure the right of Hawaii's people to a better quality of life.

During the 1976 session, we worked arduously to complete the work begun in the 1975 session and all of us are fully aware of what we have achieved after two sessions.

For the revitalization of our economy, we have provided for the establishment of State agricultural parks; funding for work-generating programs such as the repair and maintenance of public facilities, capital improvement projects and the State Comprehensive Employment Training Program; a ten-year tourism growth plan; funding for aquacultural and maricultural programs; and funding for an inter-island ferry service.

To ease the tax burden of homeowners, we lowered the real property assessment rate from 70 percent to 60 percent, increased the home exemption from \$8,000 to \$12,000, and enacted the 'Florida Plan' which affords public input into proposed tax rate increases.

To improve public health and welfare, we have provided for a system of medical professional liability; the prevention of smoking in public places; funding to improve the dire situation at the Waimano Training School and Hospital; an Executive Office of Aging; an Executive Office of Children and Youth; a full-time Public Utilities Commission; a Uniform Probate Code; a reconstituted Parole Board; more stringent penalties for repeat offenders and crimes involving firearms; and funding for a new prison complex.

In the area of education, we have passed a lengthy, in-depth and unprecedented resolution which spelled out in detail the concerns of the people regarding public education in Hawaii and which challenged the Department and Board of Education to responsively meet these concerns.

In the area of housing, land use and planning, we provided for reforms to the Land Reform Act and lease rent renegotiation procedures; a quasi-judicial Land Use Commission; a shoreline protection law; the development of a State Policy Plan to guide future long-range development of the State; and the establishment of a transportation planning organization.

To improve government operations, we have provided for a commission to study government reorganization, a 'Sunshine Law', the registration of lobbyists, and the calling for a Constitutional Convention.

Mr. Speaker, all these things we have done over the course of sixteen months required many, many hours of work by the members of this House. We set out to accomplish an extremely difficult task, but I am sure that all of you will agree that our labor and efforts were a small price to pay for the resulting legislation which will improve the quality of life for our people of Hawaii.

Indeed, Mr. Speaker, the Democratic Majority has realized most of the goals of its 'ambitious' program. The Eighth State Legislature will leave behind a record which speaks proudly of itself.

In closing, Mr. Speaker, I would like to extend, on behalf of the House leadership, our sincere thanks to the Committee chairpersons and Committee members for their dedication and commendable work.

On behalf of the Majority members, I would like to thank the Minority members for their cooperation and input.

And to you, Mr. Speaker, our thanks for effectively steering this honorable body toward newer and better directions for our Hawaii."

The Chair responded:

"The Chair appreciates very kindly your remarks."

Representative Poepoe then rose on a point of personal privilege and stated:

"Mr. Speaker, on behalf of the Minority caucus, I would also like to thank you and the members of your caucus for the learning experiences gained this year. I, too, have some remarks that I would like entered in the Journal."

Upon the request of Representative Poepoe, the following is inserted for the record:

"Mr. Speaker, on behalf of the Republican caucus, I extend to you and to the members of your caucus, mahalo, for two years of challenges, hard work, great learning experiences, occasional differences and fights, and growing friendships.

At the start of this session, I noted that our members were beginning the year with some mixed feelings. The State was searching for a dynamic

leader; the people were dinging your caucus members for the pay-pension bills; the public was expressing a loss in confidence in its elected officials.

We're ending up this session and we're still under fire. The Eighth Legislature is going to be remembered for its squabbles as well as its accomplishments.

The problem was created by one bull-headed Senator who believed that every other member of both houses must bow to his wishes. I, for one, will never submit to blackmail by any single individual in the House, the Senate, or the Administration. On his shoulders rests the responsibility for the extension of this session, the extra costs incurred by the taxpayers to pay for this extension, the ill feelings created between members, and the public's scorn for the present system of government.

I will remind you that last year the same individual introduced the infamous piggyback technique to get the Administration pay increases on a collective bargaining bill. I recall the 'promises' that said, 'piggybacking will never, never be used.'

Mr. Speaker, our caucuses have had their differences. We've had our arguments and our fights across the aisle that separates us. We've fairly stated our positions on this floor, and I believe that the public has gained by hearing the different points of view.

Our caucus was pleased with one particular piece of legislation this session -- placing the question of a Constitutional Convention on the ballot in November. We intend to continue the debate on recommendations to overhaul all branches of government. Our goal is to take the partisanship out of politics, and to get the people of Hawaii more directly involved in their government."

Representative Kunimura then rose and remarked:

"Mr. Speaker, may I have your permission? If I said anything bad about you, I would like to take that out of the Journal."

Representative Kamalii then rose and stated:

"On behalf of the Republican caucus,

I would like to thank your Minority Leader, Andrew Poepoe. We began this session as proud Republicans and we end this session as proud Republicans. We have fulfilled our role as a minority party. We have served the citizens of this State as the minority party should do, but please be assured that when we come back, we will come back in number.

Thank you."

Representative Kimura then rose and stated:

"Mr. Speaker, as your Floor Leader, I, too, have a page and a half insertion into the Journal and beg leave to have that entered into the record and I would like to thank all of the Majority members in working very effectively in trying to get the floor work as smoothly as possible, and also the cooperation of my Minority counterpart, Representative Ajifu, who oftentimes gave us a little trouble in tying us up in knots. But all in all, I think that we had a good, amicable working situation.

Thank you, Mr. Speaker."

Upon request by Representative Kimura, the following is inserted for the record:

"Mr. Speaker, as members of the House of Representatives, we share in a precious inheritance -- the legislative form of government which, as a creative and competent body, distinguishes a democracy from more authoritarian forms of government.

As arenas for the orderly resolution of conflict, the Legislature offers the only real hope of reversing the trend toward social disintegration in this State. State Legislatures should become genuinely creative institutions capable of anticipating public needs and originating public policy -- institutions capable of reforming themselves in response to changing times and responsibilities.

In order to accomplish this, we must commit ourselves to innovative policies and programs that combine both progress and preservation. We must be able to work things out in a more orderly fashion through the 'sorting out' mechanisms of politics and government.

There are still those who believe in the futility of the political process and in the irrelevancy and unresponsiveness of our governmental institutions. Unless we can make that process and those institutions work, our society and our system are in deep trouble. Those problems that increasingly divide and disturb us are problems that none of us individually can deal with. It is only through common effort that success can be achieved.

On behalf of the Democratic majority of the Eighth State Legislature, aloha and mahalo to members of the Republican minority. To all of the legislative staffs and support services -- a very special thank you for your patience, understanding and commitment."

Representative Ho then rose and stated:

"Mr. Speaker, on behalf of myself and my freshmen colleagues, I think it was a very nice experience that we had the last two years. I would like to, at this time, look at the incumbents and say, 'Watch out for the freshmen; we are not freshmen's anymore'

Thank you."

Representative Cobb then rose and stated:

"Mr. Speaker, I would just like to take a brief moment to express my thanks. Regardless of whether we should return here or seek some other office, I just wanted to thank you for, not only the learning experience, but all of the accomplishments and above all, your work, your patience, your understanding and yes, even your endurance.

Mahalo."

Representative Suwa then rose and stated:

"At this time, I would like to acknowledge your leadership and also behind the man, there's a woman, but behind our Legislature's success is all the backroom staff. I would like to thank them very much."

The Chair then stated:

"The Chair joins Representative Suwa and all of you in thanking the staff and all the other people

who have helped make the session a wonderful experience."

#### ADJOURNMENT

Representative Kimura moved that the House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976,

adjourn Sine Die, seconded by Representative Ajifu and carried.

At 11:56 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, adjourned Sine Die.

GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT  
OF THE LEGISLATURE SINE DIE

Gov. Msg. No. 134 transmitting copies of a report prepared by the Commission on Children and Youth entitled: "A COMPARATIVE ANALYSIS OF DAY CARE LICENSING STANDARDS".

Gov. Msg. No. 135 transmitting copies of the "Proceedings of the Ag Conference: Issues in Agricultural Development", conducted on December 18 and 19, 1975, by the Department of Agriculture.

Gov. Msg. No. 136 transmitting a copy of Commission on Aging Resolution No. 50, which was adopted by the Commission on Aging of the State of Hawaii on March 4, 1976.

Gov. Msg. No. 137 transmitting incremental salary increase cost data for Units 1 and 9, Blue-Collar Nonsupervisory and Registered Professional Nurses, for FY 1976-77.

Gov. Msg. No. 138 informing the House that on April 23, 1976, he signed the following bill into law:

Senate Bill No. 2526-76 as Act 16, entitled: "RELATING TO CONSENT TO ADOPTION".

Gov. Msg. No. 139 informing the House that on April 28, 1976, he signed the following bills into law:

Senate Bill No. 1819-76 as Act 17, entitled: "RELATING TO WORKERS' COMPENSATION";

Senate Bill No. 1836-76 as Act 18, entitled: "RELATING TO THE DEPARTMENT OF REGULATORY AGENCIES";

Senate Bill No. 1862-76 as Act 19, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

House Bill No. 1185 as Act 20, entitled: "RELATING TO DISCLOSURE BY LIQUID FUEL DISTRIBUTORS";

House Bill No. 2090-76 as Act 21, entitled: "RELATING TO THE HAWAII NATIONAL GUARD AND THE HAWAII STATE GUARD";

House Bill No. 2155-76 as Act 22, entitled: "RELATING TO GENERAL OBLIGATION BONDS OF THE STATE OF HAWAII";

House Bill No. 2165-76 as Act 23, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 2168-76 as Act 24, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 2194-76 as Act 25, entitled: "RELATING TO PREPAID HEALTH CARE";

House Bill No. 2533-76 as Act 26, entitled: "RELATING TO DAY CARE CENTERS";

House Bill No. 2880-76 as Act 27, entitled: "RELATING TO THE STATE ENVIRONMENTAL POLICY";

House Bill No. 2895-76 as Act 28, entitled: "MAKING AN APPROPRIATION FOR THE PLANS AND CONSTRUCTION OF INTERIM LAW SCHOOL FACILITIES AT THE UNIVERSITY OF HAWAII, MANOA CAMPUS, AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS"; and

House Bill No. 3013-76 as Act 29, entitled: "RELATING TO ADULT FAMILY BOARDING HOMES AND CARE HOMES".

Gov. Msg. No. 140 transmitting copies of a report prepared by the Government Organization Commission, in response to Act 148/75, relating to a Reorganization Commission.

Gov. Msg. No. 141 informing the House that on May 3, 1976, he signed the following bills into law:

Senate Bill No. 251 as Act 30, entitled: "RELATING TO MEDICAL RESEARCH, MORBIDITY AND MORTALITY INFORMATION";

Senate Bill No. 1553 as Act 31, entitled: "RELATING TO THE HAWAII FOOD, DRUG, AND COSMETIC ACT";

Senate Bill No. 1780-76 as Act 32, entitled: "RELATING TO CONSUMER SALES";

Senate Bill No. 1785-76 as Act 33, entitled: "RELATING TO CIVIL PENALTIES FOR VIOLATIONS OF INJUNCTIVE ORDERS";

Senate Bill No. 2024-76 as Act 34,

entitled: "RELATING TO SABBATICAL LEAVES";

Senate Bill No. 2027-76 as Act 35, entitled: "RELATING TO RE-ALLOCATION";

Senate Bill No. 2028-76 as Act 36, entitled: "RELATING TO PAY OF OFFICERS AND EMPLOYEES ON ACTIVE MILITARY SERVICE";

Senate Bill No. 2095-76 as Act 37, entitled: "RELATING TO THE OAHU METROPOLITAN PLANNING ORGANIZATION";

Senate Bill No. 2140-76 as Act 38, entitled: "RELATING TO ESTIMATE FOR MOTOR VEHICLE REPAIR";

Senate Bill No. 2230-76 as Act 39, entitled: "RELATING TO THE LIQUOR TAX LAW";

Senate Bill No. 2235-76 as Act 40, entitled: "RELATING TO SECONDARY SCHOOL STUDENTS CONFERENCE";

Senate Bill No. 2330-76 as Act 41, entitled: "RELATING TO THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD";

Senate Bill No. 2654-76 as Act 42, entitled: "TO REPEAL ACT 176, SESSION LAWS OF HAWAII 1937, WHICH APPROPRIATED FUNDS FOR BEDS FOR INDIGENT MATERNITY PATIENTS"; and

Senate Bill No. 2884-76 as Act 43, entitled: "RELATING TO THE APPOINTMENT OF AN EXECUTIVE OFFICER BY THE STATE LAND USE COMMISSION AND THE EXEMPTION OF THE POSITION FROM CIVIL SERVICE STATUS".

Gov. Msg. No. 142 informing the House that on May 5, 1976, he signed the following bills into law:

Senate Bill No. 1169 as Act 44, entitled: "RELATING TO PENALTIES FOR TRAFFIC VIOLATIONS";

Senate Bill No. 1328 as Act 45, entitled: "RELATING TO ODOMETERS";

Senate Bill No. 1623 as Act 46, entitled: "RELATING TO SEX BIAS IN SCHOOLS";

Senate Bill No. 1798-76 as Act 47, entitled: "RELATING TO THE

STATE TORT LIABILITY ACT";

Senate Bill No. 1807-76 as Act 48, entitled: "RELATING TO THE CONVERSION OF CERTAIN EXEMPT POSITIONS WITHIN THE DEPARTMENT OF DEFENSE TO PERMANENT CIVIL SERVICE STATUS";

Senate Bill No. 1809-76 as Act 49, entitled: "RELATING TO AGENTS OF PRIVATE SCHOOLS AND CORRESPONDENCE SCHOOLS";

Senate Bill No. 1825-76 as Act 50, entitled: "RELATING TO THE USE OF THE SPECIAL LAND AND DEVELOPMENT FUND";

Senate Bill No. 1831-76 as Act 51, entitled: "RELATING TO VACATIONS OF PUBLIC OFFICERS AND EMPLOYEES";

Senate Bill No. 1854-76 as Act 52, entitled: "RELATING TO SCHOOL BUSES";

Senate Bill No. 1855-76 as Act 53, entitled: "RELATING TO DRIVER'S LICENSE CATEGORIES";

Senate Bill No. 2031-76 as Act 54, entitled: "RELATING TO HOLIDAYS";

Senate Bill No. 2080-76 as Act 55, entitled: "RELATING TO RECORDS OF THE LIQUOR COMMISSION";

Senate Bill No. 2105-76 as Act 56, entitled: "RELATING TO CIRCUIT COURTS";

Senate Bill No. 2545-76 as Act 57, entitled: "RELATING TO CONSERVATION"; and

Senate Bill No. 2933-76 as Act 58, entitled: "RELATING TO THE HAWAII YOUTH CORRECTIONAL FACILITY".

Gov. Msg. No. 143 informing the House that on May 10, 1976, he signed the following bills into law:

Senate Bill No. 110 as Act 59, entitled: "RELATING TO THE DEPARTMENT OF HEALTH";

Senate Bill No. 243 as Act 60, entitled: "RELATING TO THE PAYMENT OF INCOME TAXES";

Senate Bill No. 849 as Act 61, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";

Senate Bill No. 1667 as Act 62, entitled: "RELATING TO INCREMENTS, SERVICE ANNIVERSARY DATES AND LONGEVITY INCREASES FOR PUBLIC

EMPLOYEES";

Senate Bill No. 1949-76 as Act 63,  
entitled: "RELATING TO POLICY  
PLANNING";

Senate Bill No. 2092-76 as Act 64,  
entitled: "AMENDING SECTION  
205-35 OF THE HAWAII REVISED  
STATUTES, RELATING TO  
SHORELINE SETBACKS";

Senate Bill No. 2107-76 as Act 65,  
entitled: "RELATING TO LAW  
CLERKS FOR JUSTICES OF THE  
SUPREME COURT";

Senate Bill No. 2929-76 as Act 66,  
entitled: "RELATING TO INDUS-  
TRIAL LOAN LICENSES";

House Bill No. 24 as Act 67,  
entitled: "RELATING TO STUDENT  
FINANCIAL AID";

House Bill No. 2170-76 as Act 68,  
entitled: "RELATING TO COUNTY  
HOSPITAL MANAGEMENT ADVISORY  
COMMITTEES";

House Bill No. 2236-76 as Act 69,  
entitled: "RELATING TO REAL  
PROPERTY TAXES";

House Bill No. 2377-76 as Act 70,  
entitled: "RELATING TO FISHING  
VESSEL LOAN PROGRAMS";

House Bill No. 2593-76 as Act 71,  
entitled: "RELATING TO THE  
FORECLOSURE OF REAL PROPERTY  
TAX LIENS";

House Bill No. 2717-76 as Act 72,  
entitled: "RELATING TO THE  
HAWAIIAN HOMES COMMISSION  
ACT, 1920, AS AMENDED";

House Bill No. 3112-76 as Act 73,  
entitled: "RELATING TO PUBLIC  
ASSISTANCE"; and

House Bill No. 3239-76 as Act 74,  
entitled: "RELATING TO  
ELECTRIC GUNS".

Gov. Msg. No. 144 informing the  
House that on May 12, 1976, he  
signed the following bills into  
law:

Senate Bill No. 1512 as Act 75,  
entitled: "RELATING TO  
MARKETING ORDER REVOLVING  
FUND";

Senate Bill No. 1561 as Act 76,  
entitled: "RELATING TO  
LICENSURE QUALIFICATIONS OF  
ATTORNEYS";

Senate Bill No. 1784-76 as Act 77,  
entitled: "RELATING TO THE  
RESIDENTIAL LANDLORD-TENANT  
CODE";

Senate Bill No. 1820-76 as Act 78,  
entitled: "RELATING TO THE  
PREPAID HEALTH CARE ACT";

Senate Bill No. 1832-76 as Act 79,  
entitled: "RELATING TO CIVIL  
SERVICE AND EXEMPTIONS";

Senate Bill No. 1838-76 as Act 80,  
entitled: "RELATING TO THE HAWAII  
MOTOR VEHICLE ACCIDENT REPA-  
RATIONS ACT";

Senate Bill No. 2225-76 as Act 81,  
entitled: "RELATING TO PREPAID  
HEALTH CARE";

Senate Bill No. 2321-76 as Act 82,  
entitled: "RELATING TO THE  
JUDICIARY";

Senate Bill No. 2334-76 as Act 83,  
entitled: "RELATING TO INVESTI-  
GATORS OF THE DEPARTMENT OF  
SOCIAL SERVICES AND HOUSING";

Senate Bill No. 2519-76 as Act 84,  
entitled: "RELATING TO SAFE  
DRINKING WATER";

Senate Bill No. 2527-76 as Act 85,  
entitled: "RELATING TO THE  
FAMILY COURT";

Senate Bill No. 2572-76 as Act 86,  
entitled: "RELATING TO SHORT  
TERM INVESTMENT OF COUNTY  
MONEYS";

Senate Bill No. 2703-76 as Act 87,  
entitled: "RELATING TO INTOXI-  
CATING LIQUOR";

House Bill No. 2136-76 as Act 88,  
entitled: "RELATING TO EXPENDI-  
TURE OF PUBLIC MONEY AND  
PUBLIC CONTRACTS";

House Bill No. 2812-76 as Act 89,  
entitled: "RELATING TO EXEMP-  
TION FROM MINIMUM WAGE LAW";

House Bill No. 2130-76 as Act 90,  
entitled: RELATING TO THE  
RESIDENTIAL LANDLORD-TENANT  
CODE"; and

House Bill No. 2131-76 as Act 91,  
entitled: "RELATING TO VEHICLES  
LEFT UNATTENDED ON PRIVATE  
PROPERTY".

Gov. Msg. No. 145 informing the  
House that on May 13, 1976, he signed  
the following bills into law:



Senate Bill No. 75 as Act 92,  
entitled: "RELATING TO THE  
HAWAII PAROLING AUTHORITY";

Senate Bill No. 2333-76 as Act 93,  
entitled: "RELATING TO REVOLV-  
ING FUNDS FOR CORRECTIONAL  
FACILITY STORES";

House Bill No. 2127-76 as Act 94,  
entitled: "RELATING TO INVES-  
TIGATIONS BY THE OFFICE OF  
CONSUMER PROTECTION";

House Bill No. 2171-76 as Act 95,  
entitled: "RELATING TO THE  
HAWAII OCCUPATIONAL SAFETY  
AND HEALTH LAW";

House Bill No. 2224-76 as Act 96,  
entitled: "RELATING TO AUDITED  
STATEMENTS OF INDUSTRIAL  
LOAN COMPANIES ISSUING  
INVESTMENT CERTIFICATES OR  
DEBENTURES";

House Bill No. 2230-76 as Act 97,  
entitled: "RELATING TO FEES  
APPLICABLE TO PRACTICING  
PSYCHOLOGISTS";

House Bill No. 2231-76 as Act 98,  
entitled: "RELATING TO FEES  
FOR CERTAIN PROFESSIONAL  
AND VOCATIONAL LICENSES";

House Bill No. 2235-76 as Act 99,  
entitled: "RELATING TO PRISON  
CONTRABAND";

House Bill No. 2891-76 as Act 100,  
entitled: "RELATING TO THE  
SERVICE OF HEARING NOTICES  
BY REGULATORY BOARDS AND  
COMMISSIONS";

House Bill No. 2892-76 as Act 101,  
entitled: "RELATING TO ESCROW  
DEPOSITORIES";

House Bill No. 3107-76 as Act 102,  
entitled: "RELATING TO HOTEL  
RESERVATIONS";

House Bill No. 3110-76 as Act 103,  
entitled: "RELATING TO INDUS-  
TRIAL LOAN COMPANIES"; and

Senate Bill No. 2909-76 as Act 104,  
entitled: "RELATING TO HISTORIC  
PRESERVATION".

Gov. Msg. No. 146 informing the  
House that on May 14, 1976, he  
signed the following bills into  
law:

Senate Bill No. 1191 as Act 105,  
entitled: "RELATING TO IMPROVE-  
MENTS BY ASSESSMENT AND THE

FINANCING THEREOF";

House Bill No. 2135-76 as Act 106,  
entitled: "RELATING TO ELECTIONS";

House Bill No. 2137-76 as Act 107,  
entitled: "RELATING TO EXPEN-  
DITURE OF PUBLIC MONEY AND  
PUBLIC CONTRACTS";

House Bill No. 2169-76 as Act 108,  
entitled: "RELATING TO SMOKING  
IN PUBLIC PLACES";

House Bill No. 3020-76 as Act 109,  
entitled: "RELATING TO SCHOOL  
PERSONNEL"; and

House Bill No. 3109-76 as Act 110,  
entitled: "RELATING TO MEMBER-  
SHIP ON THE BOARD OF ACUPUNC-  
TURE".

Gov. Msg. No. 147 informing the  
House that on May 17, 1976, he signed  
the following bills into law:

Senate Bill No. 1786-76 as Act 111,  
entitled: "RELATING TO RESTITU-  
TION IN CASES FILED BY THE OFFICE  
OF CONSUMER PROTECTION";

Senate Bill No. 1801-76 as Act 112,  
entitled: "RELATING TO THE  
COMPENSATION OF CERTAIN PER-  
SONS UNDER THE CRIMINAL INJURIES  
COMPENSATION ACT AND PROVIDING  
APPROPRIATIONS THEREFOR";

Senate Bill No. 1998-76 as Act 113,  
entitled: "RELATING TO THE  
STATUS OF CONVICTED PERSONS";

Senate Bill No. 2224-76 as Act 114,  
entitled: "RELATING TO MOTOR  
VEHICLE ACCIDENT REPARATIONS";

Senate Bill No. 2797-76 as Act 115,  
entitled: "RELATING TO IMPROVE-  
MENTS AT WAIKIKI, OAHU";

House Bill No. 2151-76 as Act 116,  
entitled: "RELATING TO THE  
EXPUNGEMENT OF ARREST  
RECORDS";

House Bill No. 2159-76 as Act 117,  
entitled: "RELATING TO PETTY  
CASH FUNDS";

House Bill No. 2160-76 as Act 118,  
entitled: "RELATING TO STADIUMS  
AND AMENDING CHAPTER 109,  
HAWAII REVISED STATUTES";

House Bill No. 2161-76 as Act 119,  
entitled: "RELATING TO STATE  
BONDS";

House Bill No. 2167-76 as Act 120,

entitled: "RELATING TO THE SANITATION AND RECLAMATION EXPERT UNDER HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 2220-76 as Act 121, entitled: "RELATING TO THE HAWAII CAPITAL LOAN PROGRAM";

House Bill No. 2227-76 as Act 122, entitled: "RELATING TO THE MOTOR CARRIER LAW";

House Bill No. 2246-76 as Act 123, entitled: "RELATING TO EXEMPTION OF THE CAMPUS CENTER SPECIAL FUND, UNIVERSITY OF HAWAII";

House Bill No. 2375-76 as Act 124, entitled: "RELATING TO THE DIRECTOR OF REGULATORY AGENCIES AS CONSUMER ADVOCATE BEFORE THE PUBLIC UTILITIES COMMISSION AND MAKING AN APPROPRIATION THEREFOR";

House Bill No. 2718-76 as Act 125, entitled: "RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS AUTHORIZED UNDER VARIOUS ACTS";

House Bill No. 2722-76 as Act 126, entitled: "RELATING TO THE HAWAII EMPLOYMENT SECURITY ACT";

House Bill No. 2782-76 as Act 127, entitled: "RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES"; and

House Bill No. 3099-76 as Act 128, entitled: "RELATING TO THE INTAKE SERVICE CENTER ADVISORY BOARD".

Gov. Msg. No. 148 informing the House that on May 19, 1976, he signed the following bill into law:

Senate Bill No. 525 as Act 129, entitled: "RELATING TO CANCER CONTROL".

Gov. Msg. No. 149 informing the House that on May 20, 1976, he signed the following bill into law:

Senate Bill No. 2709-76 as Act 130, entitled: "RELATING TO MENTAL HEALTH".

Gov. Msg. No. 150 informing the House that on May 27, 1976, he signed the following bills into law:

Senate Bill No. 528 as Act 131, entitled: "RELATING TO WITNESSES, RIGHTS OF ACCUSED AND COUNSEL AND OTHER SERVICES FOR INDIGENT CRIMINAL DEFENDANTS";

Senate Bill No. 1187 as Act 132, entitled: "MAKING AN APPROPRIATION FOR ESTABLISHMENT OF THE 'HAWAII DENTAL EDUCATION PLAN' ";

Senate Bill No. 2139-76 as Act 133, entitled: "RELATING TO THE INTERIM TOURISM POLICY ACT";

Senate Bill No. 2745-76 as Act 134, entitled: "RELATING TO THE STATE EMPLOYMENT PROGRAM";

Senate Bill No. 2932-76 as Act 135, entitled: "RELATING TO THE DISTRICT COURTS";

House Bill No. 116 as Act 136, entitled: "RELATING TO EXEMPTIONS FROM ATTACHMENT AND EXECUTION";

House Bill No. 626 as Act 137, entitled: "RELATING TO PREVENTING LITTER FROM TRUCKS";

House Bill No. 846 as Act 138, entitled: "RELATING TO MARRIAGE LICENSES";

House Bill No. 942 as Act 139, entitled: "RELATING TO BONUS TO PENSIONERS";

House Bill No. 1411 as Act 140, entitled: "RELATING TO SEPARATION";

House Bill No. 2022-76 as Act 141, entitled: "RELATING TO THE ESTABLISHMENT OF STATE POLICY FOR SENIOR CITIZENS";

House Bill No. 2239-76 as Act 142, entitled: "RELATING TO PUBLIC MONEY AND PUBLIC CONTRACTS";

House Bill No. 2612-76 as Act 143, entitled: "RELATING TO THE REAL ESTATE RECOVERY FUND";

House Bill No. 2613-76 as Act 144, entitled: "RELATING TO THE CONTRACTORS RECOVERY FUND";

House Bill No. 2960-76 as Act 145, entitled: "RELATING TO OVERTIME COMPENSATION FOR PUBLIC OFFICERS AND EMPLOYEES";

Senate Bill No. 1794-76 as Act 146, entitled: "RELATING TO NOTARIES PUBLIC";

Senate Bill No. 1824-76 as Act 147,

entitled: "RELATING TO THE APPRAISAL OF PUBLIC LANDS";

Senate Bill No. 1853-76 as Act 148, entitled: "RELATING TO BICYCLES";

Senate Bill No. 1994-76 as Act 149, entitled: "RELATING TO TRAFFIC VIOLATIONS";

Senate Bill No. 2121-76 as Act 150, entitled: "RELATING TO PAYMENT FOR MEDICAL AND OTHER PROFESSIONAL HEALTH CARE SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS";

Senate Bill No. 2226-76 as Act 151, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII";

Senate Bill No. 2294-76 as Act 152, entitled: "RELATING TO STATE HEALTH PLANNING";

Senate Bill No. 2394-76 as Act 153, entitled: "RELATING TO COMMUNITY DEVELOPMENT";

House Bill No. 2786-76 as Act 154, entitled: "RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEAS";

House Bill No. 2904-76 as Act 155, entitled: "RELATING TO OCCUPATIONAL SAFETY AND HEALTH";

Senate Bill No. 1775-76 as Act 156, entitled: "RELATING TO PREPAID LEGAL SERVICES";

Senate Bill No. 2326-76 as Act 157, entitled: "RELATING TO EMPLOYMENT SECURITY";

Senate Bill No. 2715-76 as Act 158, entitled: "RELATING TO STADIUM AUTHORITY";

Senate Bill No. 2739-76 as Act 159, entitled: "RELATING TO DISCRIMINATION AGAINST THE PHYSICALLY HANDICAPPED";

Senate Bill No. 2819-76 as Act 160, entitled: "RELATING TO THE HAWAII PUBLIC BROADCASTING AUTHORITY";

Senate Bill No. 2958-76 as Act 161, entitled: "RELATING TO COMPARATIVE NEGLIGENCE";

House Bill No. 1776 as Act 162, entitled: "RELATING TO CITIZENSHIP AND RESIDENCE REQUIREMENTS FOR GOVERNMENT OFFICIALS AND EMPLOYEES AND AMENDING CHAPTER 78, HAWAII REVISED STATUTES";

House Bill No. 1801 as Act 163, entitled: "RELATING TO HIGHWAYS"; and

House Bill No. 2371-76 as Act 164, entitled: "RELATING TO EMANCIPATION OF CERTAIN MINORS".

Gov. Msg. No. 151 informing the House that on May 28, 1976, he signed the following bill into law:

House Bill No. 2359-76 as Act 165, entitled: "RELATING TO THE PUBLIC UTILITIES COMMISSION AND MAKING APPROPRIATION THEREFOR".

Gov. Msg. No. 152 informing the House that on June 1, 1976, he signed the following bills into law:

Senate Bill No. 2603-76 as Act 166, entitled: "RELATING TO THE ESTABLISHMENT OF THE COUNCIL OF HOUSING AND CONSTRUCTION INDUSTRY";

House Bill No. 934 as Act 167, entitled: "RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS";

House Bill No. 639 as Act 168, entitled: "RELATING TO THE HILO DAY ACTIVITY CENTER FOR THE ADULT RETARDED";

House Bill No. 682 as Act 169, entitled: "RELATING TO THE LAPSING OF CERTAIN FUNDS";

House Bill No. 1886 as Act 170, entitled: "RELATING TO CIVIL SERVICE AND EXEMPTION";

House Bill No. 1997-76 as Act 171, entitled: "RELATING TO LANDS DEDICATED FOR RESIDENTIAL USE";

House Bill No. 2056-76 as Act 172, entitled: "RELATING TO GOVERNMENT EXPENDITURES BY INFORMAL BID";

House Bill No. 2099-76 as Act 173, entitled: "RELATING TO STATUTE REVISION";

House Bill No. 2101-76 as Act 174, entitled: "RELATING TO AUDIT AND ACCOUNTING";

House Bill No. 2102-76 as Act 175, entitled: "RELATING TO PUBLIC PURCHASES AND CONTRACTS";

House Bill No. 2103-76 as Act 176, entitled: "RELATING TO INSURANCE";

House Bill No. 2302-76 as Act 177, entitled: "RELATING TO PUBLIC ASSISTANCE";

House Bill No. 2335-76 as Act 178, entitled: "RELATING TO HOUSING";

Senate Bill No. 1830-76 as Act 179, entitled: "RELATING TO INITIAL APPOINTMENTS";

House Bill No. 2824-76 as Act 180, entitled: "RELATING TO CREDIT LIFE INSURANCE";

House Bill No. 2932-76 as Act 181, entitled: "RELATING TO SENTENCING OF REPEAT OFFENDERS";

House Bill No. 2999-76 as Act 182, entitled: "RELATING TO CIVIL SERVICE AND EXEMPTIONS";

House Bill No. 3043-76 as Act 183, entitled: "RELATING TO CIVIL ACTIONS";

House Bill No. 3075-76 as Act 184, entitled: "RELATING TO THE OWNERSHIP OF SOLID WASTES";

House Bill No. 3095-76 as Act 185, entitled: "RELATING TO INDUSTRIAL LOAN COMPANIES";

House Bill No. 3096-76 as Act 186, entitled: "RELATING TO INDUSTRIAL LOAN COMPANIES"; and

House Bill No. 3162-76 as Act 187, entitled: "RELATING TO THE OFFICE OF INFORMATION AND YOUTH AFFAIRS, OFFICE OF THE GOVERNOR".

Gov. Msg. No. 153 informing the House that on June 2, 1976, he signed the following bills into law:

Senate Bill No. 28 as Act 188, entitled: "RELATING TO MOTOR VEHICLE TAXES"; and

Senate Bill No. 2467-76 as Act 189, entitled: "RELATING TO TAX INCENTIVES FOR ENERGY CONSERVATION".

Gov. Msg. No. 154 informing the House that on June 4, 1976, he signed the following bills into law:

Senate Bill No. 2348-76 as Act 190, entitled: "RELATING TO IMPORTATION OF LIQUOR AS HOUSEHOLD GOODS";

Senate Bill No. 2409-76 as Act 191, entitled: "RELATING TO SERVICE-CONNECTED TOTAL DISABILITY

RETIREMENT FOR POLICE OFFICERS";

Senate Bill No. 2643-76 as Act 192, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

House Bill No. 1399 as Act 193, entitled: "RELATING TO EASEMENTS";

House Bill No. 2928-76 as Act 194, entitled: "RELATING TO ADOPTION OF ADULTS";

House Bill No. 3129-76 as Act 195, entitled: "RELATING TO SCHOOL BUS CONTRACTS";

Senate Bill No. 1577 as Act 196, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 83 as Act 197, entitled: "RELATING TO IMPROVING THE ORGANIZATION AND COORDINATION OF AGRICULTURAL PROGRAMS AND PROGRAMS RELATED TO AGRICULTURE";

House Bill No. 3261-76 as Act 198, entitled: "RELATING TO RESEARCH, DEVELOPMENT AND EXPANSION OF AGRICULTURAL COMMODITIES";

House Bill No. 3262-76 as Act 199, entitled: "RELATING TO AGRICULTURAL LANDS";

Senate Bill No. 79 as Act 200, entitled: "RELATING TO THE UNIFORM PROBATE CODE"; and

House Bill No. 3248-76 as Act 201, entitled: "RELATING TO AMENDMENTS TO THE DEVELOPMENTAL DISABILITIES LAW".

Gov. Msg. No. 155 informing the House that on June 7, 1976, he signed the following bills into law:

House Bill No. 2691-76 as Act 202, entitled: "RELATING TO LABOR EDUCATION AT THE UNIVERSITY OF HAWAII";

House Bill No. 2809-76 as Act 203, entitled: "RELATING TO THE ENCOURAGEMENT OF FEDERALLY LICENSED SMALL BUSINESS INVESTMENT COMPANIES";

House Bill No. 3196-76 as Act 204, entitled: "RELATING TO THE USE OF FIREARMS IN CERTAIN OFFENSES";

House Bill No. 3299-76 as Act 205, entitled: "RELATING TO DISASTER RELIEF AND REHABILITATION";

Senate Bill No. 1821-76 as Act 206,

entitled: "RELATING TO THE  
PREPAID HEALTH CARE ACT";

Senate Bill No. 1899-76 as Act 207,  
entitled: "RELATING TO THE  
ESTABLISHMENT OF AN OFFICE  
OF CHILDREN AND YOUTH";

House Bill No. 2237-76 as Act 208,  
entitled: "RELATING TO INCOME  
TAX";

House Bill No. 2299-76 as Act 209,  
entitled: "RELATING TO MECHANICS  
AND MATERIALMAN'S  
LIENS";

House Bill No. 2617-76 as Act 210,  
entitled: "RELATING TO ELECTRICIANS  
AND PLUMBERS";

House Bill No. 2949-76 as Act 211,  
entitled: "RELATING TO HOUSING";

House Bill No. 3126-76 as Act 212,  
entitled: "AMENDING CHAPTER 92,  
HAWAII REVISED STATUTES, RELATING  
TO PUBLIC AGENCY MEETINGS  
AND RECORDS";

House Bill No. 3280-76 as Act 213,  
entitled: "RELATING TO  
FRANCHISES";

House Bill No. 2256-76 as Act 214,  
entitled: "RELATING TO HORIZONTAL  
PROPERTY REGIMES";

House Bill No. 2893-76 as Act 215,  
entitled: "RELATING TO HORIZONTAL  
PROPERTY REGIMES"; and

House Bill No. 3108-76 as Act 216,  
entitled: "RELATING TO HORIZONTAL  
PROPERTY REGIMES".

Gov. Msg. No. 156 informing the  
House that on June 8, 1976, he  
signed the following bill into law:

House Bill No. 62 as Act 217,  
entitled: "RELATING TO  
ELDERLY AFFAIRS".

Gov. Msg. No. 157 informing the  
House that on June 9, 1976, he  
signed the following bills into law:

House Bill No. 2023-76 as Act 218,  
entitled: "RELATING TO THE  
DEDUCTION OF EXPENSES FOR  
HOUSEHOLD AND DEPENDENT  
CARE";

House Bill No. 2700-76 as Act 219,  
entitled: "RELATING TO MEDICAL  
PROFESSIONAL LIABILITY";

House Bill No. 1247 as Act 220,

entitled: "REINSTATING NOVEMBER  
11 AS VETERANS' DAY";

House Bill No. 1499 as Act 221,  
entitled: "RELATING TO SMALL  
BOAT HARBORS";

House Bill No. 2846-76 as Act 222,  
entitled: "RELATING TO INCOME  
TAXATION";

House Bill No. 2998-76 as Act 223,  
entitled: "RELATING TO THE  
POWERS OF THE COMPTROLLER OF  
THE STATE OF HAWAII TO REGULATE  
PARKING ON STATE LANDS";

House Bill No. 3230-76 as Act 224,  
entitled: "RELATING TO HOUSING  
FOR THE ELDERLY";

Senate Bill No. 1758-76 as Act 225,  
entitled: "RELATING TO HOUSING";

House Bill No. 2100-76 as Act 226,  
entitled: "MAKING APPROPRIATIONS  
FOR THE FISCAL BIENNium JULY 1,  
1975, TO JUNE 30, 1977";

Senate Bill No. 2827-76 as Act 227,  
entitled: "MAKING AN APPROPRIATION  
FOR REPAIR AND MAINTENANCE  
OF STATE PROPERTIES AND FACILITIES";

Senate Bill No. 1874-76 as Act 228,  
entitled: "RELATING TO THE  
TAXATION OF REAL PROPERTY";

Senate Bill No. 2274-76 as Act 229,  
entitled: "RELATING TO REAL  
PROPERTY TAXATION";

Senate Bill No. 2501-76 as Act 230,  
entitled: "RELATING TO SECOND-HAND  
DEALERS";

House Bill No. 1441 as Act 231,  
entitled: "RELATING TO NIGHT  
HUNTING OF BIRDS AND MAMMALS";

House Bill No. 1998-76 as Act 232,  
entitled: "RELATING TO THE  
RELIEF OF CERTAIN PERSONS'  
CLAIMS AGAINST THE STATE AND  
PROVIDING APPROPRIATIONS  
THEREFOR";

House Bill No. 2001-76 as Act 233,  
entitled: "MAKING APPROPRIATIONS  
TO THE JUDICIARY FOR THE FISCAL  
BIENNium JULY 1, 1975, TO JUNE 30,  
1977, AND AUTHORIZING THE  
ISSUANCE OF BONDS";

House Bill No. 2147-76 as Act 234,  
entitled: "RELATING TO LOANS  
INSURED BY THE DEPARTMENT OF  
AGRICULTURE";

Senate Bill No. 2267-76 as Act 235, entitled: "RELATING TO THE ESTABLISHMENT OF DEVELOPMENTAL RATES FOR FACILITIES USED BY GENERAL AVIATION ACTIVITIES";

House Bill No. 2300-76 as Act 236, entitled: "RELATING TO PUBLIC ASSISTANCE";

House Bill No. 2473-76 as Act 237, entitled: "RELATING TO A STAGGERED SYSTEM OF MOTOR VEHICLE REGISTRATION";

House Bill No. 2698-76 as Act 238, entitled: "RELATING TO PARKING TICKETS";

House Bill No. 2894-76 as Act 239, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES"; and

House Bill No. 2987-76 as Act 240, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS AND FOR SALARY ADJUSTMENTS OF EMPLOYEES EXCLUDED FROM CERTAIN BARGAINING UNITS".

Gov. Msg. No. 158 returning House Bill No. 513 without his approval together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 9, 1976

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 513

Honorable Members  
Eighth Legislature  
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 513, entitled 'A Bill for an Act Relating to Rules Adopted Under the Administrative Procedure Act.'

House Bill No. 513 requires all State and county agencies to file copies of any rule adopted pursuant to Chapter 91, Hawaii Revised Statutes, with the Legislative Reference Bureau in addition to filing with the Lieutenant Governor. The Legislative Reference Bureau is to review all such rules to determine if any rule might be in violation of the substantive law under which it was adopted and to submit a report of

its findings at each regular session of the Legislature. An appropriation of \$30,000 is provided to meet the cost of additional staff, to consist of at least one full-time, experienced attorney, assisted by a second attorney.

According to Senate Standing Committee Report No. 660-76, there is a concern that '[i]f the executive branch adopts rules contrary to statute, it usurps the policy-making function of the legislature' but that 'if the legislature is not informed of such usurpation, remedial action cannot be taken.'

However, it is my opinion that House Bill No. 513 would only result in costly and time consuming duplication of effort. Presently, all rules are reviewed by the Attorney General prior to approval by the Governor. Moreover, all State and county rules are filed with the Lieutenant Governor and with the Clerk of the county, respectively, and in addition, the County Clerks are required to file certified copies of county rules with the Lieutenant Governor.

The additional filing of all State and county rules with the Legislative Reference Bureau does not seem to fill any particular need, other than to facilitate the review of such rules by the Legislative Reference Bureau to determine whether such rules are in violation of the enabling statutes. However, the review of rules to determine legality will only duplicate the work of the Attorney General. Moreover, any difference of opinion between the Attorney General and the Legislative Reference Bureau would only create an undesirable situation without offering any real solution. Therefore, it would be more desirable to have those directly affected by the rules raise such issues through appropriate administrative and judicial proceedings. This latter method of having rules reviewed would expedite the resolution of any question and provide for finality of interpretation which would not be obtained in any review by the Legislative Reference Bureau. In this connection, it is noted that if a rule is beyond the scope of the enabling statute, the rule is of no legal effect. If the rule is invalid and of no legal effect, then obviously there can be no usurpation of the policy-making function of the Legislature.

For the foregoing reasons, I am returning House Bill No. 513 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

#### "P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 513, entitled 'A Bill for an Act Relating to Rules Adopted Under the Administrative Procedure Act,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 513 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 513 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at State Capitol,  
Honolulu, State of Hawaii,  
this 9th day of June, 1976.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 159 returning House Bill No. 1413 without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 9, 1976

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1413

Honorable Members

Eighth Legislature  
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1413, entitled 'A Bill for an Act Relating to Fees and Actions for Recovery of Loss of Land.'

The bill seeks to (1) clarify the wording of Section 501-211, Hawaii Revised Statutes, by expressly indicating that the fee to be paid for protection against loss or damage in proceedings to register land, shall be based upon the last property tax assessment before the filing of the decree; and (2) to limit recovery of a person who sustains a loss to the value of the land upon which the fee is paid.

I am in accord that the interests of the State should be protected in Land Court proceedings. On the other hand, because land values have increased in the past and will probably continue to do so in the future, limiting recovery against the Land Court Assurance Fund would mean that purchasers of registered land would be inadequately protected. Moreover, the ambiguous wording of the amendment to Section 501-212 does raise certain questions relating to rights of landowners to seek recovery against the Land Court Assurance Fund. I feel very strongly that the integrity of our Land Court system should be maintained and that any uncertainty or confusion regarding the rights of owners of registered land should be avoided.

For the foregoing reasons, I am returning House Bill No. 1413 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

#### "P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 1413,



entitled 'A Bill for an Act Relating to Fees and Actions for Recovery of Loss of Land,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1413 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1413 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at State Capitol,  
Honolulu, State of Hawaii,  
this 9th day of June, 1976.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 160 returning House Bill No. 1810 without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 9, 1976

STATEMENT OF OBJECTIONS  
HOUSE BILL NO. 1810

Honorable Members  
Eighth Legislature  
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1810, entitled 'A Bill for an Act Relating to Preferences for Hawaii Services.'

The purpose of House Bill No. 1810 is to help local businesses to compete against mainland firms by requiring government agencies to give a 15 percent preference to Hawaii companies furnishing non-professional services to the State in similar fashion to the present law providing preference for Hawaii products. Hawaii services is defined as services performed by a business that is wholly owned by Hawaii residents or a corporation that is

incorporated in this State and all of whose directors, officers and employees are residents of this State.

However, there appear to be many questions regarding the necessity for, and the legality of, House Bill No. 1810. More specifically, the following concerns have been expressed.

(1) It has been suggested that the restrictions proposed by the bill might be construed as a barrier to interstate commerce and thus violative of the commerce clause of the Federal Constitution.

(2) Inasmuch as the bill requires all employees of qualifying corporation to be State residents, it may cause companies to discriminate against non-residents in employment, thus raising equal protection problems. Recent cases decided by the United States Supreme Court and other Federal and State courts have whittled down the instances where residence requirements are permissible. In 1972, our own Hawaii Supreme Court held that Hawaii's durational residence requirement for public employment violates the equal protection clause of the United States Constitution. York v. State, 53 Haw. 557 (1972).

(3) The 15 percent preference being afforded to Hawaii services under the bill is much higher than the 3, 5 or 10 percent preference allowed Hawaii products; there does not seem to be any rationale for this distinction.

(4) Enforcement of the bill poses a real problem. There is no way that government agencies can really ascertain that all the officers, directors or employees of a corporation are Hawaii residents. Thus, an unsuccessful bidder could always challenge an award on the basis that some employee of the successful bidder was not a Hawaii resident.

(5) The State will not necessarily profit, from an economic standpoint, by enactment of this bill. Business performing services within the State, whether they are local or mainland, must pay a general excise tax on all business conducted within the State. Furthermore, mainland companies, as a practical matter, hire local employees to perform non-professional services, since it would be uneconomical to transfer mainland employees in lower classifications because of travel costs, relocation allowances,

etc. These local employees, though working for a mainland company, must pay the Hawaii income tax.

(6) Under a preferential bidding system, local suppliers will have a tendency to bid close to 15 percent above the figure that they feel mainland suppliers of services will bid. Moreover, mainland suppliers may eventually be discouraged from bidding because of the advantage granted to local companies, thus lessening competition among bidders on public contracts to the detriment of our taxpayers.

I believe that the disadvantage to this State that might result from House Bill No. 1810 far outweigh the advantages that might accrue.

For the foregoing reasons, I am returning House Bill No. 1810 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

#### "P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 1810, entitled 'A Bill for an Act Relating to Preferences for Hawaii Services,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1810 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1810 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at State Capitol,  
Honolulu, State of Hawaii,  
this 9th day of June, 1976.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 161 returning House Bill No. 2087-76, without his approval, together with his statement of objections relating to the measure which reads as follows:

#### "EXECUTIVE CHAMBERS HONOLULU

June 9, 1976

#### STATEMENT OF OBJECTIONS HOUSE BILL NO. 2087-76

Honorable Members  
Eighth Legislature  
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith without my approval, House Bill No. 2087-76, entitled 'A Bill for an Act Relating to Expenditure of Public Money and Public Contracts.'

House Bill No. 2087-76 limits the preference for Hawaii products that may be claimed by bidders to those public works or repair and maintenance contracts in which the value of the Hawaii product is 51 percent or more of the total bid price. Also, when the contracting officer estimates that the value of the Hawaii products will not exceed 40 percent of the estimated bid price, he may waive all Hawaii product preference procedures. The effect of this bill is that the preference based on Hawaii products will be limited to contracts where there would be a substantial use of the products.

When the Legislature first enacted the Preference for Hawaii Products Law in 1963, it was felt that the law was needed to stimulate local industry, encourage local manufacturers to expand to new lines, and to attract others to establish new businesses in the State. (Senate Standing Committee Report No. 335, House Standing Committee Report No. 1025.) The need to encourage the development, growth and well-being of local industries is still of vital concern today. Furthermore, by giving preference to Hawaii products without regard to the extent

of their use, it would be possible to retain public funds within the local economy to provide employment opportunities which are so urgently needed.

For the foregoing reasons, I am returning House Bill No. 2087-76 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

#### "P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2087-76, entitled, 'A Bill for an Act Relating to Expenditure of Public Money and Public Contracts,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2087-76 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2087-76 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at State Capitol,  
Honolulu, State of Hawaii,  
this 9th day of June, 1976.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 162 returning House Bill No. 2100-76, without his approval, together with his statement of objections relating to the measure which reads as follows:

#### "EXECUTIVE CHAMBERS HONOLULU

June 9, 1976

#### STATEMENT OF OBJECTIONS HOUSE BILL NO. 2100-76

Honorable Members  
Eighth Legislature  
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith House Bill No. 2100-76, entitled, 'A Bill for an Act Making Appropriations for the Fiscal Biennium July 1, 1975, to June 30, 1977, and Authorizing the Issuance of Bonds.'

The purposes of this bill are to appropriate funds for operating expenditures of the various departments and agencies in the Executive Branch for the 1975-1977 fiscal biennium, for other government programs, and for capital investment projects.

Although the purpose and intent have merit, I find that certain items in House Bill No. 2100-76 are unnecessary and would serve no useful purpose since identical appropriation measures were approved by the 1976 Legislature. The duplicated items in House Bill No. 2100-76 are:

#### 1. Section 88B, page IVA-53:

'Law School Facilities, UH \$838,000  
Manoa Plans, construction and equipment for interim Law School facilities and for facilities for programs displaced by the Law School at the University of Hawaii, Manoa Campus. This appropriation shall supplement prior appropriations for the development of Law School facilities authorized by Act 218, SLH 1974, and Act 195, SLH 1975.'

House Bill No. 2895-76 (Act 28/76) authorizes an identical sum of \$838,000 from general obligation bond fund sources for Law School facilities.

#### 2. Section 3, Page II-14, Item No. 28 (SOC 231):

Fiscal Year	Total Biennium
1976-1977	1975-1977

#### DSSH-Professional Health

##### Services

Operating	(10,360,165A)	(19,801,152A)
	12,718,165A	22,159,152A
	(8,098,906N)	(15,445,759N)
	9,840,906N	17,187,759N

The amount of \$12,718,165A includes \$2,300,000 for health care services under the public assistance program. The amount of \$2,300,000 duplicates the appropriation of an identical sum for the identical purpose made by Senate Bill No. 2121-76.

Because of the duplications, I am returning House Bill No. 2100-76 with my objections to those two items.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

#### "P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2100-76, entitled 'A Bill for an Act Making Appropriations for the Fiscal Biennium July 1, 1975, to June 30, 1977, and Authorizing the Issuance of Bonds,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 17 of Article III the Governor may veto or reduce any specific item or items in any bill which appropriates money for specific purposes; and

WHEREAS, House Bill No. 2100-76 appropriates money for specific purposes; and

WHEREAS, certain items in House Bill No. 2100-76 are unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2100-76 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at State Capitol,  
Honolulu, State of Hawaii,  
this 9th day of June, 1976.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 163 returning House Bill No. 2554-76, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 9, 1976

#### STATEMENT OF OBJECTIONS HOUSE BILL NO. 2554-76

Honorable Members  
Eighth Legislature  
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2554-76, entitled 'A Bill for an Act Relating to Classes of Insurance Coverage.'

The purpose of House Bill No. 2554-76 is to clarify the term 'insurer' as used in Chapter 431, Hawaii Revised Statutes, to include all those persons making contracts of insurance in each of the classes of insurance enumerated in Section 431-5. It is claimed that under the present wording there is some ambiguity as to who would be included within the definition of insurer.

However, the present definition of insurer has been in effect for over twenty years and during that period it does not appear that those regulating the industry have had any difficulty in working with the present definition of insurer. Accordingly, there seems to be no necessity to modify the existing language of the definition, since no ambiguity really exists.

For the foregoing reasons, I am returning House Bill No. 2554-76 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

**"P R O C L A M A T I O N**

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2554-76, entitled 'A Bill for an Act Relating to Classes of Insurance Coverage,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2554-76 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2554-76 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at State Capitol,  
Honolulu, State of Hawaii,  
this 9th day of June, 1976.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 164 returning House Bill No. 2678-76, without his approval, together with his statement of objections relating to the measure which reads as follows:

**"EXECUTIVE CHAMBERS  
HONOLULU**

June 9, 1976

**STATEMENT OF OBJECTIONS  
HOUSE BILL NO. 2678-76**

Honorable Members  
Eighth Legislature  
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2678-76, entitled 'A Bill for an Act Relating to Life Insurance.'

The purpose of House Bill No. 2678-76 is to require that when the age of the insured is used in determining a life insurance premium, the insurer shall use the age of the applicant as of his last birthday.

Existing law is silent on that subject and the industry practice has been to use the applicant's age based upon either his nearest birthday or his last birthday for the purpose of determining life insurance premiums. House Bill No. 2678-76 seeks to establish a uniform method in arriving at the applicant's age for use in determining life insurance premiums so as to avoid confusion on the part of insureds and to eliminate possible discrimination against them.

The objective of uniformity sought by House Bill No. 2678-76 has merit. However, the requirement of uniformity has applicability only to policies issued in Hawaii and not to policies issued in other jurisdictions. That being the case, life insurance companies must establish a new and separate program only for Hawaii, necessitating many costly administrative changes. Those additional costs must eventually be borne by the policyholders of this State.

Moreover, House Bill No. 2678-76 will take effect on January 1, 1977, if approved. It is my understanding that conformance to the requirements of this bill will require such changes as reprinting of policy forms, revising of premium rate books and restructuring of data processing systems and will cause substantial administrative disruption within the industry because of the limited time within which such changes must be accomplished.

I believe that the disadvantages of administrative disruptions within the industry and the high costs resulting therefrom outweigh any advantage of uniformity that might accrue under House Bill No. 2678-76.

For the foregoing reasons, I am returning House Bill No. 2678-76 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

**"P R O C L A M A T I O N**

WHEREAS, under Section 17 of

Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2678-76, entitled, 'A Bill for an Act Relating to Life Insurance,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2678-76 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2678-76 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at State Capitol,  
Honolulu, State of Hawaii,  
this 9th day of June, 1976.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 165 returning House Bill No. 2984-76, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 9, 1976

STATEMENT OF OBJECTIONS  
HOUSE BILL NO. 2984-76

Honorable Members  
Eighth Legislature  
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2984-76, entitled 'A Bill for an Act Relating to Horizontal Property Regimes.'

House Bill No. 2984-76 seeks to amend the Horizontal Property

Act (Chapter 514, H.R.S.) in matters relating to (1) satisfaction or release of blanket mortgages and other blanket liens affecting condominium apartments; (2) refund of purchasers' funds due to changes in building plans of a condominium project; and (3) cancellation rights of purchasers relating to issuance and delivery of final public reports of the condominium project.

Under existing law, prior to the first conveyance of any condominium unit in a project, a developer must either pay and satisfy all blanket mortgages and liens affecting all condominium units in the project, or he must obtain a partial release of the apartment being conveyed and its common interests from the blanket mortgages and liens. If a condominium project is being sold by way of agreements of sale, the developer in order to meet this satisfaction or release requirement, would normally take the units in his own name and obtain individual mortgages on each of the units being offered for sale. Prior to selling to a buyer on an agreement of sale, he will then have the unit partially released from the blanket mortgages and liens. In this way the only encumbrance the buyer must satisfy is the individual mortgage on his unit in order to get title free and clear.

Under this bill, the developer would be relieved from any obligation to secure partial releases from the blanket mortgages and liens for each unit prior to entering into an agreement of sale. Thus, there will be no guarantee that a purchaser, upon payment in full under the agreement of sale, will secure his deed or lease free and clear of the blanket mortgages and liens, if the developer defaults or does not satisfy the blanket mortgages or other liens.

I sincerely appreciate the concerns and anxieties of the real estate industry regarding the present real estate market situation which finds many condominium apartment units unsold. Moreover, the lack of mortgage loan money has caused many prospective purchasers to purchase units only on agreements of sale. For most of these people who purchase condominium units on agreements of sale, however, such purchases constitute a major lifetime investment and the failure to get free and clear title upon full payment under the agreement of sale because of the developer's default could prove disastrous to these people. Although

this latter occurrence may be just a remote possibility, I cannot in good conscience expose the people of this State to such risks.

For the foregoing reasons, I am returning House Bill No. 2984-76 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

#### "P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2984-76, entitled 'A Bill for an Act Relating to Horizontal Property Regimes,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2984-76 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2984-76 with my objections to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at State Capitol,  
Honolulu, State of Hawaii,  
this 9th day of June, 1976.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 166 returning Senate Bill No. 1758-76, without his approval, together with his statement of objections relating to the measure which reads as follows:

#### "EXECUTIVE CHAMBERS HONOLULU

June 9, 1976

#### STATEMENT OF OBJECTIONS SENATE BILL NO. 1758-76

Honorable Members  
Eighth Legislature  
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith Senate Bill No. 1758-76, entitled, 'A Bill for an Act Relating to Housing.'

The purpose of this bill is to make improvements in various aspects of the housing development program conducted by the Hawaii Housing Authority under Chapters 356, 359 and 359G, Hawaii Revised Statutes.

Although the purpose and intent of this bill have merit, I find the following item to be objectionable:

Section 4, Part 7 of Senate Bill No. 1758-76 amends Chapter 359G-7, HRS, to read:

'Sec. 359G-7 (Financing. The Director of Finance is hereby authorized to issue both general)Bond financing. (a) General obligation bonds and short term project notes of the State in the aggregate amount not to exceed (\$60,000,000,) \$125,000,000 may be authorized for the (purposes of) dwelling unit revolving fund under this Chapter.'

This section of the bill appropriates \$125,000,000 for the purposes of the Act 105 Housing Program, Session Laws of Hawaii 1970, by authorizing the issuance of bonds in that amount.

This appropriation would cause the bond authorization to exceed the amount of the State's indebtedness set forth in Article VI, Section 3 of the State Constitution.

Moreover, I understand that the appropriation or authorization in Section 4, Part 7, of the bill was intended to be the same amount presently appropriated for the purposes of Act 105.

Section 4, Part 7, of this bill would increase the appropriation to \$145,000,000 as \$20,000,000 have been appropriated by Act 195, Session Laws of Hawaii 1975, for the purposes of Act 105.



Because of the constitutional objection of the duplication of \$20,000,000, I am returning this bill with my objection to Section 4, Part 7. This action does not reduce the current level of support for the Dwelling Unit Revolving Fund because the additional \$20,000,000 authorization in Act 195, Session Laws of Hawaii 1975, continues to remain in effect.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

#### "P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, Senate Bill No. 1758-76, entitled, 'A Bill for an Act Relating to Housing,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 17 of Article III the Governor may veto or reduce any specific item or items in any bill which appropriates money for specific purposes; and

WHEREAS, Senate Bill No. 1758-76 appropriates money for a specific purpose; and

WHEREAS, a certain appropriation item in Senate Bill No. 1758-76, designated hereinbelow, is unacceptable to the Governor of the State of Hawaii:

(1) The appropriation of \$125,000,000 for the dwelling unit revolving fund under Chapter 359G, HRS, in Part 7, Section 4, on page 25 of the bill.

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1758-76 with my objections to one item therein to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at State Capitol,  
Honolulu, State of Hawaii,  
this 9th day of June, 1976.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 167 returning Senate Bill No. 1793-76, without his approval, together with his statement of objections relating to the measure which reads as follows:

#### "EXECUTIVE CHAMBERS HONOLULU

June 9, 1976

#### STATEMENT OF OBJECTIONS SENATE BILL NO. 1793-76

Honorable Members  
Eighth Legislature  
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1793-76, entitled 'A Bill for an Act Relating to General Prohibition Against Water Pollution.'

The purpose of Senate Bill No. 1793-76 is to amend HRS Chapter 342, relating to environmental quality, to insure that the State's National Pollutant and Discharge Elimination System (NPDES) permit program would not be jeopardized.

I am advised, however, that the breadth of the definition of 'pollutant' under Senate Bill No. 1793-76 presents serious enforcement problems for the Department of Health. I also understand that clarification of Chapter 342, as it relates to water pollution, is important but that an amendment is not immediately required. In view thereof, I feel that this bill should not be approved at the present time but that a further study of Chapter 342 should be made to clarify the problem areas in question. It is anticipated that a revised proposal will be submitted to the Legislature next year which will minimize the enforcement problems that could arise under Senate Bill No. 1793-76.

For the foregoing reasons, I am returning Senate Bill No. 1793-76 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

# "P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, Senate Bill No. 1793-76, entitled 'A Bill for an Act Relating to General Prohibition Against Water Pollution,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1793-76 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1793-76 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at State Capitol,  
Honolulu, State of Hawaii,  
this 9th day of June, 1976.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 168 returning Senate Bill No. 1850-76, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 9, 1976

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 1850-76

Honorable Members  
Eighth Legislature  
State of Hawaii

Pursuant to Section 17, Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1850-76, entitled 'A Bill for an Act Relating to Income Tax.'

The primary purpose of the bill is to define the term, 'without regard to source,' which is frequently used in the income tax law to ascertain the taxability or non-taxability of income. The term had inadvertently been omitted from the definitions incorporated in Hawaii Revised Statutes, Chapter 235, the Hawaii Income Tax Law, during the 1973 Legislative Session. This bill seeks to reinstate the definition as part of Hawaii's income tax law.

However, during the 1976 session of the Legislature, a bill containing identical provisions (H.B. No. 2237-76) was also introduced in the House of Representatives. The House bill was later amended by enlarging its scope to include a provision to increase the excise tax credits allowed to those in the lower income group and to double the credits that senior citizens may claim. House Bill No. 2237-76, therefore, contains the identical provisions proposed by S.B. No. 1850-76 but in addition contains a further amendment to increase the allowance of excise tax credits to certain taxpayers.

Since I have already signed into law House Bill No. 2237-76, which contains the identical provisions proposed by Senate Bill No. 1850-76, together with certain other provisions to increase the allowance of excise tax credits, Senate Bill No. 1850-76 is not necessary and approval thereof would serve no useful purpose.

For the foregoing reasons, I am returning S.B. No. 1850-76 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

# "P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten

days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, Senate Bill No. 1850-76, entitled, 'A Bill for an Act Relating to Income Tax,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1850-76 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1850-76 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at State Capitol,  
Honolulu, State of Hawaii,  
this 9th day of June, 1976.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 169 returning Senate Bill No. 2827-76, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 9, 1976

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 2827-76

Honorable Members  
Eighth Legislature  
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith Senate Bill No. 2827-76 entitled, 'A Bill for an Act Making an Appropriation for Repair and Maintenance of State Properties and Facilities.'

The purpose of this bill is to appropriate funds for the repair and maintenance of State-owned or controlled properties.

Although the purpose and intent are merited, I find that a certain item in Senate Bill No. 2827-76 is

unnecessary and will serve no useful purpose.

The item which I find objectionable is Section 2 of the bill which appropriates the sum of \$15,000,000. Section 3 of the bill shows that of that sum \$10,554,242 is to be expended by the Department of Accounting and General Services. Section 3 further provides that of that sum, \$315,000 is to be expended for construction, furniture, furnishings and equipment for office space for the Ombudsman and Legislative Auditor.

Item K-21 (page IVA-52), Section 88A, House Bill No. 2100-76, includes funds for construction, furniture, furnishings and equipment for the offices of the Ombudsman and Legislative Auditor.

Thus, the amount of \$315,000 in Senate Bill No. 2827-76 will constitute a duplicate appropriation.

Therefore, I am returning Senate Bill No. 2827-76 with my objections to the duplicated portion of the \$15,000,000 appropriated in Section 2 of this bill.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, Senate Bill No. 2827-76, entitled 'A Bill for an Act Making Appropriation for Repair and Maintenance of State Properties and Facilities,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 17 of Article III the Governor may veto or reduce any specific item or items in any bill which appropriates money for specific purposes; and

WHEREAS, Senate Bill No. 2827-76 appropriates money for specific

purposes; and

WHEREAS, a certain item in Senate Bill No. 2827-76 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation, pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2827-76 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at State Capitol,  
Honolulu, State of Hawaii,  
this 9th day of June, 1976.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 170 informing the House that on June 15, 1976, he signed the following bills into law:

House Bill No. 2878-76 as Act 241, entitled: "RELATING TO STATE INSURANCE ADMINISTRATION"; and

House Bill No. 2253-76 as Act 242, entitled: "RELATING TO RESIDENTIAL LEASEHOLDS".

Gov. Msg. No. 171 transmitting copies of a report titled, "Hawaii Income Maintenance", prepared by Jack T. Wakayama, Department of Social Services and Housing, upon his retirement.

Gov. Msg. No. 172 transmitting copies of the Annual Report prepared by the Hawaii Public Employment Relations Board, in accordance with Sec. 89-5, HRS.

Gov. Msg. No. 173 transmitting copies of a report prepared by the University of Hawaii in response to House Resolution No. 62, requesting the University of Hawaii Medical School to consider the development of oriental medicine in its curricula.

DEPARTMENTAL COMMUNICATIONS RECEIVED AFTER THE ADJOURNMENT  
OF THE LEGISLATURE SINE DIE

Dept. Com. No. 16 from Noboru Yonamine, Chairperson, Board of Education, acknowledging receipt of House Resolution No. 116.

Dept. Com. No. 17 from Noboru Yonamine, Chairperson, Board of Education, acknowledging receipt of House Resolution No. 422.

Dept. Com. No. 18 from Noboru Yonamine, Chairperson, Board of Education, acknowledging receipt of House Resolution No. 580.

Dept. Com. No. 19 from Noboru Yonamine, Chairperson, Board of Education, acknowledging receipt of House Resolution No. 577.

Dept. Com. No. 20 from Wayne Minami, Director, Department of Regulatory Agencies, acknowledging receipt of House Concurrent Resolution No. 16.

Dept. Com. No. 21 from Takashi Kitaoka, Director, The Judiciary, transmitting copies of the first Statewide annual report, entitled, "Crime in Hawaii: A Review of Uniform Crime Reports."

Dept. Com. No. 22 from Paul R. Broten, Dean, School of Travel Industry Management, University of Hawaii, acknowledging receipt of House Resolution No. 278.

Dept. Com. No. 23 from Douglas S. Yamamura, Chancellor, University of Hawaii, acknowledging receipt of House Resolution Nos. 200, 296 and 659.

Dept. Com. No. 24 from Ronald Y. Amemiya, Attorney General, State of Hawaii, acknowledging receipt of House Concurrent Resolution No. 66.

Dept. Com. No. 25 from Noboru Yonamine, Chairperson, Board of Education, acknowledging receipt of House Resolution No. 470.

Dept. Com. No. 26 from Noboru

Yonamine, Chairperson, Board of Education, acknowledging receipt of House Resolution No. 303.

Dept. Com. No. 27 from Noboru Yonamine, Chairperson, Board of Education, acknowledging receipt of House Resolution No. 539.

Dept. Com. No. 28 from Wayne Minami, Director, Department of Regulatory Agencies, acknowledging receipt of House Resolution No. 601.

Dept. Com. No. 29 from Wayne Minami, Director, Department of Regulatory Agencies, acknowledging receipt of House Resolution No. 559.

Dept. Com. No. 30 from Douglas S. Yamamura, Chancellor, University of Hawaii, acknowledging receipt of House Resolution No. 680.

Dept. Com. No. 31 from Wayne Minami, Director, Department of Regulatory Agencies, acknowledging receipt of House Resolution No. 582.

Dept. Com. No. 32 from Wayne Minami, Director, Department of Regulatory Agencies, acknowledging receipt of House Resolution No. 600.

Dept. Com. No. 33 from Wayne Minami, Director, Department of Regulatory Agencies, acknowledging receipt of House Resolution Nos. 474, 475, 629, 658 and 688.

Dept. Com. No. 34 from Hiroshi Yamashita, Member, Board of Education, acknowledging receipt of House Resolution No. 690.

Dept. Com. No. 35 from Douglas S. Yamamura, Chancellor, University of Hawaii, acknowledging receipt of House Resolution No. 269.

Dept. Com. No. 36 from Douglas S. Yamamura, Chancellor, University of Hawaii, acknowledging receipt of House Resolution No. 519.

MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER ADJOURNMENT  
OF THE LEGISLATURE SINE DIE

Misc. Com. No. 37 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 421.

Misc. Com. No. 38 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 299.

Misc. Com. No. 39 from Spencer C. Johnson, Associate Director of the Domestic Council, acknowledging receipt of House Resolution No. 421.

Misc. Com. No. 40 from Bruce M. Graham, Deputy Administrator, United States Department of Agriculture, acknowledging receipt of House Resolution No. 295.

Misc. Com. No. 41 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 181.

Misc. Com. No. 42 from the Honorable Carl Albert, Speaker, U.S. House of Representatives, acknowledging receipt of House Resolution No. 52.

Misc. Com. No. 43 from Fowler C. West, Staff Director, acknowledging receipt of House Resolution No. 421.

Misc. Com. No. 44 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 52.

Misc. Com. No. 45 from the Honorable Hiram L. Fong, United States Senator, acknowledging receipt of House Resolution No. 299.

Misc. Com. No. 46 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 197.

Misc. Com. No. 47 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a letter concerning the proposed revisions in the U.S. Department of Agriculture Food Stamp Program.

Misc. Com. No. 48 from Harry W. Brooks, Jr., Major General, USA, Commanding, acknowledging receipt of House Resolution No. 377.

Misc. Com. No. 49 from the

Honorable Frank F. Fasi, Mayor, City and County of Honolulu, acknowledging receipt of House Resolution No. 451.

Misc. Com. No. 50 from Lucille H. Shriver, Executive Director, The National Federation of Business and Professional Women's Clubs, Inc. of the United States of America, acknowledging receipt of House Resolution No. 499.

Misc. Com. No. 51 from the Honorable Carl Albert, Speaker, U.S. House of Representatives, acknowledging receipt of House Resolution No. 197.

Misc. Com. No. 52 from James L. Kolstad, Director, Community and Congressional Relations, Civil Aeronautics Board, acknowledging receipt of House Resolution No. 248.

Misc. Com. No. 53 from the Honorable Elmer F. Cravalho, Mayor, County of Maui, acknowledging receipt of House Resolution Nos. 456 and 608.

Misc. Com. No. 54 from Andrew L. Adams, Regional Director, United States Department of Agriculture, acknowledging receipt of a copy of House Resolution No. 538.

Misc. Com. No. 55 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 353.

Misc. Com. No. 56 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of House Resolution No. 538.

Misc. Com. No. 57 from A. B. Calcagnini, Deputy Administrator, Commodity Operations, United States Department of Agriculture, acknowledging receipt of House Resolution No. 197.

Misc. Com. No. 58 from Roland L. Elliott, Director of Correspondence, The White House, acknowledging receipt of a copy of House Resolution.

Misc. Com. No. 59 from Fowler C. West, Staff Director, acknowledging receipt of copies of House Resolution No. 197 and House Concurrent Resolution No. 74.

Misc. Com. No. 60 from the Honorable Hiram L. Fong, United States Senator, acknowledging receipt of a copy of House Resolution No. 353.

Misc. Com. No. 61 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Concurrent Resolution No. 74.

Misc. Com. No. 62 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of House Resolution No. 353.

Misc. Com. No. 63 from Spencer C. Johnson, Associate Director of the Domestic Council, The White House, acknowledging receipt of a copy of House Concurrent Resolution No. 74.

Misc. Com. No. 64 from A.M. Thompson, Administrative Assistant to Senator Hiram L. Fong, acknowledging receipt of House Resolution Nos. 22 and 138.

Misc. Com. No. 65 from the Honorable Hiram L. Fong, United States Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 52.

Misc. Com. No. 66 from Shannon A. Cockett, Special Assistant to Senator Daniel K. Inouye, acknowledging receipt of a copy of House Concurrent Resolution No. 52.

Misc. Com. No. 67 from John J. Scanlan, Bishop of Honolulu, acknowledging receipt of a copy of House Resolution No. 692.

Misc. Com. No. 68 from the Honorable Carl Albert, Speaker, U.S. House of Representatives, acknowledging receipt of a copy of House Concurrent Resolution No. 74.

Misc. Com. No. 69 from Richard D. Parsons, Associate Director and Counsel, Domestic Council, The White House, acknowledging receipt of a copy of House Concurrent Resolution No. 59.

Misc. Com. No. 70 from Andrew L. Adams, Regional Director, United States Department of Agriculture, acknowledging receipt of a copy of House Concurrent Resolution No. 106.

Misc. Com. No. 71 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of House Concurrent Resolution No. 106.

Misc. Com. No. 72 from Patrick H. De Leon, Legislative Assistant to Senator Daniel K. Inouye, acknowledging receipt of a copy of House Concurrent Resolution No. 59.

Misc. Com. No. 73 from Patrick H. De Leon, Legislative Assistant to Senator Daniel K. Inouye, acknowledging receipt of copies of House Resolutions Nos. 22, 138 and 74.

Misc. Com. No. 74 from Patrick H. De Leon, Legislative Assistant to Senator Daniel K. Inouye, transmitting a copy of letter from Richard L. Feltner, Assistant Secretary, Department of Agriculture, relating to the proposed food stamp regulation changes.

Misc. Com. No. 75 from Roland L. Elliott, Director of Correspondence, The White House, acknowledging receipt of copies of House Resolutions.

Misc. Com. No. 76 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Concurrent Resolution No. 57.

Misc. Com. No. 77 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Concurrent Resolution No. 59.

Misc. Com. No. 78 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of House Resolution No. 197.

Misc. Com. No. 79 from the Honorable Hiram L. Fong, United States Senator, acknowledging receipt of a copy of House Resolution No. 605.

Misc. Com. No. 80 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 112.

Misc. Com. No. 81 from Roland L. Elliott, Director of Correspondence, The White House, acknowledging receipt of a copy of House Resolution.

Misc. Com. No. 82 from Mrs. Walter G. Kimmel, President, National Congress of Parents and Teachers, acknowledging receipt of a copy of House Resolution No. 635.

Misc. Com. No. 83 from the Honorable Hiram L. Fong, United States Senator, acknowledging receipt of copies of House Resolution No. 351 and House Concurrent Resolution No. 57.

Misc. Com. No. 84 from the Honorable



Hiram L. Fong, United States Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 59.

Misc. Com. No. 85 from Roland L. Elliott, Director of Correspondence, The White House, acknowledging receipt of a copy of House Resolution.

Misc. Com. No. 86 from Robert F. Ellis, President, Chamber of Commerce of Hawaii, expressing appreciation for the consideration and assistance rendered with the Chamber's requests for bills and publications of the Regular Session of 1976.

Misc. Com. No. 87 from the Honorable Herman E. Talmadge, United States Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 74.

Misc. Com. No. 88 from the Honorable Hiram L. Fong, United States Senator, acknowledging receipt of a copy of House Resolution No. 601.

Misc. Com. No. 89 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Resolution No. 351.

Misc. Com. No. 90 from Irving J. Engelman, Contract Administrator, American Public Welfare Association, acknowledging receipt of a copy of House Resolution No. 23, relating to the Supplemental Security Income Program.

Misc. Com. No. 91 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 473.

Misc. Com. No. 92 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 51.

Misc. Com. No. 93 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 53.

Misc. Com. No. 94 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 351.

Misc. Com. No. 95 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 23.

Misc. Com. No. 96 from Robert R. Way, Chief Planning Officer, City and County of Honolulu, acknowledging receipt of House Resolution 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.

Misc. Com. No. 97 from the Honorable Hiram L. Fong, United States Senator, acknowledging receipt of copies of House Resolutions Nos. 51 and 53.

Misc. Com. No. 98 from Stephen T. Boyle, Director, Office of Congressional Liaison, United States Department of Justice, acknowledging receipt of House Concurrent Resolution No. 100.

Misc. Com. No. 99 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Resolution No. 248, urging the Civil Aeronautics Board to rule favorably on Aloha Airlines' petition to restore senior citizen fares.

Misc. Com. No. 100 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Concurrent Resolution No. 57, requesting the Congress to enact legislation to compensate or make reparation payments to Hawaiians for damages suffered by them at the time of annexation.

Misc. Com. No. 101 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 601, requesting the Congress of the United States to consider the effects of the Federal Communications Commission's decisions on State Public Utilities Commissions.

Misc. Com. No. 102 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of House Resolution 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.

Misc. Com. No. 103 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of a copy of House Resolution No. 589, requesting the United States Congress to enact the Family Research Act of 1975 (S. 2250).

Misc. Com. No. 104 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of copies of House Resolution No. 605 and House Concurrent Resolution No. 100.

Misc. Com. No. 105 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of a copy of House Resolution No. 23.

Misc. Com. No. 106 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of House Resolution No. 51, relating to Federal reform of the Food Stamp Act.

Misc. Com. No. 107 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of a copy of House Resolution No. 136, requesting the United States Civil Aeronautics Board to authorize direct flights from Kauai to the mainland United States.

Misc. Com. No. 108 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of a copy of House Resolution No. 53, requesting the Department of Health, Education and Welfare to review and amend Federal Title XX regulations to eliminate those requirements related to eligibility and implementation which hinder and forestall State implementation and action.

Misc. Com. No. 109 from the Honorable Peter W. Rodino, Jr., acknowledging receipt of copies of House Concurrent Resolution No. 59 and House Resolution No. 353.

Misc. Com. No. 110 from Dale S. Collingson, Tax Legislative Counsel, Office of the Secretary of the Treasury, acknowledging receipt of a copy of House Resolution No. 473, respecting a suggested amendment to the Internal Revenue Code.

Misc. Com. No. 111 from the Honorable Carl Albert, Speaker, U.S. House of Representatives, acknowledging receipt of copies of House Resolutions Nos. 23, 51, 53, 351, 473 and 601, and House Concurrent Resolution No. 57.

Misc. Com. No. 112 from James Biddle, President, National Trust for Historic Preservation, expressing appreciation for the proclamation presented to the National Trust, commending their efforts.

Misc. Com. No. 113 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 57.

Misc. Com. No. 114 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 351.

Misc. Com. No. 115 from the Honorable Hiram L. Fong, United States Senator, acknowledging receipt of a copy of House Resolution No. 136, requesting the Civil Aeronautics Board to authorize direct flights from Kauai to the mainland states.

Misc. Com. No. 116 from Vincent C. Marino, Executive Director, The Habilitat, Inc., acknowledging receipt of a copy of House Resolution No. 455.

Misc. Com. No. 117 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of copies of House Resolution No. 138 and House Concurrent Resolution No. 22.

Misc. Com. No. 118 from the Honorable Hiram L. Fong, United States Senator, acknowledging receipt of a copy of House Resolution No. 269, requesting an action program to qualify Hawaii residents for available and projected Federal jobs.

Misc. Com. No. 119 from the Honorable Hiram L. Fong, United States Senator, acknowledging receipt of a copy of House Resolution No. 23.

Misc. Com. No. 120 from the Honorable Hiram L. Fong, United States Senator, acknowledging receipt of a copy of House Resolution No. 589, requesting the United States Congress to enact the Family Research Act of 1975 (S. 2250).

Misc. Com. No. 121 from Francis Keala, Chief of Police, City and County of Honolulu, acknowledging receipt of a certified copy of House Resolution No. 703.

Misc. Com. No. 122 from George C. Villegas, Director, Department of Transportation Services, City and County of Honolulu, acknowledging receipt of House Resolution No. 596, concerning express bus service from the Pearl City-Pearl Ridge area to the University of Hawaii.

Misc. Com. No. 123 from George C. Villegas, Director, Department of Transportation Services, City and County of Honolulu, acknowledging receipt of House Resolution No. 502, concerning bus service on Aiea Heights Drive.

Misc. Com. No. 124 from the Honorable

able Hiram L. Fong, United States Senator, acknowledging receipt of House Resolution No. 538 and House Concurrent Resolution No. 106, both endorsing a mass rearing laboratory in Hawaii.

Misc. Com. No. 125 from Mrs. Asako Takane and family, expressing appreciation for the many kindnesses and thoughtfulness received during their recent bereavement.

Misc. Com. No. 126 from Arthur T. Ueoka, County Attorney, County of Maui, acknowledging receipt of House Resolution No. 439.

Misc. Com. No. 127 from John Bohn, Administrator, Oahu Civil Defense Agency, City and County of Honolulu, acknowledging receipt of House Resolution No. 488.

Misc. Com. No. 128 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Resolution No. 269.

Misc. Com. No. 129 from Kekoa Kaapu, Vice Chairman, City Council, City and County of Honolulu, acknowledging receipt of a copy of House Resolution No. 471.

Misc. Com. No. 130 from H. Spofford Canfield, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 601.

Misc. Com. No. 131 from James O. Lee, Jr., Deputy Administrator, Plant Protection and Quarantine Programs, United States Department of Agriculture, responding to House Resolution No. 538.

Misc. Com. No. 132 from William T. Manley, Acting Administrator, United States Department of Agriculture, acknowledging receipt of House Resolution No. 136, concerning direct flights from Kauai to the mainland.

Misc. Com. No. 133 from Young Suk Ko, Director, Department of Parks and Recreation, City and County of Honolulu, responding to House Resolution No. 603, relating to Koauka Loop Park site.

Misc. Com. No. 134 from James S. Ushijima, County Clerk, County of Maui, transmitting a certified copy of Resolution No. 76-66, supporting and endorsing the plan of the Department of Land and Natural Resources to designate Hulopeo-Manele Bay area,

Lanai, a marine life conservation district, which was adopted by the Council on May 21, 1976.

Misc. Com. No. 135 from the Honorable Daniel K. Inouye, United States Senator, transmitting a copy of correspondence from the Social and Rehabilitation Service concerning the revised regulations to the Social Security Act.

Misc. Com. No. 136 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Concurrent Resolution No. 59, requesting Congress to take action to establish adjustable immigration quotas without restrictions for immediate family.

Misc. Com. No. 137 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Resolution No. 23, requesting Congress to amend the Federal Supplemental Security Income Program.

Misc. Com. No. 138 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Resolution No. 473, requesting Congress to amend the Internal Revenue Code to promote the sale of residential land subject to leaseholds.

Misc. Com. No. 139 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Resolution No. 589, requesting Congress to enact the Family Research Act of 1975 (S. 2250).

Misc. Com. No. 140 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Concurrent Resolution No. 57 and House Resolution No. 351.

Misc. Com. No. 141 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Concurrent Resolution No. 106 and House Resolution No. 538.

Misc. Com. No. 142 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Resolution No. 132, which opposes landing rights granted to the supersonic transport.

Misc. Com. No. 143 from the Honorable Hiram L. Fong, United States Senator, transmitting a copy of letter from Senator Harrison A. Williams, Chairman of the Senate Labor and Public Welfare Committee, relating to House Resolution No. 353.

Misc. Com. No. 144 from the Honorable Spark Matsunaga, Member of Congress,

acknowledging receipt of a copy of House Resolution No. 528, expressing concern about the possible adverse effects resulting from the use of fluorocarbon compounds on the environment and the welfare of the people of Hawaii.

Misc. Com. No. 145 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Resolution No. 51 and House Concurrent Resolution No. 74.

Misc. Com. No. 146 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Resolution No. 52, requesting the retention of certain Department of Defense programs for the Army and Air National Guard.

Misc. Com. No. 147 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Resolution No. 53.

Misc. Com. No. 148 from the Honorable Hiram L. Fong, United States Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 100, requesting the Governor to establish by Executive Order a Juvenile Justice Coordinating Council.

Misc. Com. No. 149 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, transmitting a copy of communication from the Department of Agriculture in response to an inquiry concerning the need and establishment of a fruit fly mass rearing laboratory facility in Hawaii.

Misc. Com. No. 150 from Patrick H. De Leon, Legislative Assistant to Senator Daniel K. Inouye, transmitting a copy of correspondence from the Department of Agriculture concerning the proposed food stamp regulation changes.

Misc. Com. No. 151 from Young Suk Ko, Director, Department of Parks and Recreation, City and County of Honolulu, responding to House Resolution No. 471.

Misc. Com. No. 152 from John B. Connell, Executive Director, Construction Industry Legislative Organization, expressing appreciation for the courtesies and cooperation rendered during the Regular Session of 1976.

Misc. Com. No. 153 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Resolution No. 605 and House Concurrent Resolution No. 100.

Misc. Com. No. 154 from Richard Rust, Legislative Assistant to Senator Daniel K. Inouye, transmitting a copy of letter from Secretary J. William Middendorf concerning Rainbow Beach.

Misc. Com. No. 155 from Samuel E. Crouch, Director, Office of Program Evaluation and Planning, acknowledging receipt of a copy of House Resolution, requesting Congress of the United States to amend the Federal supplemental security income (SSI) program.

Misc. Com. No. 156 from Francis C. Hurney, Secretary, Federal Maritime Commission, acknowledging receipt of House Concurrent Resolution No. 66, concerning rates of Matson Navigation Company on fresh pineapple and papaya.

Misc. Com. No. 157 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Resolution No. 601, requesting Congress to consider the effects of the Federal Communications Commission's decisions on State Public Utilities Commissions.

Misc. Com. No. 158 from the Honorable Hiram L. Fong, United States Senator, transmitting a copy of correspondence from the Naval Facilities Engineering Command with respect to House Resolution No. 299, requesting the transfer of Navy land at McGrew Point, Oahu, for park use.

Misc. Com. No. 159 from Patrick H. De Leon, Legislative Assistant to Senator Daniel K. Inouye, transmitting a copy of letter from Commissioner James B. Cardwell relating to House Resolution No. 23, regarding the "hold-harmless" provision of the Social Security legislation.

Misc. Com. No. 160 from Patrick H. De Leon, Legislative Assistant to Senator Daniel K. Inouye, transmitting a copy of letter from Chairman Robson regarding House Resolution No. 136, urging the CAB to authorize direct flights from Kauai to the Mainland.

Misc. Com. No. 161 from the Honorable Spark Matsunaga, Member of Congress, acknowledging receipt of a copy of House Resolution No. 197, requesting enactment of a new Sugar Act.