

## THIRTY-SIXTH DAY

Thursday, March 10, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Major Glenn Austin of the Salvation Army, after which the Roll was called showing all members present with the exception of Representatives Fong, Kunimura, Larsen, Nakamura, Suwa, Takamura and D. Yamada, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Thirty-Fifth Day.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, reading of the Journal was dispensed with and the Journal of the Thirty-Fifth Day was approved.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 34 to 36) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 34) transmitting Senate Concurrent Resolution No. 121, expressing deepest sympathy to the family of the late Janet Chong Mark, which was adopted by the Senate on March 9, 1977, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.C.R. No. 121 was adopted by a rising vote.

A communication from the Senate (Sen. Com. No. 35) transmitting Senate Concurrent Resolution No. 45, requesting the U.S. Congress to amend the Revenue Sharing Program, which was adopted by the Senate on March 9, 1977, was placed on file.

By unanimous consent, action on S.C.R. No. 45 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 36) transmitting Senate Bill No. 239, entitled: "A BILL FOR AN ACT RELATING TO THE PROFESSIONAL AND RESEARCH

STAFF OF HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD", which passed Third Reading in the Senate on March 9, 1977, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.B. No. 239 passed First Reading by title and further action was deferred until later in the calendar.

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

Representative Ushijima introduced 22 students (Sophomores) from Roosevelt High School. They were accompanied by their teacher, Mr. Joe Scanlan.

Representative Naito introduced Mr. Milton G. Rector who is the delegate to the United Nations World Congress on Crime. He also served as a consultant on the President's Commission on Law Enforcement and the Administration of Justice in 1967; as President of the National Council on Crime and Delinquency (NCCD); and is an international authority on criminal justice.

Representative Kiyabu introduced 68 sixth grade students from Liholiho School. They were accompanied by their teachers, Mrs. Esther Conant, Miss Doris Wataya and Mr. Fred Trupiano.

## ORDER OF THE DAY

## COMMITTEE REFERRALS

The following Senate bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
96	Committee on Agriculture
159	Committee on Water, Land Use, Development and Hawaiian Homes
237	Committee on Public Employment and Government Operations, then to the Committee on Finance
239	Committee on Public Employment and Government Operations
352	Committee on Public Assistance and Human Services
416	Committee on Public Employment and Government Operations

745 Committee on Agriculture

been printed and distributed.

982 Committee on Finance

On motion by Representative Lunasco, seconded by Representative Morioka and carried, the report of the Committee was adopted.

#### DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 484 to 489) and concurrent resolutions (S.C.R. Nos. 38, 45 and 96) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
484	Committee on Health, then to the Committee on Education
485	Committee on Education
486	Committee on Education
487	Committee on Water, Land Use, Development and Hawaiian Homes
488	Committee on Education
489	Committee on Education

Representative Baker, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 472) recommending that H.C.R. No. 39 be adopted.

On motion by Representative Baker, seconded by Representative Ushijima and carried, the report of the Committee was adopted and H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO WORK FOR LEGISLATION WHICH WILL ASSIST THE STATE OF HAWAII IN THE IMMIGRANT PROGRAM", was adopted.

Representatives Mizuguchi and Say, for the Committees on Education and Culture and the Arts, presented a joint report (Stand. Com. Rep. No. 473) recommending that H.R. No. 280 be adopted.

#### S.C.R. Nos.

38	Committee on Public Assistance and Human Services
45	Committee on Finance
96	Committee on Education, then to the Committee on Finance

On motion by Representative Mizuguchi, seconded by Representative Say and carried, the joint report of the Committees was adopted and H.R. No. 280, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT OF SCHOOL-INITIATED PROGRAMS WHICH PROMOTE CULTURAL AND ETHNIC AWARENESS AND APPRECIATION", was adopted.

#### COMMITTEE REASSIGNMENT

H.B. No. 131 was re-referred to the Committee on Ocean and Marine Resources

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 474) recommending that H.R. No. 69, as amended in HD 1, be adopted.

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 454 on H.B. No. 182, HD 1 (Deferred from March 9, 1977):

Representative Garcia requested that action be deferred until the end of the morning calendar, and the Chair, noting that there were no objections, so ordered.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.R. No. 69, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE STATE FOUNDATION ON HISTORY AND THE HUMANITIES", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 475) recommending that H.R. No. 77, as amended in HD 1, be adopted.

#### STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 471) informing the House that House Resolution Nos. 483 to 489, and Standing Committee Report Nos. 465 to 470 and 472 to 479, have

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.R. No. 77, HD 1, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF THE MANAGEMENT OF THE STATE/COUNTY HOSPITALS", was adopted.

Representatives Aki and Segawa, for the Committees on Youth and Elderly Affairs and Health, presented a joint report (Stand. Com. Rep. No. 476) recommending that H.R. No. 102 be adopted.

On motion by Representative Aki, seconded by Representative Segawa and carried, the joint report of the Committees was adopted and H.R. No. 102, entitled: "HOUSE RESOLUTION REQUESTING COMPREHENSIVE HEALTH SCREENING FOR THE ELDERLY", was adopted.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 477) recommending that H.R. No. 100, as amended in HD 1, be adopted.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 100, HD 1, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF THE NEED FOR A CHILD CARE MASTER PLAN FOR THE STATE OF HAWAII", was adopted.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 478) recommending that H.R. No. 101 be adopted.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 101, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF THE FINDINGS OF THE HOUSE INTERIM COMMITTEE ON CHILD ABUSE", was adopted.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 479) recommending that H.R. No. 269, as amended in HD 1, be adopted.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 269, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE VOLUNTEER SERVICES TO STUDY AND REPORT ON THE NEED FOR A STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICES IN STATE GOVERNMENT", was adopted.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 490 to 498)

were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 11, 1977:

A resolution (H.R. No. 490) requesting the Hawaii Housing Authority to present plans for the redevelopment and rehabilitation of the Kalakaua Homes was jointly offered by Representatives Takamura, Shito and Uwaine.

A resolution (H.R. No. 491) relating to bilingual and bicultural programs was jointly offered by Representatives Takamine, Inaba, Segawa, Suwa and K. Yamada.

A resolution (H.R. No. 492) expressing the firm endorsement of the Hawaii State House of Representatives for the continuation of the new and young farmer training program being administered by the Cooperative Extension Service of the College of Tropical Agriculture was jointly offered by Representatives Takamine, Inaba, Segawa, Suwa and K. Yamada.

A resolution (H.R. No. 493) requesting a review and evaluation of the Haina, Amaulu, and Ninole sugar plantation communities on the Big Island of Hawaii as possible historic preservation sites was jointly offered by Representatives Takamine, Segawa and K. Yamada.

A resolution (H.R. No. 494) requesting the use of the temporary labor force in the schools was jointly offered by Representatives Takamine, Inaba, Segawa and K. Yamada.

A resolution (H.R. No. 495) requesting prescriptive follow-through for students in need of special education was jointly offered by Representatives Takamine, Inaba, Segawa and K. Yamada.

A resolution (H.R. No. 496) requesting Onomea Bay, Hawaii, be designated as a marine life conservation district was jointly offered by Representatives Takamine, Inaba, Segawa and K. Yamada.

A resolution (H.R. No. 497) urging the redoubling of effort by government agencies to develop effective pest control programs to curtail the introduction and establishment of nonnative insect species detrimental to Hawaii's agriculture industry was jointly offered by Representatives Takamine, Inaba, Segawa, Suwa and K. Yamada.

A resolution (H.R. No. 498) requesting the State Department of Agriculture

to study the need for establishing slaughterhouses in the major cattle producing areas of the State was jointly offered by Representatives Takamine, Inaba, Segawa, Suwa and K. Yamada.

The following resolutions (H.R. Nos. 499 and 500) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 499) congratulating the Koolau Bobby Sox Major League on winning the State Championship was jointly offered by Representatives Evans, Abercrombie, Ajifu, Aki, Baker, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Evans, seconded by Representative Medeiros and carried, H.R. No. 499 was adopted.

A resolution (H.R. No. 500) congratulating the Koolau Bobby Sox Minor League on winning the State Championship was jointly offered by Representatives Evans, Abercrombie, Ajifu, Aki, Baker, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Evans, seconded by Representative Medeiros and carried, H.R. No. 500 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 501 and 502) and concurrent resolutions (H.C.R. Nos. 88 to 92) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 11, 1977:

A resolution (H.R. No. 501) urging the Governor of Hawaii and the Department of Land and Natural Resources to expedite the processing of a long-

term renewal lease for the Waimanalo Experiment Station was jointly offered by Representatives Yuen, Ajifu, Inaba, Uechi and Ushijima.

A resolution (H.R. No. 502) requesting the Department of Agriculture to study the feasibility of establishing an agricultural park in Waimanalo, Oahu was jointly offered by Representatives Uechi, Abercrombie, Aki, Blair, Caldito, Cayetano, Garcia, Inaba, Kiyabu, Lunasco, Mizuguchi, Morioka, Nakamura, Peters, Suwa, Ushijima, Uwaine, D. Yamada and K. Yamada.

A concurrent resolution (H.C.R. No. 88) requesting Onomea Bay, Hawaii, be designated as a marine life conservation district was jointly offered by Representatives Takamine, Inaba, Segawa and K. Yamada.

A concurrent resolution (H.C.R. No. 89) 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 jointly offered by Representatives Takamine, Inaba, Segawa, Suwa and K. Yamada.

A concurrent resolution (H.C.R. No. 90) requesting a study on the feasibility of establishing a Hawaii Sports Hall of Fame was offered by Representative Yuen.

A concurrent resolution (H.C.R. No. 91) urging the Governor of Hawaii and the Department of Land and Natural Resources to expedite the processing of a long-term renewal lease for the Waimanalo Experiment Station was jointly offered by Representatives Yuen, Ajifu, Inaba, Uechi and Ushijima.

A concurrent resolution (H.C.R. No. 92) requesting the Department of Agriculture to study the feasibility of establishing an agricultural park in Waimanalo, Oahu was jointly offered by Representatives Uechi, Abercrombie, Aki, Blair, Caldito, Cayetano, Garcia, Inaba, Kiyabu, Lunasco, Mizuguchi, Morioka, Nakamura, Peters, Suwa, Ushijima, Uwaine, D. Yamada and K. Yamada.

At 11:14 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:47 o'clock a.m., the Vice Speaker assumed the rostrum.



The Chair then directed the Clerk to note the presence of Representatives Fong, Kunimura, Larsen, Nakamura, Suwa, Takamura and D. Yamada.

#### SUSPENSION OF RULES

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

#### THIRD READING

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

##### H.B. No. 1060:

On motion by Representative Uechi, seconded by Representative Inaba, H.B. No. 1060, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS AND AMENDING CHAPTER 155, HAWAII REVISED STATUTES", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

##### H.B. No. 1058:

On motion by Representative Uechi, seconded by Representative Inaba and carried, H.B. No. 1058 was recommitted to the Committee on Agriculture inasmuch as "a similar Senate bill has come over."

##### H.B. No. 1247:

On motion by Representative Uechi, seconded by Representative Inaba, H.B. No. 1247, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Wakatsuki being excused.

##### H.B. No. 1083, HD 1:

Representative Kawakami requested that action be deferred until the end of the morning calendar, and the Chair, noting that there were no objections, so ordered.

##### H.B. No. 1066:

On motion by Representative Takamine, seconded by Representative Peters, H.B. No. 1066, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

##### H.B. No. 645, HD 1:

On motion by Representative Takamine, seconded by Representative Peters, H.B. No. 645, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

##### H.B. No. 777:

Representative Garcia requested that action on H.B. No. 777 be deferred one day, and the Chair, noting that there were no objections, so ordered.

##### H.B. No. 780, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 780, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

##### H.B. No. 805, HD 1:

Representative Garcia moved that H.B. No. 805, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Ikeda then rose and inquired whether or not the Chairman of the Judiciary Committee would yield to a question, to which Representative Garcia replied in the affirmative.

Representative Ikeda then asked:

"Mr. Speaker, I would like to know if, by passing this bill, we will be eliminating court or State appointed counsel for the fathers."

At 11:52 o'clock a.m., on request by Representative Garcia, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:55 o'clock a.m., Representative Garcia requested that action on H.B. No. 805, HD 1, be deferred until the end of the calendar.

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

H.B. No. 253, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 253, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF PROBATION AND SUSPENDED SENTENCES UNDER THE HAWAII PENAL CODE", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

H.B. No. 269:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 269, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, AND SEPARATION", passed Third Reading by a vote of 42 ayes to 8 noes, with Representatives Ajifu, Blair, Carroll, Evans, Kiyabu, Mina, Mizuguchi and Sutton voting no, and Representative Wakatsuki being excused.

H.B. No. 776:

Representative Garcia requested that action on H.B. No. 776 be deferred one day, and the Chair, noting that there were no objections, so ordered.

H.B. No. 778, HD 1:

Representative Kawakami moved that H.B. No. 778, HD 1, having been read throughout, pass Third Reading, seconded by Representative Caldito.

Representative Narvaes then rose and stated:

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

Mr. Speaker, when we allow fishermen to go out in boats with nets to catch schools of fish, very often, you will find in these schools, fish that would be under the size asked for under this law. They are killed by the thousands, and here on the other hand, we have a spear fisherman go spear fishing and all he wants is a little food to eat. We're telling him that he can't catch a fish that is, say, 9 inches in the case of Kala.

I can't condone such a law as

this. I think the people in my area, especially the poor people, would want to be allowed to go out and catch fish that, perhaps, are a little bit smaller. The small fish comes along and they are going to spear what is available. For these reasons and other reasons, I can't expect the spear fisherman to carry a ruler with him when he goes spearing. I think that's something that is pretty impossible to ask a fisherman to do--to measure a fish before he spears it--and for another reason such as, when you're in the water, sometimes it is very difficult to tell what the true size of the fish is.

Again, considering that we do not penalize the net fisherman for fish that are under certain sizes, I do not feel that we should penalize the spear fisherman. I urge all members to vote 'no'."

Representative Lunasco then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill, but with some reservations.

My reservation is, Mr. Speaker, assuming that a fisherman went to spear a fish that was below the minimum size and he gave it to you, Mr. Speaker, and you got caught with it, you would be liable for possession of an illegal sized fish.

During the hearing, they could not clarify this, and this is my reservation."

The Chair remarked:

"Representative Lunasco, before that would happen, we Hawaiians eat that raw so before we get caught with the fish, it'll probably be in our bellies."

The motion was put by the Chair and carried, and H.B. No. 778, HD 1, entitled: "A BILL FOR AN ACT TO AMEND SECTION 188-25(e) HAWAII REVISED STATUTES, RELATING TO SPEAR FISHING", passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Narvaes and Sutton voting no, and Representative Wakatsuki being excused.

H.B. No. 730, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 730, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS

BY THE STATE OF HAWAII IN CRIMINAL PROCEEDINGS", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

H.B. No. 533:

On motion by Representative Naito, seconded by Representative Garcia, H.B. No. 533, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON", passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Cayetano and Stanley voting no, and Representative Wakatsuki being excused.

H.B. No. 206, HD 1:

On motion by Representative Segawa, seconded by Representative Shito, H.B. No. 206, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE EMERGENCY MEDICAL SERVICES PROGRAM", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

H.B. No. 1069, HD 1:

On motion by Representative Kawakami, seconded by Representative Caldito, H.B. No. 1069, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISH AND GAME PENALTIES", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

H.B. No. 515, HD 1:

Representative Kawakami moved that action on H.B. No. 515, HD 1, be deferred until the end of the morning calendar, and the Chair, noting that there were no objections, so ordered.

H.B. No. 879, HD 1:

On motion by Representative Baker, seconded by Representative Ushijima, H.B. No. 879, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

H.B. No. 309, HD 1:

On motion by Representative Toguchi,

seconded by Representative Morioka, H.B. No. 309, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REMOVAL OF CORAL", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

H.B. No. 245, HD 1:

Representative Garcia requested that action on H.B. No. 245, HD 1, be deferred one day, and the Chair, noting that there were no objections, so ordered.

H.B. No. 999, HD 1:

Representative Cayetano moved that H.B. No. 999, HD 1, having been read throughout, pass Third Reading, seconded by Representative Takamura.

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

"Mr. Speaker, the intent of this bill is quite good and I am wholly in accord with the concept which is set forth here. However, as the members may note, Section 291C-62 which relates to vehicle turning, shows an amendment to indicate bicycles or persons approaching from the opposite direction, or proceeding in the same direction when such vehicle, bicycle, or person is within the intersection, or so close thereto, as to constitute an immediate hazard. With the use of the term 'bicycle' which is reflected throughout this particular bill, we have the very troublesome matter of the vehicular use of the moped.

I think that at the time that we reclassify the moped--I believe there's a measure before this House to do this--then this measure will be all right. But in the present form, we're going to put what amounts to a small motorcycle in the same category and ask for the same treatment for that particular vehicle that we give to pedestrians and bicycles, and the bicycles, of course, are covered under another code than that for the motor vehicles, so on that basis, I ask that we either pass other measures to make this in line with my remarks, or vote 'no' on the measure.

Thank you."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I rise to speak in favor of the bill and to rebut the last speaker."

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

"Thank you.

Mr. Speaker, I kept mostly silent in this area but with the moped being brought up all the time, I think it's time that we get straight on this whole situation. The moped is a bicycle under our law, and we're passing laws in respect of the bicycle. I hear about violations by people on the bicycle called the moped. Well, hell, you have violations with automobiles all the time; you have pedestrians all the time. We are not talking about removing the pedestrians from being able to cross the street; we are not talking about removing automobiles from the street because people violate it. That's why we have laws. If someone on a moped is violating the law, then arrest him, but let's stop bringing up this 'red herring' about mopeds. Mopeds are good for people--they have done a lot for the city already in providing a cheap form of transportation. They've provided people in my district, for example, who have hills to ride up and down. It's good for people who are older, who would like to be able to have a kind of transportation like this--a little mobility.

We passed this because it was in the public interest. The fact that there are some problems with it means the problems should be addressed, but let's not take the mopeds and make them into some kind of a monster in respect to bicycles and respect a good proposed law like this, and not pass the bill because of that kind of situation. Let's stop making mopeds into some kind of a 'red herring' when it comes to the diversification of transportation in the State."

Representative Carroll then rose and stated:

"I rise for the purpose of rebutting remarks by the previous speaker.

Mr. Speaker, no one is more in favor of the moped than I am. I certainly do not look at it as a 'red herring'. I look at it, rather, as a very cheap and an excellent means of transportation, properly used, and it is only for that reason that I address the issue of the moped. I think that if we pass this measure, and we're going to enforce the law as it is existing on the books, that our mopeds people will have to go to the intersection, dismount, and push the vehicle to the pedestrian crosswalk in order to make a left-hand turn.

Now, as has been represented to this body, we do have difficulties with it, but I think that if we're going to pass this kind of a measure and we're going to cause the kind of enforcement problems that we will create by it, we're not going to be helping the moped rider; we're going to be hurting them, and it's for that reason that I have risen to speak on this measure, and urge that we hold this in abeyance until the proper time comes up.

For that reason I have risen, and I do not like being accused of throwing 'red herring' before this body. Thank you."

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

"Mr. Speaker, in response to some of the questions brought up by the representative from the district which has the small boat harbor, let me make these responses.

The problem here. . ."

At this point, Representative Carroll rose on a point of order and stated:

"Mr. Speaker, we do not respond to threats."

Representative Cayetano continued, stating:

"The problem pointed out here, Mr. Speaker, is being dealt with by the Committee. We have heard several bills dealing directly with this problem. Unfortunately, we have some deadlines to meet and this bill happens to be one that we're reporting out at this time. The Committee has not made a decision on the other bills which would deal with the problems brought out by the previous speaker and we can, one at a time, but we can't just do it all at once, and that's how simple it is.

Thank you."

Representative Takamura then rose and stated:

"Mr. Speaker, just a brief comment in speaking in favor of the bill.

I think the basic intent of the bill is to clarify the responsibility of the motorists in regards to bicyclists, and to this extent, even though I think that some of the concerns regarding the issues of moped are valid ones, and, as has been pointed out, we are considering in Committee some House bills in regards to that and,

also, I understand there are some bills in the Senate regarding this same issue which should be coming before this body for consideration, I think the fact remains that whether are are talking about bicycles, mopeds or people, the people in the car have the greater advantage with respect to all these other classifications. And what we're trying to do here is to create some classification so that those people are aware of the fact that if there were some kind of accident or collision to occur, that, you know, the people are really going to get hurt--the people who are not in the cars.

I think that is the basis, you know, the safety factor, that we're trying to deal with here and I think this issue of the moped is a valid issue. I think it's something that can be dealt with at a later time.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 999, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS AND RULES OF THE ROAD", having been read throughout, passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Ajifu, Carroll, Evans and Ikeda voting no, and Representative Wakatsuki being excused.

#### H.B. No. 998, HD 1:

Representative Cayetano moved that H.B. No. 998, HD 1, having been read throughout, pass Third Reading, seconded by Representative Takamura.

Representative Carroll then rose and stated:

"Mr. Speaker, I rise to speak against this measure on the grounds as noted on page 3 of the bill. Subsection 9 indicates the 'white lines indicate the separation of bicycle lanes from lanes of vehicular traffic flowing in the same direction.'

I submit, Mr. Speaker, as a bicycle rider, that this is not going to enhance the safety of any bicyclist in the State. I think the idea here again is we get caught up with the concept of intent, but we don't get into the nitty-gritty of creating laws that are going to do or, in effect, put into effect that intent, and I think that when you put white lines showing the direction of flow and say that

the solid white line is going to protect the bicyclist, we're not doing anything, and I think they should have the Committee on Transportation come up with a somewhat more alarming and eye-catching color than white. And I think this will cause more harm than good.

For that reason, I ask that we vote against this measure."

Representative Takamura then rose and stated:

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

The original consideration by the Committee was to have the lines green. Now, the reason why we don't have green lines is because the Federal government has rules and regulations regarding this issue and we were told that the standard color is white. I don't think anybody is fooled by the fact that because you have the solid white lines, that is going to create some magic shield from getting you hit by any kind of a car. The consideration was basically one of color and, you know, I don't know--green, yellow, or whatever--we love everybody here on this island but, you know, the Federal standard is white so it's white."

The motion was put by the Chair and carried, and H.B. No. 998, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIKEWAYS AND THE OPERATION OF BICYCLES", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Carroll voting no, and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 1060 had passed Third Reading at 11:47 o'clock a.m.; H.B. No. 1247 at 11:49 o'clock a.m.; H.B. Nos. 1066 and 645 at 11:50 o'clock a.m.; H.B. No. 780 at 11:51 o'clock a.m.; H.B. No. 253 at 11:56 o'clock a.m.; H.B. No. 269 at 11:57 o'clock a.m.; H.B. Nos. 778, 730 and 533 at 12:01 o'clock p.m.; H.B. Nos. 206 and 1069 at 12:02 o'clock p.m.; H.B. Nos. 879 and 309 at 12:03 o'clock a.m.; H.B. No. 999 at 12:13 o'clock p.m.; and H.B. No. 998 at 12:15 o'clock p.m.

#### DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 454 on H.B. No. 182, HD 1, on Third Reading:

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the majority of the Committee was adopted and H.B. No. 182, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PESTICIDES LAW", passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Ajifu and Sutton voting no, and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 182 had passed Third Reading at 12:15 o'clock p.m.

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

Upon reconvening at 1:22 o'clock p.m., Representative Kunimura introduced to the members of the House 39 students in the American Problems Class at Waimea High School on Kauai. They were accompanied by their teacher, Mrs. Frances Moriguchi, and a chaperone, Mrs. Gloria Birch.

H.B. No. 1083, HD 1, on Third Reading:

Representative Kawakami moved that H.B. No. 1083, HD 1, having been read throughout, pass Third Reading, seconded by Representative Caldito.

Representative Toguchi then rose and stated:

"Mr. Speaker, members of the House, I rise to speak against House Bill 1083, House Draft 1.

As a member of the Water, Land Use Committee, we heard testimony from the proponents and opponents of House Bill 1083. During the course of the hearings, both sides presented good arguments but, at the same time, many questions were not answered by the proponents or opponents. I feel that any action initiated by anybody is the responsibility of that person or individual or body of people to prove that there will be no problems with bringing in--in this case, the elvers or the eels.

During the course of the hearing, the Department of Land and Natural Resources which is the governmental agency that is proposing bringing in these eels, did not satisfactorily answer some of the basic questions

concerning the eels. For example, I did ask several questions. One is the question of about what size does it grow to? We were not given a satisfactory answer on that. What is the life span of the eels? Again, we did not get a satisfactory answer on that. I think, at this point, they should be able to give us those kinds of answers. This controversy is not something new. It started in 1973.

Now, if you look at the bill, this bill talks about importing, for scientific purposes, the Anguilliformes. During the discussion in Committee, they talked about bringing in the species Anguilla Rostrata. Now, according to the bill, Anguilliformes is the order Anguilliformes. With this provision, they could very well bring in the Atlantic variety which many of the proponents have very good information about what it will do to the ecosystem.

I would like to make one thing clear--I am not raising an emotional argument here because I do a lot of fishing; in fact, I consider the white eel that we have here in Hawaii a delicacy. During the Committee hearings also, I was not satisfied with the information concerning the economic feasibility of bringing in the elvers. Now keep in mind that Hawaii is, according to this bill, going to be like a feedlot type operation. The proposal is to bring in the elvers from North Carolina and South Carolina.

I would also like to point out that we have had instances in the past where things were brought in for scientific purposes, and I will use one example--seaweed. As Chairman of the Ocean and Marine Resources Committee, it was brought to my attention that in the past years, that governmental agency did approach Sea Grant for monies and they were given monies to grow seaweed. Now, as this comes to my attention, recently, they were looking for monies to eradicate the seaweeds, and this is in Kaneohe Bay.

In the future, I may change my mind on this--my position. All I am saying, at this time, is that we'll like to have more information before bringing in something like this, and I again would like to stress that whoever initiates this action, and in this case, the Department of Land and Natural Resources, I think it is incumbent upon them to prove that there will be no ramifica-



tions that we're going to be sorry about in the years to come. I think all of you also know what happened by bringing in Tilapias.

So, for those reasons, before I get to that, I would like to just make one more point. Tamashiro Market did come in to testify that they did carry this eel several years ago and, in fact, for a period of, I think, five years. It was pointed out by that person that they discontinued bringing in the eels because there was no local demand for the eels here.

It is my understanding also that the eels will be brought in so that later on, we can export this to Japan where there is a great demand for this. During the testimony, other than general statements that there is a great market in Japan, we were not given information as to the economic feasibility of this type of aquaculture. Keep in mind also that I am not against bringing in species to increase our potential in the aquaculture area. All I am saying is that until such time that we get more information concerning the anguilla, or until I am satisfied that this will not cause further problems, I will vote against this bill, and I urge all of my colleagues to do likewise.

Thank you, Mr. Speaker."

Representative Sutton then rose and stated:

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

The purpose of this particular bill has been to amend just the paragraph, and the way they amend their paragraph is they take this section on any live snake, flying fox, fruit bat, Gila monster, injurious insects or eels of the order Anguilliformes. Think of those things--live snakes! The next thing they'll want to do is bring 50,000 snakes in here or flying fox or fruit bats. These were put in because people understood that the Hawaiian Islands were blessed with not having these particular dangerous and very potentially harmful animals, and then to bring 50,000 of them in, I don't think there is any economic justification. I know that economic justification isn't this, but even if it was, I don't think we want to take a chance with eels.

We have been importing some animals with very good biological

reasons or good reasons. We were told if we brought the mongoose in, we would kill the rats. It didn't kill the rats. They lived happily together and eat your garbage and mine. And, sir, we bring 50,000 eels in and the bill doesn't even provide for where the eels will be housed. Don't say that you'll bulldoze a lake in the interior of an island and make sure these eels never reach the shorelines. All they do is take a bill and delete the part that follows after the snakes and say alright, we'll delete that part and we'll allow eels and they don't make any provision at all for the proper custodianship of these animals, and you're bringing 50,000 in under the authorization of this bill.

We have gorgeous islands--we love our water; we love the resort area; we love the concept of human beings able to enjoy the beach, the sky and the sun. We do not want people to go into our waters and have any more hazards than we now have. We do have hazards from sharks and I have put in a bill to kill sharks, but let's not contaminate our shorelines with eels.

I would urge everyone here to please vote against this bill."

Representative Larsen then rose and stated:

"I would like to rise to speak against this bill.

Mr. Speaker, this bill is not standing by itself although we're only looking at it today. We also have another one someplace floating around here that allows money to carry out the endeavors of taking care of these 50,000 eels. However, since we're looking at only the importation of an experimental batch, I will address myself to that question.

I think we have to look at it in the context of what we're talking about. We're in the balance between the projected economic benefit for a few people or, very likely, an environmental harm to all the others. I think we have to keep this in mind when we're talking about the 50,000 eels. This idea is like Dracula. Killing it is not enough. It was killed in 1974 several times. I think now, at last, we have the opportunity to drive a stake through its heart.

The question is really: who may benefit if all goes according to plan versus who will suffer if any part of the plans don't work out.

We received a lot of testimony on

the economic viability of the market. Potentially, we hear it's in the millions. Conditions in Hawaii are ideal for its growth. Currently, aquaculture is the favorite buzz word for economic development in Hawaii. No one knows much about it so it's easy to wave your arms in the air and start talking about the gold that's over the edge of the horizon. These same unknowns apply to the economic potential for anguilla.

Seriously, there is a market primarily in Japan and, potentially, one in Europe--true. It is proposed that young eels will be imported here from North and South Carolina and sold back primarily to the established and controlled outlets in Japan. It is doubtful that a substantial profit can be made by purchasing and importing young eels to Hawaii; by purchasing and importing high energy feed from the mainland; feeding these creatures in a carefully regulated aquaculture operation and disposing of the wastes in our regulated environment for a year, then selling these enlarged creatures back to the same people from whom you bought the young.

The growth and feeding of eels in Hawaii is a very capital intensive operation and by testimony creates relatively few jobs even at maximum production. It will compete directly with fresh water sources now being proposed for prawn expansion. We have very limited fresh water resources in Hawaii and limited coastal areas where aqua industries can be located. A 50,000 eel trial shipment is not the issue.

Full scale eel production estimates range from ten to twenty million annually. If this comes to pass, a small percentage of these large numbers will escape. There is no way to prevent it because people are always looking for ways to get around the established procedures, and if you have ten or twenty million of these things coming in here, people are going to carry them out in plastic bags and plant them here, there, and yonder, and all of a sudden, you have them across the landscape.

These eels have a life expectancy of fifteen to thirty years and attain lengths of five feet. They are voracious feeders and once escaped, would completely dominate the life cycles of all living creatures now established in our streams, lakes, and reservoirs. These eels are extremely adaptable

creatures and can travel across land during rainstorms and move from fresh to salt water and back again. If this industry is ever established here, we will have anguilla added to our fresh water system throughout the State.

We have already several deleterious creatures established in Hawaii as a result of misguided attempts at economic stimulus. We've heard references to mongoose--that's an old one. Several other more recent economic introductions are the Tilapia and related ocean perch, two well-known fish that are crowding out local fauna in streams and coastal waters.

Someone brought the African snails to the Kaneohe area in the mid-thirties for food. Now it is all over the State and nobody eats it. Finally, the scientists imported a carnivorous snail to attack and devour the African snail. This snail did that, as well as clean up on what remains of our rare Hawaiian mountain shells. The result has been fewer Hawaiian shells and just as many African snails. No offense to Representatives Campbell and Peters.

Not many years ago, our Fish and Game scientists decided that the Marquesan sardines were the answer to the shortage of the live bait, Nehu, for the tuna fishing industry. Someone forgot that the Marquesan mullet looks like the sardine, so they came along also. Now the Marquesan mullet is a trash fish, a small mullet that grows to a maximum of eight or nine inches. It is a voracious feeder and has driven our large Hawaiian mullet out of its long established habits along the shores of Molokai and other ocean areas.

Mr. Speaker, we don't need any new economic experiments that will upset the Hawaiian ecosystem, if by some quirk of fate the experiment proves successful.

Last night, in the Finance meetings, we saw a budget of \$810,000 proposed for the aquaculture experimentation of several local marine fish and the full scale funding for expanding the prawn industry. They had no plan for experimenting with anguilla. A secondary appropriation has been requested as an afterthought. We will be hearing about that sometime soon.

I urge you, Mr. Speaker, and

the members here to concentrate on our present programs and leave the potentially debilitating projects to other people and different places. I urge you all to vote 'no'.

Thank you."

Representative Carroll then rose and stated:

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

Mr. Speaker, I would like to note that I have, in the past, been a vigorous opponent of this particular measure and I have changed my position, and I would like to share with the members of this House my reasons for doing so and in so doing, I am going to have to, of necessity, rebut certain comments which have been made by previous speakers.

First of all, there is an overriding issue here and that is the question of economic benefit, and not economic benefit to the people who were supposedly working scientifically with it, but there is an overriding consideration that some people in our community of body politics may be involved in economic gain and I suggest that anyone who has this kind of an opinion and they have reservations about this bill for that particular measure, or for that particular reason, that that is a matter for a prosecutor or a grand jury and that sort and that should not be a persuasive reason for arguing against this particular bill.

I would like to state that the information which came before the Committee with respect to the economic benefit for the State were, as has been indicated by a previous speaker, that is, that potentially there could be millions of dollars for this State. In addition to the jobs which would be created by the fact that there will be people taking care of these eels, packing them for live shipments. There are also jobs in connection with the construction industry as well as the shipping industry and, potentially, at least I can envision some future of this in the canning industry which that may, of course, be an abhorrent idea at this point--ecologically speaking.

Now, the real issue here when we talk about the flying fox, fruit bat, the Gila monster, the mongoose, snail, the mullets, perch, Tilapia, and so forth, is an obfuscation of

the real issue at hand and that is: Can indeed this eel take over our waters and can he indeed wipe out the fauna of our fresh water streams? I submit to you, Mr. Speaker, that the very basic difference between the anguilla and all the other animals which have been mentioned, and I agree totally with respect to those animals, is the fact that this animal has to go somewhere many thousands of miles from here in order to be able to reproduce and the chances of his making it to those reproductive grounds are slim, at best, and the chances of those elvers ever making it back here, we're talking about for this particular form that we were referring to earlier, would mean a swim from the Sargasso Sea through the Panama Canal or around the Cape of Good Hope, depending on which direction they decided to travel back to here and then confronting a number of problems along the way. Perhaps the Panamanian government might be one of them, but in any event, Mr. Speaker, we have also talked about problems with seaweed and eradicating the seaweed and I think that all of these are fairly raised issues except that they do not apply to this particular argument.

We have talked, or mention has been made, of the spiny lobster. No mention has been made of opihi as an alternative to this eel in the area of aquaculture. Each of these that we can mention--the lobster, the opihi, the prawn--are very delicate animals and this is a hardy robust animal which we can bring in here with no chances of reproducing and confer great benefits, I believe, to our economic community and this is the time, Mr. Speaker, when I think that the economics of our State are uppermost in many of our minds and it is a time, I think, when we can deal with this kind of a matter.

Now, it's been stated that these eels would go forth across the landscape and dominate the streams. Now, indeed, there was testimony to that effect, but there was also testimony to the effect that this eel or a similar anguilla form living in South Sea islands lives and co-habitates. . . co-exists, I should say, in these streams without substantial damage to the fauna in those streams. That was the evidence that we had before the Committee at the time of the hearing and, as has been mentioned earlier, there's quite a bit of emotion, or there has been, with respect to this bill, but I think that if we look at the information that was brought before the Committee and if we talk

to the scientists who are involved in this--both our local scientists who oppose it and the scientists that say propose this particular kind of a measure--that there is virtually no chance that we're going to suffer really much harm, if any at all, from these eels. The net effect of their reproductive system is that, as they approach sexual maturity, they head out to sea for the Sargasso Sea so there can really be no reproduction here. If they do go into the streams; if they survive the young boys and people looking for opai and oopu and that sort of stream life; if they should survive, indeed, they may grow to a rather large size, but I submit, Mr. Speaker, that their lives would probably be short lived in our community--at least on the island of Oahu--and if they are there, the amount of damage that they would do, there is no scientific evidence to indicate that it would be substantial.

For these reasons, Mr. Speaker, I have changed my position on the matter of this eel, and I am convinced from the weight of the evidence that was put before the Committee, as well as other information that I've been given over the past two years, that this is a good measure. I think it is an economic benefit to the State and I think that we should vote 'aye'.

Thank you."

Representative Toguchi then rose to rebut the previous speaker, stating:

"Mr. Speaker, I would like to point out again to the previous speaker that I am also concerned about the economic aspects, and I would like to reiterate again that I am not against bringing in something that would beef up our economy. But I think we should know more about it before we do bring it in. I think I also mentioned that when we know more about it, I may change my mind about my position on this bill.

I would like to mention that as far as the damage to the ecosystem, I don't think we have enough information at this time, and I would like to also relate to the previous speaker that it was mentioned earlier that alluded that the life span of the anguilla form is thirty years.

Now, in response to his statement about as far as reproduction going back to the Sargasso Sea, I want to point out to you that the bill itself

talks about, not *Anguilla Rostrata*, that species alone. The *Anguilla Rostrata* does go to the Sargasso Sea. This bill mentions *anguilla* forms which is the order *anguilliformes* which could very well include the Atlantic variety which does not go back to the Sargasso Sea.

Thank you."

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

"Mr. Speaker, I am compelled to say something in defense of this particular bill because, in 1974, because of the emotionalism that was generated on this particular subject, we passed the bill specifically prohibiting *anguilla* to be imported to the State of Hawaii. Prior to that time, as the previous speaker has mentioned, *anguilla* was imported to Hawaii four years prior to the passage of the bill so it's not a new thing as far as introduction is concerned. At that time, I was the Chairman of the Agriculture Committee and some of you could remember that at the end of the session when this particular bill came out, the Chairman was in the hospital for about eight days and as I said, because of the emotionalism, this particular species was identified and put into the section where it identifies Gila monsters and snakes, food bats, which we know are injurious.

However, the opponents of the bill, in review of all the testimonies in 1974, and this year, argue from the position that we should not import any species that is not endemic to Hawaii. If we should take this particular position, you will find that Hawaii, insofar as economic expansion, cannot take place. They would even argue that if the cows were not existing on the islands, they would be against that also.

You'll find that any type of product that we have in Hawaii that has economic value has been imported. It is not endemic to Hawaii. All your vegetable crops, your tree crops, including macadamia, papayas, banana--these have been imported. Poultry has been imported, cows, hogs--these are all not endemic to Hawaii. Even, insofar as aquaculture is concerned, prawns that we know have potential, catfish which we raise--these are also imported.

Insofar as the arguments from previous speakers that we have gotten a lot of species that are injurious,

such as insects, or even in the case of the African snails which were brought in primarily for food by some individual; we have the means of controlling these and it has been cited that in the case of the African snails, it has been controlled by the cannibalistic snails that have been imported by the Department of Agriculture. It's the same thing with the banana skipper. These have been controlled.

Also in the area of arguments that we'll find all of these anguilla escaping; if somebody found that a four dollar bill was flying out on the streets, they'll go out and pick it up. If I find an anguilla running around, I'll pick it up and put it in my frying pan so I am not too concerned about the escape of the anguilla.

For these reasons, I believe that if we ought to take a look at the economic potentials of Hawaiian agriculture, including aquaculture, we must take a look at these particular species that present a viable industry, and I strongly support this particular measure.

Thank you."

At this time, Representative Carroll rose and stated:

"Mr. Speaker, I rise just to rebut one point and to add one comment with respect to evidence, or testimony rather, that was put before the Committee and that is with respect to the research which was done by the Department of Land and Natural Resources' scientists. I looked through the bibliography which he had created, I presume with respect to research on this matter, and he has approximately two to three hundred cards citing separate documents on all of the various types of anguilla form eels, including, but not limited to, the one we're talking about here, and the striking thing to me and really the point that really swayed my away from the position to which I had hereto steadfastly held was the fact they have not been able to reproduce under the most beneficent circumstances the anguilla form eels in any form.

It is most difficult for the scientist to do, and we do not have any anguilla form eels here now and there is nothing to indicate that they are going to come here, and there is nothing to indicate that if they should get loose, they are ever going to

come back, and to me that is the gravamen of the issue before this House today, and again, I urge that we vote for the measure."

Representative Narvaes then rose and stated:

"Mr. Speaker, I rise to speak against House Bill No. 1083, House Draft 1.

After doing some research on the subject of this species of eels, I must emphatically speak against this bill. Hawaii is not the place to institute such an eel experiment station as this bill will allow, especially when we have such an abundance of local marine species which, over millions of years, have evolved into a state of total harmony with the Hawaiian climate and waters.

It is absurd that we even think about bringing this potential Frankenstein eel into our State. It is absurd to think that, at least, some of these eels would not escape their confines and infest other bodies of water. It is also absurd to invest money in the development of foreign species without first developing the local species to their fullest potential.

Mr. Speaker, we should look in our own ocean for species to advance aquaculture in the State--not thousands of miles away. Therefore, I urge all my colleagues to vote 'no' and give this slimy bill a squirmy death."

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

"Mr. Speaker, I have not made up my mind on this bill yet. Listening to the debate, I have some questions for the Chairman of the Water, Land Use Committee if he will yield to questions."

Representative Kawakami replied that he would yield after he made his presentation.

Representative Abercrombie was recognized and he stated:

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

Mr. Speaker, the arguments that have been made so far do not address some of the concerns that I have, and I would like to present them to the House for their consideration in respect of whether or not they should vote for the bill.

I have some grave concerns concerning the disease carrying possibilities of the eels. Testimony given to the Committee indicates that there are some thirty parasites commonly found among these eels and that there are some twenty or more eel diseases associated with the eels that would escape detection in the young eels so that if one of the previous speakers had his frying pan ready and was grabbing one of these eels, he might find himself in a good deal of trouble with the spreading of disease and/or parasites in his system because it is noted in the testimony that the parasites and the diseases are not species specific; that is to say, they could spread to other species--possibly man. I am not aware as to whether that is a fact or not without. . . that is to say, being able to continue their existence. This bothers me a great deal.

The second part of my reservations revolve around the situation of the attempts we have already made in the considerable amount of funding that we already have in the State, especially around sport fishing, and the industries we are now trying to develop.

Testimony was that, for example, if the eel was to get over into some of the ponds where we are doing prawn reproduction in Ewa and Punaluu, that they would decimate the stocks there without being detected. I don't think it is a question of whether or not they could be running along the road and with the convenient frying pan available there. If they had food source available to them, testimony is that they are voracious eaters, even as you and I, Mr. Speaker, that they would find themselves with a ready dinner plate right there in the ponds.

If they should get into the Nuuanu or the Wahiawa reservoirs, for example, they would upset the Division of Fish and Game sport fishing programs; that testimony is, within weeks, that this would be done. I also understand that they can grow to be five feet in length and as I say, it would take a mighty big frying pan to accommodate one of them and if they did manage to survive and get to be five feet, they may carry their own frying pans for whom they run into, or may not have to wait--they may have their own version of sashimi which might involve me and the Chairman of the Committee on Agriculture.

With that in mind, Mr. Speaker, which, on one hand, may find itself leaving us bemused about it, I don't want to have visions of monster fish running around. I can see Jack Lord now with a script revolving around the monster eel that he would have to defend us against.

I don't think that is the real question. The real question is that we are bringing the eels in under circumstances in which Representative Toguchi's concerns have not been addressed. That, I think, is the essential point. There is a possibility of disease. There is a possibility of escape, especially if we do reach the economic potential where we're between ten and twenty million of the eels coming in.

It would seem to me that if we're talking about an industry of that dimension, in terms of the creatures that are involved in it, that we most surely should have a little more basic information before we make a commitment in this direction. It may be an argument that this is the purpose of the bill to enable us to provide that information, but in this instance, I think it is very definitely a question of the cart coming before the horse.

Thank you."

Representative Toguchi then rose on a point of order and the Chair stated:

"Representative Toguchi, I will allow you to speak again on this matter. According to the rules, you have already spoken twice on this particular. . ."

At this point, Representative Toguchi interrupted and said:

"Point of clarification, Mr. Speaker", to which the Chair replied: "State your point."

Representative Toguchi then asked:

"Will the Representative from the Moanalua district yield to a question?"

Representative Uechi answered in the affirmative and Representative Toguchi asked:

"Is it your understanding that I am against bringing any species that is not endemic to Hawaii?"

Representative Uechi replied:

"No, sir, I have not so stated."

Representative Toguchi then thanked



the Chair.

Representative Kawakami then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill 1083, House Draft 1.

The Legislature has long sought economic alternatives for the State of Hawaii in order that we not be totally reliant upon the tourist, sugar, and pineapple industries, together with the military with their vast amounts of federal dollars. We have experienced economic depressions caused by the faltering of our tourist trade and by the closing of many federal establishments and the curtailing of operations of sugar and pineapple plantations. In most instances, the Legislature has been unable to react to fill the economic void left by these closings.

I personally feel that with aquaculture, we see the possibility of building another economic base for our State. We see the possibility to fill voids should they be created by further closing of plantations.

Mr. Speaker, I speak not as a seer, nor as a bearer of bad tidings, but as one who can readily read the hieroglyphics in the sand. We've heard many times that the economy in Hawaii is in trouble, that we must seek economic alternatives. This, Mr. Speaker, makes for excellent political rhetoric. Mr. Speaker, the world's unfulfilled demand for unagi is believed to be over \$50 million. This demand, it is believed, can be readily filled by Hawaii for it is believed that we are the best place in the world to raise unagi, or as it is scientifically called, anguilli.

I realize that some of my colleagues and many people in the community believe that the importation of the anguilli will be a danger to Hawaii's environment and that it would upset our ecosystem. Perhaps a little explanation on the anguilli is necessary at this point. To allay their fears, may I state for the record:

1. That the *Anguilla Rostrata*, which this bill addresses, is a North American species that is found in North and South Carolina. The eel, in order to propagate, travels from the Carolinas to the Sargasso Sea where it spawns. It cannot spawn in the freshwater rivers of the continent, nor will it propagate

in the rivers.

2. The experts have stated that it would be virtually impossible for the Atlantic eel species to establish itself in the wild locally.

3. That prior to 1973, the importation of eels was not prohibited in Hawaii and said *Anguilliformes* were imported from Japan and elsewhere and have not established themselves in our rivers and streams.

Furthermore, Mr. Speaker, the importation of 50,000 young eels or elvers will be under controlled scientific circumstances. They will be reared in concrete tanks, eighteen feet in diameter by three feet in depth, equipped with lips and fencing to prevent escape and theft.

Prior speakers have pointed out a few points that I would like to clarify at this time, Mr. Speaker.

The prime purpose of this scientific study is to determine the economic feasibility of having these animals cultivated in the State. We don't have the answers as to the initial costs, what types of feeds that these species will eat, the weight and the amount of weight it will put on within a year's time or year and a half's time. These are all unknowns and until we get the answers to these questions, it will be impossible for us to determine the economic feasibility of this project.

As far as developing a specific plan as to how we hope to get this information, the Department of Land and Natural Resources has not embarked, or has not initiated any such plan at this point, and I know that they will once this plan is passed and they have the assurance that the elvers will be allowed into the State. You can say, Mr. Speaker, it is common sense--it is no use planning for something which you know won't be allowed to be brought into the State.

In one of my discussions with one of the opponents of the introduction of eels into the State, I posed a very pointed question to the scientist. As you know, we have finally made a breakthrough as far as the aquaculture program in the State with a *Macrobraeken* *Rosenberger*. It is commonly known to everyone as the prawn. It is presently done on a fairly small scale, but the possibilities of expansion, I feel, are unlimited. So I asked

this scientist: 'Say, if we substituted, instead of the eels included in the bill, the Macrobraeken Rosenberger as the animal I would like to introduce to this State for experimental purpose', and I asked him what his position would be there, and his answer to me was negative.

So this is the kind of attitude that we received from the so-called scientific community in this State. I, too, would want to protect everything that we have but, then, there must be some trade-offs and I feel that the intent of this bill is again to conduct a study to determine the feasibility of getting into this area.

Mr. Speaker, we are looking for economic alternatives and the unagi appears to be promising. To insure that it will not be a danger to our environment, we will be importing them under controlled circumstances, plus 50,000 is the maximum that will be allowed into the State for this project.

May I assure you and my colleagues and our emotional citizens that contrary to emotional belief, the unagi will not establish itself in our sewer systems and travel into our toilets to bite our unsuspecting citizens in inopportune moments in 'assorted' places.

Thank you, Mr. Speaker."

At this time, Representative Narvaes rose and asked whether the Chairman of the Water, Land Use Committee would yield to questions, to which Representative Kawakami replied in the affirmative.

Representative Narvaes asked:

"My question is: What do prawns eat as compared to what these eels would eat?"

Representative Kawakami answered:

"If we knew that, Mr. Speaker, it wouldn't be necessary to bring these elvers into the State. This is what we are trying to find out as to how to maximize the growth rate of these elvers to get it into marketable sizes as soon as possible."

Representative Narvaes then said:

"Mr. Speaker, he did not answer my question."

The Chair remarked:

"I believe he answered your question,

Representative Narvaes."

Representative Narvaes then stated:

"I did not get the answer as to what the prawns eat as compared to what these eels would eat."

Representative Kawakami replied:

"As I said, this project will prove to us what the elvers will consume to grow. Specifically, I don't know. What difference does it make?"

Representative Narvaes then asked:

"He doesn't know?"

Representative Cayetano then rose and stated:

"Mr. Speaker, earlier, I rose on a point of information. I would like to preface my point, if I may. I have not made up my mind on this bill, but it would seem to me that all of us are concerned about, not only developing our State economically, but also preserving what is our greatest asset and that is our environment.

I have some questions for the Chairman of the Water, Land Use Committee if he will yield."

Representative Kawakami replied in the affirmative.

Representative Cayetano then asked:

"Mr. Speaker, the previous speaker has brought up the fact that the economic markets for these animals, these eels, probably are in Japan and Europe. Also brought out was the fact that these eels are bred in North and South Carolina.

My question to the Chairman is, what information have we received from those states--states of North and South Carolina? Why do we have to conduct experiments here on this island when there is already an experiment ground in those two states?"

Representative Kawakami replied:

"These elvers are not propagated in a so-called scientific climate. These elvers are caught in the wild and the scientists in those two states don't know much about the eels itself, and the reason why is, up to now, there has been no economic value placed on these eels. That's one reason why these two states have not taken advantage of the value, but from what I understand, there's one individual

who exports these eels to Japan, Taiwan, and some to the Philippines, and he has his own fleet of airplanes and is now more than a millionaire."

Representative Cayetano asked:

"Has the Committee received testimony as to whether Hawaii would be at a disadvantage regarding its marketing position, given the fact that we have to bring them over as opposed to, say, North Carolina and South Carolina, which have the eels in their states at this time?"

Representative Kawakami replied:

"Yes, I think the biggest advantage we have in this State is the climatic condition. Areas which are presently cultivating these eels are in the temperate zone, and their growth rate has been very slow compared to what we are projecting here. On the gut feeling of some of the scientists here, they feel that in Hawaii, with proper feeding methods and the proper cultivation practices, we would be able to market these animals within twelve to eighteen months' period, and the marketable size is only one pound. That is the desired size at this time."

Representative Uechi then rose and stated:

"Mr. Speaker, to answer some of the questions that previous speakers alluded to or wanted answers for, I don't think that I can give a specific answer like the scientists that either proposed passage of the bill or are against the bill. However, as Chairman of the Agriculture Committee--I'm also a biologist--and to my satisfaction, those who are in favor of this particular bill have given me assurance that because nature has a unique way of balancing itself, even though there might be some possibility that some of those animals might escape, for a fact, you'll find that those animals that are inhabiting the native streams, a lot of these are not endemic to Hawaii, and nature has balanced itself. So even though we talk about these eels that cannot propagate itself and might live in our native streams as an adult animal, nature, as I said, will balance itself."

Also, in the argument that the illustrious Representative from the Manoa district uses as far as disease is concerned, I would say that there are more diseases, germs, parasites, and fungus on the human animal than the eels. So I would be more

afraid to get in contact with the illustrious Representative than the eel."

Representative Abercrombie then rose to rebut, stating:

"Mr. Speaker, I am forced to rise to rebut Chairman Kawakami and not anything that was said by the previous speaker for fear of getting myself in trouble even more than Johnny Carson does."

Just one point, Mr. Speaker, in respect of Chairman Kawakami's remarks. I feel it is essential to remind the body that the scientific community which did testify against the bill, universally as I understand it--if I had gotten all the testimony--universally indicated that they would be in favor of various kinds of experimentation with other forms of aquaculture, including the importation of these eels."

I don't know the particular instance that he referred to, but I would not want the members assembled here to take that this is representative of the entire scientific opinion; precisely for the reason that he mentioned at the end--emotionalism. I know many of these people personally. I've discussed this with them and it is not their feeling--it is their feeling in respect to the eels, but that is not an across-the-board opinion. If one person did express that opinion to the Chairman, it is my judgment that that person represented an individual opinion and not the opinion of the scientific community as such."

Representative Cobb then rose and inquired:

"Mr. Speaker, I would like to ask if the Chairman of either the Water, Land Use Committee or the Agriculture Committee will yield to a single question in connection with some of the debate that has been brought up. Will the Chairman of the Agriculture Committee yield to a question, or Water, Land Use?"

Directed by the Chair to "proceed", Representative Cobb asked:

"Thank you, Mr. Speaker."

Some of the earlier remarks brought out the fact that the migratory pattern for reproduction involves going to the Sargasso Sea which essentially is an area 100 by 300 miles of slime seaweed in the Caribbean. Recently, according to other remarks made on the floor and in caucus, a form of seaweed was imported to Hawaii and since has gotten out of control, and

now State money is being asked for to eradicate it.

My question, therefore, is whether or not any analysis has been done relative to the unagi's ability to migrate to that new patch of uncontrolled seaweed near Kaneohe Bay, and whether or not they would be able to reproduce in that area, rather than having to go into the Caribbean."

Representative Kawakami responded, stating:

"Yes, Mr. Speaker, the anguilli or anguilla is what they refer to as an area specific animal in that, in the spawning cycle, it has to go back to the area it originated from and if the people or the scientist who has been working to propagate elvers in the laboratories, if they could break through on these experiments, I don't think Hawaii would play a roll at this time. This has been the number one problem. As far as the possibility of these reproducing in the State (Kaneohe Bay), from all information that we have, I would say that it is impossible."

Representative Uwaine then rose and made a request:

"I would like to request the Representative from the 23rd district to elaborate on the type of order we are talking about."

Representative Toguchi then asked Representative Uwaine to restate his request.

Representative Uwaine restated his request, stating:

"I would like to request that the Representative from the 23rd district to elaborate on the type of order of eel that this bill addresses itself to."

At 2:25 o'clock p.m., on request by Representative Yuen, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:27 o'clock p.m.

Representative Toguchi then rose and stated:

"In answer to your question, Representative Uwaine, the Chairman of Water, Land Use Committee, in his discussion, did mention the species *Anguilla Rostrata* from South Carolina and North Carolina.

I would just want to make a point again that the bill and the Committee Report doesn't mention that. The Committee Report discusses about the order *Anguilliformes* which may include, as I pointed out earlier, other varieties from the Atlantic and even Asia. That is my clarification."

Representative Kawakami rose and stated:

"Just so that it doesn't leave a doubt in the people here, our action today, if this bill passes, that will not give the Department of Land and Natural Resources the right to import these species. It still has to go through the Board of Agriculture which has jurisdiction on the importation of animals, and I assume that the Board will require the Department of Land and Natural Resources, a State agency, to come in with a plan and to determine what kind of scientific information they hope to gather during this experimental project."

Representative Blair then requested that the following remarks be inserted into the Journal and the Chair, noting that there were no objections, so ordered:

"Mr. Speaker, I concur in the remarks of the Vice Chairman of the Committee on Ecology and Environmental Protection. No matter how tempting the odds may be, we should not gamble with the delicate balance of our fragile environment."

Representative Yuen then rose and requested a roll call vote on the measure.

At 2:29 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:30 o'clock p.m., the motion to pass H.B. No. 1083, HD 1, on Third Reading was put by the Chair, and roll call having been requested, the Clerk proceeded to call the roll.

Representative Kamalii, at this point, rose on a point of order and stated that "a request for a recess has been requested and that was before the roll call was taken."

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

"Mr. Speaker, in the confusion, I have cast a vote the opposite of my intent."

At 2:31 o'clock p.m., on request

by Representative Narvaes, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:35 o'clock p.m.

Representative Abercrombie then rose and stated:

"Mr. Speaker, I want to indicate that I was only stating my preparedness to vote."

Roll call having been requested, the motion was again put by the Chair, and H.B. No. 1083, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE IMPORTATION OF ANIMALS", having been read throughout, passed Third Reading by a vote of 26 ayes to 24 noes, with Representatives Abercrombie, Ajifu, Aki, Baker, Blair, Campbell, Cayetano, Cobb, Dods, Evans, Kamalii, Larsen, Medeiros, Nakamura, Narvaes, Peters, Poepoe, Shito, Sutton, Takamura, Toguchi, Ushijima, Uwaine and D. Yamada voting no, and Representative Wakatsuki being excused.

H.B. No. 515, HD 1, on Third Reading:

On motion by Representative Kawakami, seconded by Representative Caldito, H.B. No. 515, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPEARED FISH", having been read throughout, passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Ajifu, Carroll, Evans, Kamalii and Sutton voting no, and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 1083 had passed Third Reading at 2:45 o'clock p.m. and H.B. No. 515 at 2:46 o'clock p.m.

At this time, Representative Peters rose and stated:

"Today, in our open caucus, I got a little heavy with some of my colleagues and, at this time, I would like to use this form as a means of publicly apologizing to Representative Lunasco, and to anyone else whom I may have imposed on."

Thank you."

Representative Narvaes then rose on a point of personal privilege

and stated:

"Mr. Speaker, on two previous bills--the bill before this one we just voted on came up--I felt that I had the floor and I was not recognized. I hope this doesn't happen again. I feel this is a 'gag rule' coming up. I had a point of information. . ."

Representative Yuen interrupted on a point of order and stated:

"I just wish to state for the record that a person who has the floor was granted the opportunity to speak twice on the subject and according to the Rules of Procedure, when he sought the acknowledgement by the Chair, he was not recognized and that is proper procedure."

The Chair stated:

"You are correct, Representative Yuen."

You were not recognized at the time that you stood up and possibly wanted to ask a question, but you were not recognized by the Chair."

Representative Ajifu then rose and stated:

"Mr. Speaker, I hope, in conducting the business of this House, that you, as the Speaker of this House, will recognize those that call for recognition and that proper recognition is given, and that the rules of the House are followed."

Mr. Speaker, I think that in our informal discussions here, there were accusations made as to the violation of the rules by some of our members of the House. I would like to point out that you, Mr. Speaker of the House, have allowed the majority party to use the advantage of your position by allowing the opportunity to speak when called for. I think that when Representative Narvaes wanted recognition, I don't think that proper recognition was given."

The Chair remarked:

"Representative Ajifu, I think I was quite fair this afternoon in recognizing every member of the House. I had recognized Representative Narvaes for that particular question twice, and I think I have afforded him that opportunity during those two occasions to ask the questions necessary to clarify his mind."

Representative Ajifu then said:

"Mr. Speaker, I would just like to point out, in many instances where recesses have been called, I have never heard of recognition. Oftentimes, somebody yells out 'recess', and the recess is given. In this case, recess was called before the roll call was taken.

Mr. Speaker, I would like to leave that point with you."

Representative Yuen then rose and stated:

"I would just like to state for the record that there were many other Democrats who desired to express their opinions on this subject and were also denied the opportunity to speak because of the fact that there was time constraint, and I also want the record to state that the Speaker has been very fair in recognizing all members of this House.

Thank you."

Representative Cobb then rose on a point of parliamentary privilege and stated:

"Mr. Speaker, relative to House Bill No. 1083, House Draft 1, a recheck of the roll call sheet indicates a vote of 26 ayes, 24 noes, and 1 excused. I would ask the Clerk to check that and, if so, so indicate in the record."

At 2:50 o'clock p.m., on request by Representative Takamura, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:51 o'clock p.m., the Clerk announced that the vote was incorrectly stated and that the correct vote was 26 ayes, 24 noes, and 1 excused, on House Bill No. 1083, House Draft 1.

The Chair then made the following announcement:

"All Committee members, please notify your Committee Chairmen as to your whereabouts for signing of Committee Reports. Please notify your Committee Chairmen as to your whereabouts; otherwise, your signatures will have an 'excused' on the Committee Report."

Representative Larsen then rose on a point of personal privilege and remarked:

"Mr. Speaker, I appreciate all the information I gathered on the long debate about the anguilla, and I am especially happy to learn that the Chairman of the Agriculture Committee would run around chasing \$4 bills rather than \$3 bills."

At 2:55 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House stood in recess until 10:00 o'clock p.m. tonight.

#### NIGHT SESSION

The House of Representatives reconvened at 10:08 o'clock p.m., and the Speaker resumed the rostrum.

#### STANDING COMMITTEE REPORTS

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 480) recommending that H.R. No. 106, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Campbell, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.R. No. 106, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON JUVENILE DELINQUENCY PREVENTION", was referred to the Committee on Legislative Management.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 481) recommending that H.R. No. 110, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Shito, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.R. No. 110, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A LEGISLATIVE INQUIRY ON THE NON-EXTENSION OF RESIDENTIAL LEASES", was referred to the Committee on Legislative Management.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 482) recommending that H.R. No. 420 be referred to the Committee on Legislative Management.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.R. No. 420, entitled:



"HOUSE RESOLUTION REQUESTING AN INVENTORY OF STATE CULTURAL AND ARTISTIC FORMS", was referred to the Committee on Legislative Management.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 483) recommending that H.R. No. 421 be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.R. No. 421, entitled: "HOUSE RESOLUTION RELATING TO A MEMORIAL FOR THE BIRTH SITE OF KAMEHAMEHA THE GREAT", was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 484) recommending that H.C.R. No. 66 be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A MEMORIAL FOR THE BIRTH SITE OF KAMEHAMEHA THE GREAT", was referred to the Committee on Finance.

Representative Machida, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 485) recommending that H.R. No. 146, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Yuen, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 146, HD 1, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF EFFORTS TO IMPLEMENT THE INTERIM TOURISM POLICY OF THE STATE OF HAWAII", was referred to the Committee on Legislative Management.

#### SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the rules were suspended for the purpose of considering Second Reading bills to be placed on the calendar for Third Reading on the basis of a modified consent calendar.

#### STANDING COMMITTEE REPORTS

Representative Toguchi, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 486) recommending that H.B. No. 131, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Toguchi moved that the report of the Committee be adopted and H.B. No. 131, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lunasco.

At 10:10 o'clock p.m., on request by Representative Yuen, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:12 o'clock p.m., the motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 131, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COORDINATION OF MARINE AFFAIRS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1977, by a vote of 51 ayes.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 487) recommending that H.B. No. 1442, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1442, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1977, by a vote of 51 ayes.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 488) recommending that H.B. No. 967, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the majority of the Committee was adopted and H.B. No. 967, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1977, by a vote of 50 ayes,

with Representative Nakamura voting no.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 489) recommending that H.B. No. 598, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamine, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.B. No. 598, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS UNDER THE WORKERS' COMPENSATION LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1977, by a vote of 51 ayes.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 490) recommending that H.B. No. 1602, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.B. No. 1602, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FOUNDATION ON CULTURE AND THE ARTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1977, by a vote of 51 ayes.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 131, HD 1; 1442, HD 1; 967, HD 1; 598, HD 1; and 1602, HD 1, were made available to the members of the House at 8:30 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 491) recommending that H.B. No. 161 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 491 on H.B. No. 161 was deferred until tomorrow, March 11, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 161 were made available to the members of the House at 8:30 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented

a report (Stand. Com. Rep. No. 492) recommending that H.B. No. 151 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 492 on H.B. No. 151 was deferred until tomorrow, March 11, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 151 were made available to the members of the House at 8:30 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 493) recommending that H.B. No. 325, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 325, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1977, by a vote of 51 ayes.

The Chair directed the Clerk to note that printed copies of H.B. No. 325, HD 1, were made available to the members of the House at 8:30 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 494) recommending that H.B. No. 235, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 235, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1977, by a vote of 51 ayes.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 495) recommending that H.B. No. 1224, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1224, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Second Reading and was placed

on the calendar for Third Reading tomorrow, March 11, 1977, by a vote of 51 ayes.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 496) recommending that H.B. No. 1113, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1113, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY LICENSING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1977, by a vote of 51 ayes.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 497) recommending that H.B. No. 1143, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1143, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MONEY AND PUBLIC CONTRACTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1977, by a vote of 51 ayes.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 498) recommending that H.B. No. 1153, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1153, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIFE INSURANCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1977, by a vote of 51 ayes.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 235, HD 1; 1224, HD 1; 1113, HD 1; 1143, HD 1; and 1153, HD 1, were made available to the members

of the House at 9:00 o'clock p.m.

Representative Shito, for the majority of the Committee on Housing, presented a report (Stand. Com. Rep. No. 499) recommending that H.B. No. 101, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 499 on H.B. No. 101, HD 2, was deferred until tomorrow, March 11, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 101, HD 2, were made available to the members of the House at 9:00 o'clock p.m.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 500) recommending that H.B. No. 870, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 870, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISH AND GAME", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1977, by a vote of 51 ayes.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 501) recommending that H.B. No. 674, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 674, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST AND WATER RESERVE ZONES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1977, by a vote of 51 ayes.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 870, HD 1 and 674, HD 1, were made available to the members of the House at 9:00 o'clock p.m.

## THIRD READING

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

H.B. No. 1305:

Representative Garcia moved that H.B. No. 1305, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, before I begin my remarks, I would like to point out to my colleagues that responsibility for this bill lies with many other people than myself. Among those are the hard work of the Judiciary Chairman and his Committee and staff, and members who are in the audience tonight, and I consider it fortunate to assist in the passage of the measure that I feel is very important.

Mr. Speaker, women fear rape more than any other crime.

This is because the physical and emotional suffering caused by sexual violation is immense. But beyond the act itself, the aftermath of rape is terrifying as well. The rape trial is a frightening experience where the victim's credibility is called into question and her most private relationships are discussed.

The fear does not end at the trial, for the conviction rate for rape is astonishingly low. In 1975, there were 164 reported rapes in the State. Charges were filed in 21 of these cases. Only 3 resulted in convictions.

It is no wonder that most victims do not report that they have been raped. A few weeks ago, the Judiciary Committee asked Captain Harold Kawasaki of the Honolulu Police Department what proportion of rapes went unreported. He said that it was a difficult estimate to make, but that his guess would be that up to 90 percent of all rapes were not reported. If his estimate is correct, it means that the police never learn about nine out of ten cases of rape.

In Honolulu, the typical rape victim must live day to day with the knowledge that the man who raped her is walking free.

This Legislature has been aware of the magnitude of the rape problem. We have moved deliberately and carefully to assist the victims of rape in our support of the Sex Abuse Treatment Center at Kapiolani Hospital. We have passed laws which encourage the reporting of rape, and facilitate the prosecution and conviction of those who attack women in Hawaii.

Act 83 of the 1975 session was a major landmark in rape legislation. Our intent in passing it was to prevent unnecessary and irrelevant character assassination. Act 83 requires that evidence on the victim's past sexual activity be screened by the presiding judge to determine its relevancy before it is presented to the jury. This is done by holding a hearing where the victim is questioned on her sexual history, and here I quote from the statute, 'out of the presence of the jury'.

Act 83, however, has failed to fulfill its intent because these hearings to determine relevancy have, in some instances, been held in open court with spectators and press present. Only the jury was removed. Thus, under current law, the victim may be required to testify on her past sexual activity before a full courtroom, only to have the judge decide after the hearing that such evidence is irrelevant and, therefore, inadmissible. This is an insensitive procedure which needlessly humiliates the victim.

House Bill No. 1305 will correct this situation by mandating that the courtroom be cleared of spectators and press during these hearings. Only the judge, the defendant, the victim, the attorneys, and courtroom personnel will be allowed in the courtroom.

It must be emphasized that House Bill No. 1305 will not, in any way, diminish the defendant's rights to a proper defense and a fair trial. The defendant still retains the right to introduce whatever evidence he wants if he can convince the judge it is relevant.

The rape victim is an important ally of the State in our efforts to arrest and convict violent criminals who attack women. Were it not for the courage shown by victims who undertake the terrifying experience of the rape trial, the conviction rate would be lower than it already is.

If we want to see rapists brought to justice, we must do all we can to make the trial as humane a procedure

as possible. We must make reporting rape less terrifying.

House Bill No. 1305 is a step in this direction. It protects the rape victim's privacy and dignity. I urge all my colleagues to vote 'aye'."

Representative Cayetano then rose to speak against H.B. No. 1305, stating:

"Mr. Speaker, I rise to speak against House Bill No. 1305. I do so out of extreme seriousness and regard for what is happening in our courts today. The subject of rape is a very touching and sensitive subject and I hope my remarks will be considered with the perspective that I do feel it is a very sensitive subject.

The purpose of this bill, as I see it, is to amend the present law dealing with the hearing in court of evidence of the prior sexual conduct of rape victims. Under our present law which, I believe, we passed in the 1975 session and for which I voted, the court is required to hear evidence of the victim's prior sexual conduct out of the presence of the jury. However, the hearing is held in open court and members of the public are allowed to be present.

When our present law was passed in 1975, I had some misgivings about it, but I voted for it because I understood the importance of keeping irrelevant, possibly inflammatory, evidence out of the knowledge of the jury. Such evidence was simply not conducive to aiding the jury in coming to an objective and reasonable verdict in its deliberations. I still support the present law. I believe there is a compelling reason for it.

However, this bill, if it becomes law, would bar the public from such proceedings. As I see it, it can only serve to undermine one of the foundations of our criminal judicial system; that is, the right of our public to know and to scrutinize what is going on in our courts.

We have one of, probably the greatest, judicial system in the world, and one primary reason it has worked so well is because we have allowed our public to scrutinize and monitor our judicial proceedings. Our history is rich with endless examples of injustices happening in our courts which have been exposed and, in most cases, have been corrected because we open our courts to examination

by the public. When we start to make exceptions to the right of the public, including our free press, to scrutinize what is going on in our courts, then we are only inviting judicial misbehavior. We also invite injustice. In 1975, the argument was made to keep the hearing on the relevancy of evidence of sexual conduct out from the presence of only the jury. Now, we have a bootstrap situation where we now want to exclude the general public.

I am an attorney by profession. I have some experience in this field and let me say that I am very concerned because part of the defense of any individual relies or lies, not only in the work skill of his attorney, but also relies on the efficiency and reliability and fairness of our judicial system. When we start to hold proceedings in camera, in secret, then the system slowly begins to erode.

There are many instances in which a so-called victim of a crime undergoes rigid cross examination; undergoes traumatic experience on his part, or some of his past history may be exposed to the general public. Unfortunately, our judicial system, our system of justice, simply cannot operate, in my view, effectively as it has, without us running that risk.

This law, as I see it, although, on its face, it applies equally to everyone; in practice, it really sets up a preferential judicial procedure for women. I think that is wrong. I can only say that I, as a father of two daughters and as a husband, I am very concerned about crimes against our women. But in the larger sense and in the larger picture, I am also concerned as a member, not only of this Legislature, but also of our legal profession, about the inroads being made on individual liberties and our judicial process. I see this as another beginning of the weakening of our judicial system.

For that reason, I urge my colleagues--I know it is difficult--to vote against this bill."

Representative Carroll then rose and stated:

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

Mr. Speaker, under the Warren Court decisions of the 1960's, we had a tremendous swing in our country, and I think there was a correction because of the effect of the court on our laws to protect the individual.



Somewhere along the way, Mr. Speaker, the victim got left completely out of the picture.

If we examine carefully House Bill No. 1305, I must submit, Mr. Speaker, that there is no injustice there either for the potential defendant, and I think that the victim will be most well served by this. There is nothing within this bill to prohibit a right to trial. There is nothing in here to prohibit a public trial. There is nothing in here to prohibit an offer of proof. There is nothing to prohibit the presentation in open court before the jury and before the public if the offer of proof is deemed by the court to be relevant, and that is the only question that is being decided in camera. If the offer of proof is irrelevant, it is properly not before the jury and there is certainly no reason to make a circus out of a rape case as they often are between defendant's counsel.

I think that this kind of law is long overdue and I think that this is the kind of law we should have been passing some years past. The defendant's rights are protected virtually every way we look. He has a right to appeal if he doesn't have the wherewithal. He can even so much as have his bond waived and his transcript paid for by the good graces of our citizenry. But the victim is the one that we never seem to consider, and I think that this kind of a law is not only just, but overdue, and certainly right for an 'aye' vote before this body.

Thank you."

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

"Mr. Speaker, I rise to speak against it after having marked it for myself with a 'yes' vote right up until this evening. I agonized over this bill for reasons that, perhaps, are not readily evident to the members of this body nor to the general audience which, by the way, is observing our proceedings.

Mr. Speaker, the bill has addressed only women. I have recently taken on the task of being a member of the Board of Directors of the Sexual Identity Center here in the State of Hawaii. It is not because I don't have enough things to do, either in my legislative life or in my private life; it is because I believe that

there is a serious question in our society today of sexism as it applies, not only to women, but as it applies to men as well. Almost the entire discussion, if not all of the discussion, has taken place around the subject of the rape of women.

I submit to you, Mr. Speaker, that the question of homosexual rape of women by women, of men by men, is every bit as real a question in terms of trauma, in terms of personal tragedy, as the classic situation of a woman being raped by a man. We have these problems existent right today in our prisons. We have the problem of extortion and blackmail taking place right now within this city over homosexual rape.

Homosexual rape is not an exception. It is, unfortunately, in these circumstances--circumstances of a twilight life, circumstances of a life of fear of exposure of homosexuality--the all too real situation. Because of that, I was prepared, or attempted to prepare, in my own mind, especially with my responsibilities as a member of the Board of Directors of the Sexual Identity Center, to support the bill because I believed it would open an opportunity that had not been completely explored in this area of homosexual rape. That is to say, those people living in fear that exposure of their sexual lives, the sexual orientation that they have as homosexuals, would be such that they would be tempted not to report such rapes; not to engage in what is lawfully their right to pursue; namely, the prosecution of an individual who has violated the sanctity of their bodies. Because of that fear of exposure and being in a courtroom, regardless of all the protections offered previously in the law, that being in that courtroom, exposed to the public would, in this particular instance where homosexuality is concerned, expose them further in a way that could ruin their careers; ruin their personal life even further than the personal tragedy they had experienced in being raped.

As much as I would like to do that, I feel that the argument made by Representative Cayetano is more compelling. I cannot abide by the circumstances of having the public excluded from the courtroom. I would rather, despite all the difficulties involved, dedicate myself to the task of carrying forward the work that we should treat each other as individuals, that whether we be heterosexual or homosexual in our sexual orientation, whether we be men or women, that we are entitled to a sexual and emotional



life that is fulfilling for us; one that does not take advantage of the other person, and that this message as difficult as it is to get across in our professional lives, in our personal lives, is the proper role to take, the proper methodology to follow in a democracy.

I am tempted, even as I speak, to want to vote 'yes' for this bill, but I think back to the Star Chamber proceedings of the past, and I think back to the fact that we exist as a Legislature on this floor today, in great measure, because of the advance among other items of English common law which established in bloodshed, and established in great cost in personal fortune, in personal comfort, and the very lives of the ancestors of the Western civilization in terms of jurisprudence, in great measure, adopted in this nation; that all those costs were paid, all those prices were paid, in order to establish that justice would take place in public so that the public could confront the judges with perfidy if they committed it. It is to confront the judges with whether or not they were carrying out the public interest as embodied in the law. I think the fact that the judge would be making the decision in camera as to relevance in this instance is a fundamental blow to the system of jurisprudence which has served us to this point in time in our history and, therefore, Mr. Speaker, despite all of the trepidations that I have about voting 'no', I must do so, and ask that we consider the issue of the fundamental premises upon which our system of justice is based, and in doing so, pay attention and respect to the issues that I have raised in the sense that we all dedicate ourselves to eradicating prejudice and discrimination in respect of our sexual conduct so that this fundamental premise of American jurisprudence will not be assaulted.

Thank you."

Representative Kunimura was then recognized and he stated:

"Mr. Speaker, I rise to speak in favor of this bill. Not being a learned man with only a high school education and being only recently converted to a proposition that the woman has a unique right, Mr. Speaker, if I may share with you my personal experience.

Up until about mid-1974, I was of the thinking that all the women who got raped deserved to get raped

and then this woman talked with me at length and all of a sudden, Mr. Speaker, I felt I saw a picture in my mind about my papaya tree and then I began to reason that if I gave my neighbor the right to pick my papayas and all of a sudden I changed my mind and he kept on picking my papayas, I can have him arrested. With that in mind, I felt that a woman has the right and complete control of her body and she can do whatever she pleases. But nobody should violate her rights because she had given prior permission at one time or another.

Mr. Speaker, in 1975, we enacted that bill. That was my bill. I felt very proud, but I am thoroughly convinced now, with this bill before us tonight, that in America, justice is really blind and sometimes the man or the woman who plays God, our judges, are indifferent or sometimes insensitive.

It was the intent of that bill, Mr. Speaker, to clear the courtroom. Any decent, common human being with any kind of common sense would clear the courtroom with a law like that in their heads. But no, because judges are maybe human beings, they like to experiment some things, and this bill is going to finally plug that hole.

Mr. Speaker, I have never heard in all my years, and I am going to be 54 in April, of a man being raped by a woman. This is a very unique kind of situation. We got to give special consideration because of this uniqueness. But if it was a case where a man gets raped equally by a man, then maybe my thinking would be different. But the crime is very unique, Mr. Speaker, and the crime is devastating.

Many times, it is more humane to murder the victim after the rape because you would have destroyed her anyway. I have seen cases where families were shattered; of beautiful families shattered because one beast couldn't respect the right of another.

Mr. Speaker, the only way to vote tonight is 'aye' for this bill because, then, we are going to bring back to balance the unbalanced scale of justice and bring the sense of the courtroom to sensitivity rather than insensitive judges. Sometimes the Legislature must act in this manner because the 'bench' does not know any other way to do it. So, Mr. Speaker, I ask all the members of this House to clearly think this is very unique and this is the only way to go, and let us see because the only way to stamp out this most vicious crime that a human

being can commit is rape, and the only way to stamp it out is to have more and more of these beasts brought to justice and sent to where they belong.

Thank you."

Representative Ikeda then rose and stated:

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

Other measures have been introduced during this session which would have prohibited evidence of our rape victim's past sexual conduct, except if it involves the defendant. Mr. Speaker, not only is this concept fair but it is preferable. This would focus the evidence where it belongs on the rape victim's truthfulness and not on the victim's reputation.

House Bill No. 1305 is a pacification measure. While it requires that only necessary court personnel hear testimony concerning the victim's past sexual history, this method still does not preserve the victim's rights. Prying into the victim's previous sexual background is an irrelevant intrusion into her private life.

Testimony has shown that only ten percent of all rapes committed are reported and in 1975, our most recent police statistics show that out of the 164 rapes reported, only 54 adults were arrested and only 3 convicted. It is also a fact that many women don't report that they were raped because they know how very difficult it is to get a conviction. They also know they will have to submit to humiliating questioning. We need a bill with some teeth in it so that women can be confident that there will be justice without having to submit to needless humiliation.

In conclusion, Mr. Speaker, while House Bill No. 1305 will prevent the current situation where testimony on a victim's past is heard in open courtrooms by everyone but the jury, it still does not rectify the inequitable situation which now exists. Emphasis should be placed where it belongs and that is on the crime itself.

Thank you, Mr. Speaker."

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

"Mr. Speaker, I would like to

rebut some of the remarks that were made by the Honorable Representative from Manoa. He raises an interesting question of whether there could be a rape of a homosexual.

Mr. Speaker, I would suggest that is a very highly academic question and, perhaps, one that should be addressed by the legal profession. However, the bill does not know of any gender in this case. It doesn't talk of men or women; it speaks of the complaining witness which knows no gender. It speaks of the defendant. Again, this knows no gender. So it is a highly academic question, Mr. Speaker, and I suppose it will be addressed one day by the courts as to whether there could be a rape of a homosexual.

In rebutting some of the points that were raised by the first speaker in opposition to this bill, he talks of undermining the court system. He suggests that it is going to invite injustice. He suggests also that the system is going to erode. Mr. Speaker, I would suggest that, in looking at this particular bill, we must look at the rights of all the individuals involved, including that of the witness, and if we are going to look in the entity such as the court, I would suggest to this honorable body that the rights of the individual should always prevail.

Mr. Speaker, I don't believe that his remarks are exactly correct because in any kind of a proceeding, even in the absence of a jury or the public, nonetheless the attorneys are present, records are kept, and the court personnel are present. So, if there is any tendency to invite injustice, then there is an avenue of appeal, Mr. Speaker. So I don't see how these injustices or the erosion of the court system would occur.

I would suggest, Mr. Speaker, when it comes to the free press, they should be treated no different than any other individual, and if other individuals are going to be excluded from the courtroom, except for the press, then the cause is lost because the press will pick up the information and publish it in the newspaper and it would make no difference if the public were excluded or left in the courtroom.

In any case, Mr. Speaker, this bill only addresses itself to the relevancy of prior sexual conduct of the complaining witness. Under such circumstances, we are talking about relevancy, Mr. Speaker. If the court finds the evidence to be relevant, it will be introduced

in the record in open court, so I don't see how we are going to undermine the system of the court. At present, if it is a question as to relevancy, Mr. Speaker, oftentimes, the attorneys will approach the 'bench' out of the hearing of the jury and the general public, so this is no different than any other proceedings that occur right now. Mr. Speaker, the only difference is that in one instance, the public is not within ear shot and the other, the public is excluded.

I, therefore, ask all of my colleagues to vote in favor of this bill.

Thank you, Mr. Speaker."

Representative Carroll then rose and stated:

"Mr. Speaker, I rise for the purpose of rebuttal. I would just like to amplify the remarks made by the Representative from Hilo with respect to remarks made by the Representative from Manoa, and I don't mean to be irrelevant here, but there is a statute which addresses itself to the matter which both seem to think is somewhat academic and that is called forced sodomy, which takes care of the problem. What we are talking about here, where there is a man involved, and it is far from an academic question and certainly that type of a situation would be brought in under the purview of House Bill No. 1305, and I think that the Representative from Manoa's comments are very well taken, and I think that none of us can be expected to know all the laws that have been put forth in the last six or ten years.

Now, inasmuch as we do have that type of a provision to take care of the concerns which were addressed, the only other question then is the question of relevance, and the question of the hearing, and I had intended to make remarks on that, but the Representative from Hilo has adequately covered those.

Thank you."

Representative Cayetano, in rebuttal, stated:

"Mr. Speaker, in response to some of the comments made by the previous speakers who are for this bill, let me say this: At present, in our judicial system, the avenue is, for example, for defense lawyers in criminal cases to seek to suppress evidence and it usually requires a hearing which is done out of the

presence of the jury. I have no argument with that.

There is a compelling reason for the jury not to hear evidence which is irrelevant. We are talking about the public. If we file motions to suppress, those hearings are held in public. The public knows about those hearings. The press knows. This is what I am talking about.

I have been practicing law now for six years. I never did corporate work; I got my start doing criminal work, rubbing shoulders with people who are really on the bottom of the barrel. I have always felt that the hallmark of any democracy is how you treat the guy on the bottom of the barrel. As I said earlier, public scrutiny of the courts is one way to insure that the person on the bottom of the barrel has a fair shake.

In Education Committee last week, I think it was, we considered a bill that we are going to pass and that bill gave restitution to a couple of people to whom an injustice was done many, many years ago, and we have come to the realization that an injustice was done because we know what happened. This is the kind of thing I am addressing.

Talk about the avenue of appeal--sure, it sounds very nice and proper on paper. Appeals cost money. I want to ask my two colleagues who are attorneys who rose on this point, how many appeals have you done pro bono, my friends? So the issue here, Mr. Speaker, is not the relevancy of the evidence. The issue is a larger one and that is the right of the public to monitor its courts."

Representative Abercrombie then rose to rebut, stating:

"Mr. Speaker, just as a point of clarification.

I understood that it applied to both genders. This was the compelling factor in my wanting to vote yes. I realize that it would affect both sexes and the fact that one of the Representatives mentioned that, perhaps one day, such a case may come before the court. Again, it is even more compelling evidence to me that I should vote for the bill because I know that this thing is going on right now and is not being prosecuted. Perhaps this kind of an approach, as outlined so very clearly by Representative Stanley, would aid and assist in the prosecution of these cases.

But I must again reflect historically, the fact of the matter is that the system of justice we enjoy in the State of Hawaii today does not always exist. The fact of the matter is that in some states of the union, courts have been rigged; judges have been bought; attorneys could care less; courtroom personnel were heckled. The fact of the matter is that, historically, these things have gone on in the United States--that certain races have been railroaded; certain religions have been railroaded; people of certain ethnic backgrounds were railroaded. The fact of the matter is that there have been cases of rape or accusations of rape in this State when it was a Territory that involved racial prejudice; that involved, in my judgment, rigged courts; that involved, at the very least, prejudicial behavior on the part of those who were sworn to uphold the laws of the land, and the whole idea of having a court proceeding in public is that the public, at least, can observe that. At least, they can record in their own minds, if not on paper or in speeches to oral or written history later on, what really happens; what they really saw go on in that courtroom.

It is not a question of the relevancy of the jury that I addressed. The jury is out of the room. There are instances when that takes place--yes--and should take place because it has to do with rules of evidence. I am talking about the capacity of the people to sit in a courtroom and record, if only in their hearts and in the recesses of their minds, to be passed on, perhaps surreptitiously, later on to their sons or their daughters, or to others who are experiencing similar injustice, what truly happens in that courtroom. That is the difference in our legal proceedings as I see it. The public is there.

I have been in court myself. I have been an officer of the court as a Senior Deputy Probation Officer. I have made recommendations to sentence people to prison which have been followed; that is to say, accepted the rationale of the recommendation, accepted by the judges who impose sentences, and prison sentences were meted out. I was in the Probation Department in which the rule was that you could not recommend the sentence to a judge unless you were willing to sit face to face with the person upon whom you were making a recommendation, and tell that person what it is that you were recommending. So I don't rise out

of some abstract situation. One of the first cases I dealt with was a case of murder where the person was on death row in San Quentin, and the rehearing came up as to what the sentence should be and I had to make a recommendation, and it involved a necrophiliac murder and rape. So I am not speaking out of abstraction; I am speaking out of my experiences as well.

I want to vote 'yes' but I cannot, because there is a wider principle and issue of the public being involved in the courtroom procedures which is the foundation stone of the protection of freedom in the nation. I believe that the law, as it presently stands, affords the protections as much as we can allow those protections to exist and still meet the task of a democratic society."

At 10:50 o'clock p.m., on request by Representative Carroll, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:00 o'clock p.m.

At this time, Representative Blair was recognized and he stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 1305, and in doing so, I will try to be brief as most of the arguments have been eloquently made.

Before speaking in favor of this bill, I would like to publicly express my appreciation to Representative Cayetano. He very bravely raised the policy consideration which, I think, we all should be aware of when we cast our vote.

However, what we really have before us are two policy considerations and our job as legislators is to balance them. To me, Mr. Speaker, the balance will be weighed in light of an experience that I had. As you are aware, I am in the process, hopefully, of joining the brotherhood and as a result of that, on occasion, I had journeyed down to the Judiciary to sit in and see you gentlemen in action and pick up a few pointers along the way. In one instance, I sat in on a rape proceeding and it became very clear to me at that point the trauma that the woman goes through. I guess you really aren't aware of it until an experience like that touches you and because of that, Mr. Speaker,

even though I am aware the policy Representative Cayetano speaks of is a very real and important one that we should not lightly overrule, even on a narrow point such as this, on balance, Mr. Speaker, I will be voting for this bill because the individual's rights here must be paramount.

Thank you."

Representative Naito then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill. I wasn't going to, but I just thought it might be appropriate at this point to bring back some history about Act 83 of 1975. That Act resulted from a gross inequity that the Legislature thought was being perpetrated against victims of rape in courtrooms by defense attorneys.

The use has been mentioned earlier of rape trials as circuses; the use of humiliation as part of the defense in rape trials has been used so extensively and so well that most women would refuse to even face the courtroom. Not only do these defense attorneys badger witnesses in relationship to the actual instances of rape, but their entire past sexual private history was also free to be utilized against them. They were not talking about the defendant; they were talking about the victim; and the Legislature, in its wisdom, with the help of the Representative from Kauai and a few others of us, introduced this bill and, fortunately, this bill passed.

I would just like to mention briefly that I would very much agree with the remarks made by the previous speaker, the Representative from Hawaii Kai, that this bill does not go far enough. I think that any past sexual history of a woman is totally irrelevant in a rape trial. I have never heard, perhaps because I have not had that much courtroom experience, but I have never heard in a burglary trial of the victim of the burglary being asked how many times he has been burglarized before and going into details of the burglary, nor in a robbery trial. The old person comes to trial if they catch the supposed thief; the old person is asked how many times he has been hit over the head to make that into a relevant question, and even if they were asked, the humiliation is not necessarily there but it certainly is there in a rape trial,

and it is one of the compelling reasons why most women do not report the crime of rape.

Anyone who voted for Act 83 in 1975 and who doesn't go along further as the Representative from Kauai said, to close that gap, that we didn't even think that the judges would do. As I recall, in 1975, we just assumed that they would properly be taken into the private chambers of the judges and anyone who doesn't go along with us, it seems to be the most simple, logical succession of Act 83. I don't understand, but again, just in closing, this has been a device by the defense attorneys and I don't want to suggest a conflict of interest, but I certainly think that all members of this House should vote 'aye' on this bill."

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

"Mr. Speaker, there was some mention about the irrelevancy of the victim's prior experiences with respect to burglary and assault, et cetera. I would just like to ask the previous speaker if she is aware that that kind of information, that kind of evidence, is admissible if it reflects on the person's or victim's credibility?

And one other thing, is she going to declare a conflict on this?"

Representative Naito replied:

"Mr. Speaker, if being a woman is a conflict of interest, I certainly would be happy to declare a conflict of interest.

As far as the first question is concerned, I don't know how many times in burglary cases or robbery cases, or any other criminal cases, this is asked. I presume that it is asked very infrequently, even in assault cases, whereas in rape cases, it is a major question and it is a major tool of the defense attorneys as I previously stated.

Thank you."

The motion to pass H.B. No. 1305 on Third Reading was put by the Chair, and H.B. No. 1305, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE OF SEXUAL CONDUCT", having been read throughout, passed Third Reading by a vote of 45 ayes to 2 noes, with Representatives Abercrombie and Cayetano voting no, and Representatives Kamalii, Machida, Morioka and Uechi being excused.

H.B. No. 1105, HD 1:

On motion by Representative Segawa, seconded by Representative Shito, H.B. No. 1105, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE", passed Third Reading by a vote of 47 ayes, with Representatives Kamalii, Machida, Morioka and Uechi being excused.

H.B. No. 772:

Representative Garcia moved that H.B. No. 772, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Kunimura then offered the following amendment to H.B. No. 772:

"SECTION 1. Section 1 of H.B. No. 772 is amended by adding a new subsection (4) to Sec. 712-1200, Hawaii Revised Statutes, to read as follows:

'(4) Any person who engages in, or agrees to or offers to engage in, sexual conduct with another person in return for a fee shall post a sign measuring not less than eighteen inches high with three inch red lettering at all entry points to said person's premises whereat said sexual conduct occurs and which sign shall read as follows:

'Any person who engages in, agrees to or offers to engage in, sexual conduct with another person for a fee is subject to prosecution under section 712-1200, Hawaii Revised Statutes.'

The sign shall be printed in English, Japanese, Chinese, Filipino and Hawaiian languages."

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

Upon reconvening at 11:17 o'clock p.m., Representative Kunimura moved that the amendment be adopted, seconded by Representative Suwa.

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

"Mr. Speaker, I appreciate your dispensing equal justice in these chambers--majority or minority.

Mr. Speaker, in speaking for this amendment, I must draw the attention of the members of this House that so often--not once, not twice, but umpteenth million times maybe--in the course of human history, men or women who proposed some drastic approaches--invention, law, what-have-you--many times, were ridiculed, laughed at, stoned at times, and in several cases, they were lynched, or beheaded, or burned at the stake.

This amendment is a very serious one, Mr. Speaker, in light of the bill we passed on evidence of prior sexual conduct. Talking about the point of law, this State is very unique, especially Honolulu, and especially in Waikiki, where most of these businesses are carried on. We have a high influx of people from foreign lands here and, Mr. Speaker, since it is always known and said that ignorance of the law is no excuse, that we are going to be arresting innocent people and, Mr. Speaker, this particular bill, in its original form, was presented to this body last night. Without the amendment, it is a drastic departure from international practice, where people coming from all over the world and where they come from--you know, it is many times legalized; many times, if it is illegal, then the vendor is hauled in for misdemeanor.

Mr. Speaker, I would like to request that my colleagues look at this amendment. It is a very serious thing, especially that illustrious colleague from the great law school of Stanford, because of his wise judicial knowledge and experiences, maybe he can shed some light. If he says this is a bad amendment, I may consider withdrawing. This is how much I put credence in your legal knowledge.

You know, don't fool yourself, I may have the votes yet tonight. Thank you, Mr. Speaker."

Representative Kawakami then rose and asked if the movant would yield to a question, to which Representative Kunimura replied in the affirmative.

Representative Kawakami asked:

"Mr. Speaker, why was the Korean language omitted from one of your requirements?"

Representative Kunimura replied:

"Mr. Speaker, if you'd noticed the amendment as to the languages



proposed here, we checked with the Hawaii Visitors Bureau and we didn't want to put all the languages of the world, but by the number of tourists coming over to Hawaii, and we had to stop at a certain point. Therefore, we have English, Japanese, Chinese, Filipino and Hawaiian languages, and not to reflect that these people who speak these languages are the main customers, they are not in that order also. Just to give adequate warning before they purchase that they will be hauled in if they are caught. That's all."

Representative Garcia then rose to speak against the amendment, stating:

"Mr. Speaker, I do it with great reluctance because many of us here who know the senior Representative from Kauai will readily admit that he is the recognized authority in this field."

At this point, Representative Kunimura rose on a point of order and remarked:

"I do not purchase, but if it's available, I may consider."

Representative Garcia continued his remarks, stating:

"Mr. Speaker, what this bill does is require that any person who engages in any type of sexual conduct with another person, in return for a fee, shall post a sign measuring not less than 18 inches with 3 inch red lettering at all entry points. Mr. Speaker, we will run into several practical problems with this amendment.

For one, we may run counter to several City and County sign ordinances that may have some strict requirements relating to the posting of these signs.

Secondly, I have it from a verified source that perhaps the Outdoor Circle may object to these signs; and

Third, and even more important than these two arguments, is that these signs are discriminating toward prostitutes, because this sign requirement will only be required by the prostitute who sells this particular service, rather than the customer, and that's what this particular bill, in its original form, is intended to do. It is aimed at the customer and the individuals involved who

sell their particular services.

Another way in which I think this amendment does not address itself to is in terms of practicality. How will you be able to fit all of these words in five languages in a sign measuring 18" x 18"?

For these reasons, I suggest that we defeat this amendment."

Representative Kunimura was recognized by the Chair and he stated:

"Mr. Speaker, the Chairman of the Judiciary Committee has the audacity to bring onto the floor. . ."

At this point, Representative Larsen rose on a point of order and stated:

"Mr. Speaker, I thought we were allowed to speak twice on each issue. I have already heard twice from the gentleman from Kauai and I think that's enough."

The Chair replied:

"The movant has the right to summation at this point, according to our rules."

Representative Kunimura then asked:

"Did I speak twice on this subject matter? I answered his question-- point of information."

The Chair replied:

"That is correct", and asked Representative Kunimura to "proceed".

Representative Kunimura continued, stating:

"I hope my colleague who recently became a majority member will learn how to count.

Mr. Speaker, I have never seen people going to the grocery store carry a sign, 'I am a customer', or going to the automobile agency, saying, 'I'm a customer'. So his argument, Mr. Speaker, is full of holes."

Representative Cayetano then rose to speak against the amendment, stating:

"Mr. Speaker, the previous bill we discussed was a very, very serious matter involving rights and sensitivity of our rape victims. I think this bill, House Bill No. 772, has also been a very, very serious matter. I was amused when I saw this amendment. Now that we spent so much time on this thing, I am no longer amused.

This has cost money and time!  
Let's stop fooling around."

Representative Kunimura responded, stating:

"May I answer that? You know, it's very serious when someone charges another member of this House that his or her idea is a fool-around idea, and I would like the members of this House to know that I am very serious about this amendment--okay? It's not fooling around because then everybody else and everybody else's idea may be construed as fooling around. Let us give every individual the right here, Mr. Speaker.

Let's not talk about time because we had lots of time wasted here, too. But this one is a serious one and if this calendar calls for this bill to come out at this hour, then, it's not the fault of anyone, but we have that responsibility to try and enact laws that will be fair to all."

At 11:25 o'clock p.m., on request by Representative Yuen, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:29 o'clock p.m., the motion to adopt the amendment was put to a vote, and the amendment failed to carry by a voice vote.

Representative Garcia then rose to speak in favor of H.B. No. 772, stating:

"Mr. Speaker, it is because of the very problem of equal treatment that we are seriously looking into this matter. We want to enact laws that are fair to all, whether they be male or female.

In this particular instance, it takes two individuals to engage in this type of service, and it is for this very principle that the Committee felt, to be fair to all individuals, that both should be prosecuted.

And don't think that prostitution in Hawaii is a small business. The Honolulu Police Department testified that as many as one thousand prostitutes make a business at all islands in this area. And large amounts of money are transacted between prostitutes and their customers. In fact, in many instances, organized crime is involved and the organization of the prostitute ring goes from island to island.

Because of its seriousness, the Committee on Judiciary felt that we should take up this particular area, and we felt that the way to remedy this situation is to prosecute both the customer and the prostitute involved in the act. This makes it fair for both individuals, and that's why we feel that the House should act on this measure and pass it on Third Reading.

Thank you, Mr. Speaker."

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak against this measure and I shall require your undivided attention because I am going into details.

Mr. Speaker, the purpose of this bill is to amend Section 712-1200 which is part of the Hawaii Penal Code--a Penal Code that was placed on the books of this State after immense deliberations. Senator Dennis O'Connor, one of the great attorneys of this State, worked day and night on it and finally he said, 'We have something like a finely tuned piano. Change one of the strings and you have lost the basic rhyme and rhythm and meaning.'

Now, Mr. Speaker, we have before us a bill and this bill, I shall read to you and show you exactly where it is, but first of all, let me go back to our present law. Under our present law, only the prostitute--the one who receives payment for engaging in sexual conduct--is subject to arrest for prostitution. Mr. Speaker, I believe that this bill would make suppression of prostitution. You've just heard that there are one thousand prostitutes here. We need suppression of prostitution.

We are not engaged here in the Liberation movement of equality. There is an Equal Rights Amendment that has passed 36 states. The wife of the President of the United States, Rosalyn Carter, has attempted to guarantee the 39th state for a Constitutional amendment and that is the appropriate way to achieve the type of equality the Chairman of the Judiciary Committee is talking about.

But, Mr. Speaker, if we attempt to put this bill in, we will greatly discourage the giving of any information or confidence. No one knows better than you, Mr. Speaker, that when we talk of two people in a criminal situation, then we have moved to a whole new phase of criminal law. We have moved to criminal conspiracy. And you know and I know the ramifications

of criminal conspiracy and the difficulties.

Now, Mr. Speaker, let me just very carefully look at this statute and, as you know, statutes interrogation of the common law shall be strictly construed. As you also know, in statutory construction, all provisions of the Hawaii Revised Statutes relating to general statutory construction shall not merely apply to law in force, but to any addition, change, or deletion. You also know, Mr. Speaker, that the words of law are generally to be understood and they must be known, and the usual significance without attending to so much of the little and strictly grammatical construction. You further know, Mr. Speaker, that the meaning of the ambiguous words may be sought by examining the context. We're going to examine the context, Mr. Speaker, in a minute, with which the ambiguous words, phrases and signs may be complied and, Mr. Speaker, the reason in the spirit of the law must be looked into in any of these constructions.

Any construction which leads to an absurdity, Mr. Speaker, shall be rejected and, Mr. Speaker, if I could find and bring in one point here at the end that words in the masculine gender signify both a masculine and feminine gender, and those in the singular plural signify the singular. We put that on the books ourselves right here with you as the Speaker, and it's a good law.

Now, let us look at the statute, Mr. Speaker. A person commits the offense of prostitution if he engages in or agrees, or offers, to engage in sexual conduct with another person and, at the present time, the statute reads, 'in return for a fee.' The only single solitary thing this does is delete the words, 'in return.' This violates the basic concept enunciated by Senator Dennis O'Connor that he put in the Hawaii Penal Code. It violates, Mr. Speaker, the rules of construction. Furthermore, Mr. Speaker, if you would look at this very carefully, what constitutes a fee--what of a prior gift? What of the gift at the time? What of the gift in the future? What of the promise of a gift in the future? Are those fees? We don't know.

But, Mr. Speaker, we looked at the basic concept and this has been enunciated by our United States Supreme Court that there must not

be ambiguity in any criminal statute. The person out in the street who makes the violation must know the law. We must not pass something which, for all intents and purposes, takes advantage of his ignorance. So, Mr. Speaker, we will find a very narrow construction.

Now I want you, Mr. Speaker, sometimes when you're over at the law library, to please look at the Columbia Law Review, January 1969. The article is 'A Social Analysis of the Enforcement of Prostitution' and they examine this idea that the Chairman of Judiciary has brought up--of having two parties--two parties guilty here and the idea of saying, 'alright, the customer is guilty.'

Now, we could not even define the fee and, furthermore, we are coming into a proposition that he says that most of the prostitutes are out in Waikiki and that means mostly transients. That means that those transients are not here to serve as witnesses. We are just having a terrific difficulty in the Finance Committee finding out who was going to take up \$160,000 for witness fees and the brilliant mind of our Chairman--I'm just perplexed by this.

Mr. Speaker, we do not want to put statutes on the books. We don't want it said that the House, with Mr. James Wakatsuki as Speaker, put on the books something that didn't allow the basic purpose of this law. The basic purpose is to stop prostitution.

We'll let Mrs. Carter and the ladies get up to 39 states in the equal amendment. That's where you get your equality. But not taking the Penal Code and violating the basic tenancy enunciated by Senator Dennis O'Connor, of not changing this Penal Code piecemeal at any time because you're changing that one little chord in that great strata area of the piano.

Now, Mr. Speaker, would you please, for one minute, bear with me. The evidence that I heard when I was on the Judiciary Committee for two years--I am over in Finance now--we go to 3:00 o'clock in the morning over there and there is no time for anything else--so I don't have any evidence that happened this year; it's two years ago. But the police came in and, Mr. Speaker, they testified that this thing was unenforceable--unenforceable! And we went all the way up to Chief Keala and Chief Fletcher and we have minds that know enforcement.

You don't want to do it. No, you don't. I see Chairmen of Committees that work; believe me, they work hard here. Let's not put on the books something that the police don't want on the books when our sole purpose is not equality. Our sole purpose is to stop the prostitution in this gorgeous paradise of Hawaii and I thank you, Mr. Speaker."

Representative Takamura then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 772 and in doing so, I must admit having some reservations; namely, because I feel that our laws are already too full of laws that try to legislate morality. But I must say that if the intent of this law, in the first place is, as the previous speaker stated, to try to stop prostitution, I think the bill is needed because one good way to try and stop prostitution is to try and put some hold on customers. You can't have prostitution if you don't have somebody out there buying what they are trying to sell.

This amendment goes right directly to the point of the law which is to stop prostitution. I think this is one way to do it and it is probably more effective than simply trying to harass a lot of people out there working hard."

At this time, Representative Narvaes requested that his prepared statement be inserted into the Journal, and the Chair, noting that there were no objections, so ordered.

The following is the remarks of Representative Narvaes:

"My esteemed colleagues, I rise to speak in favor of House Bill No. 772.

I'm sure that we can all agree that this bill is of quite controversial substance. When it is passed, however, it will be another giant step against discrimination in our State. Where night clubs may discriminate against men in their cover charges, this bill, when dealing with a heterosexual rendezvous, will end such discrimination against women.

As the poet said, 'He who dances must pay the fiddler.' I say, 'He who dances must pay the fiddler and the State.'

Mr. Speaker, all kidding aside, I urge all male members of this House

to vote for this bill and show the women of this State that we are not chauvinists."

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

"My point is that in the previous remarks made concerning the passage of the Penal Code, neglect was made in terms of contributions by ex-Representative Stanley Roehrig who served this Chamber and served this House very well in the passage of the Penal Code."

Representative Kunimura then rose and stated:

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

My attempt to amend this bill was not to frustrate the bill. I certainly believe that we have statutes governing people who buy or receive stolen goods because they are illegal and, certainly, this is going to add to cutting down the incidence of prostitution in Hawaii and I would like to ask every member of this House to support this measure."

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

"After listening to some of the debate and having before me a summary of material that raises one question, if the Chairman of the Judiciary Committee would graciously yield?"

Representative Garcia replied:

"Mr. Speaker, I will listen to the question first and then I will determine whether I will answer it."

Representative Cobb asked:

"Mr. Speaker, this material states that in New York City recently, during the calendar year, there were 8,000 arrests of prostitutes, but only 112 of the customers, even though New York City has a law identical to this one prohibiting the patronizing of the prostitutes in making that a crime. I was wondering if there was some reason or rationale that is available as to why this discrepancy continues even though this identical kind of law is in effect."

Representative Garcia answered:

"Mr. Speaker, I am not familiar with the article that he is referring to nor am I familiar with the statutes

of New York, so I would not be able to answer that question."

Representative Garcia then asked:

"Mr. Speaker, I would like to rebut for one minute, if I may?"

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

"I would like to refer to some testimony that was presented to the Judiciary Committee on February 23rd of this year and this testimony was presented by Mr. Eugene Uemura who is Captain of the Vice Division. His first sentence starts out by saying, 'The Honolulu Police Department recommends that favorable consideration be given to this bill.' The Honolulu Police Department was in favor of this particular statute.

Your Committee looked into the enforcement aspect; we talked to several attorneys, and we talked to the Prosecutor's Office to be sure during the construction of this particular statute that we would be able to convict the individuals involved who try to solicit prostitution. We felt at that time that this particular statute is enforceable; that we would be able to get the individual to court and prosecute them under the statutes, so I just wanted to clear the air on this matter and urge my colleagues to vote 'yes' on it."

The motion to pass H.B. No. 772 on Third Reading was put by the Chair, and H.B. No. 772, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION", having been read throughout, passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Abercrombie and Sutton voting no, and Representatives Kamalii, Machida and Morioka being excused.

#### H.B. No. 555, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 555, HD 1, was recommitted to the Committee on Judiciary.

#### H.B. No. 135, HD 1:

Representative Takamine moved that H.B. No. 135, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Abercrombie then rose and stated:

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

I feel some of the members will note from my activity last year when this 3.5 percent employers' contribution came in, I, at that time, offered some fourteen amendments to the bill. Another nine amendments were introduced in addition because of the deficiencies that I saw in the bill as it originally passed.

Part of the bill that passed included the raising of the contribution rate from employers from 3 percent to 3.5 percent. I felt at that time and I still feel that this was a situation in which, in the guise of tightening up--I think that was the phrase utilized in the newspapers and by various supporters--tightening up the abuse of the Unemployment Compensation Fund, that it was used as an excuse to cover up the deficiencies in the bill.

One of the deficiencies was penalizing small business people in the State by raising the employers' contribution from 3 percent to 3.5 percent. Mr. Speaker, I would contend that it is not the small business in this State which has contributed to the unemployment problem. In the same sense, that the major industries with high turnovers have done so. On the contrary, I think that in this State, we have had, in the past, an experience rating system which deserves to be reinstated. I have introduced such a bill.

I understand there is a bill also to be introduced or perhaps already introduced by the Administration and perhaps a bill in the Senate on this same subject. Until such an approach is adopted, I will not vote for the continuation of what I contend to be a gross inequity in terms of burdening the small business people of this State.

We should have an experience rating system. If there is a deficit in the system, I think it is totally unfair to burden the people who, through the years, have contributed their funds and have never drawn upon them. I have such people in my district, and I am sure there are members on the floor here who have people in their district who have the same circumstance.

I think it is just totally unfair and I think what we are doing in the process is ignoring these small businesses that don't have the same kind of clout that the major industries have when

they come down here. Now, we know these people. One lobbyist, for example, for one of the major industries, I've known for almost 16 years--not a question of being bought off, or question of personal relationship getting in the way, of making a decision or a judgment. As a matter of fact, in this particular instance, I have introduced legislation and supported legislation which, in that individual's opinion, was against the interest of the particular industry.

The point I raise is this: That these people are here in circumstances which let all of us know the kind of power they wield, economically and socially, in the community.

The small business people, on the other hand, do not have the same kind of clout; do not have the same kind of representation here in the same sense that we address it, with the same kind of seriousness in terms of listening to them as we do to some of these other industries. The large industries with the high turnovers are the ones that are involved in sapping the system right now of needed funds.

I suggest to the members of the House that we consider alternatives and methodologies of increasing the amount of funds that are available rather than continue to penalize the small business people of the State.

Thank you."

Representative Takamine then rose and stated:

"Mr. Speaker, in speaking for the bill, I would like to say that House Bill No. 135 was introduced to determine the effects of the amendments made last year.

The Labor Department reported that the full impact. . .first of all, the financing part became effective January 1st of this year. So, the full impact will not be known until the latter part of this year. By next session, they will be ready to make recommendations to this body.

Thank you."

Representative Larsen then rose and stated:

"Mr. Speaker, I am against the bill, but trying to speak in favor

of the small businessman who is the one member of our society who keeps carrying a heavier and heavier load, and we seem to ignore him everytime we turn around. This is one perfect example of that.

In this bill here, we also tighten the provisions for people to be on unemployment compensation and so we force them off unemployment compensation and they go on to welfare. So we haven't gained or lost anything there. The guy standing there at the bottom of this pile is the small businessman who is now paying, instead of \$800 a year, at least, he is paying \$8,000.

I have had several people call me on this and I think there is a very heavy load for him to carry when the State has a problem and expects the small businessman who does not hire and fire to pick up the load like this.

I urge all members to vote 'no' on this bill. Thank you."

Representative Cobb then rose and stated:

"Just to express my concurrence with my colleague's remarks from the 8th District."

The motion to pass H.B. No. 135, HD 1, was put by the Chair and H.B. No. 135, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYMENT SECURITY LAW", having been read throughout, passed Third Reading by a vote of 35 ayes to 13 noes, with Representatives Abercrombie, Ajifu, Blair, Carroll, Cobb, Dods, Larsen, Medeiros, Narvaes, Say, Sutton, Uwayne and Yuen voting no, and Representatives Kamalii, Machida and Morioka being excused.

#### H.B. No. 64, HD 1:

On motion by Representative Naito, seconded by Representative Ueoka, H.B. No. 64, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILE CORRECTIONS", passed Third Reading by a vote of 48 ayes, with Representatives Kamalii, Machida and Morioka being excused.

The Chair directed the Clerk to note that H.B. Nos. 1305 and 1105 had passed Third Reading at 11:05 o'clock p.m.; H.B. No. 772 at 11:45 o'clock p.m.; H.B. No. 135 at 11:51 o'clock p.m.; and H.B. No. 64 at 11:52 o'clock p.m.



DEFERRED MATTERS FROM  
EARLIER ON THE CALENDAR

H.B. No. 805, HD 1, on Third Reading:

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 805, HD 1, was recommitted to the Committee on Judiciary for the purpose of making certain technical amendments to the bill.

## COMMITTEE REASSIGNMENT

The following resolution (H.R. No.

128 was re-referred to the Committee on Ocean and Marine Resources, then to the Committee on Legislative Management.

## ADJOURNMENT

At 11:55 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 11:00 o'clock a.m. tomorrow, Friday, March 11, 1977.

## THIRTY-SEVENTH DAY

Friday, March 11, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Gary Secor of St. Anthony Church, after which the Roll was called showing all members present with the exception of Representatives Kamalii, Kondo and Ueoka being excused.

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

On motion by Representative Yuen, seconded by Representative Kamalii and carried, reading of the Journal was dispensed with and the Journal of the Thirty-Sixth Day was approved.

## SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 37) transmitting Senate Concurrent Resolution No. 100 relating to a memorial for the birth site of Kamehameha the Great which was adopted by the Senate on March 10, 1977, was placed on file.

By unanimous consent, action on S.C.R. No. 100 was deferred until later in the calendar.

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

Representative K. Yamada introduced some Boy Scouts from Waikea, Hilo, Hawaii. They were accompanied by Mr. Nagao, Mr. Higashi, Mr. Fukuda and Mr. Shindo.

Representative Toguchi introduced twelve students from Project Kaena Trio of Castle High School, who were accompanied by the following: Dexter Soares, executive director; Marla Kawamoto, teacher; and Bill Kato.

Representative Shito introduced Mrs. Yone Gushiken, mother of a staff member.

Representative Peters introduced 62 students from Ilima Intermediate

School. They were accompanied by their teachers, Ms. Jane Uyehara and Ms. Mary Sage.

Representative Kunimura introduced ten Girl Scouts from Kapaa, Kauai, who were accompanied by Mrs. Davenport.

Representative Garcia introduced seventy-five students from Kalakaua Intermediate School who are in the Pre-Placement Program for Immigrant Students. They were accompanied by their teacher, Mrs. Josefina Salutas, and her three assistants.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 490 to 498 and 501 and 502), concurrent resolutions (H.C.R. Nos. 88 to 92 and S.C.R. No. 100) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
490	Committee on Housing
491	Committee on Education
492	Committee on Agriculture, then to the Committee on Higher Education
493	Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Culture and the Arts
494	Committee on Education, then to the Committee on Employment Opportunities and Labor Relations
495	Committee on Education
496	Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Ecology and Environment
497	Committee on Agriculture, then to the Committee on Higher Education
498	Committee on Agriculture
501	Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Agriculture, then to the Committee on Higher Education
502	Jointly to the Committees on Agriculture and Water,

Land Use, Development  
and Hawaiian Homes

was deferred until the end of this  
evening's calendar.

#### H.C.R. Nos.

- 88 Jointly to the Committees  
on Water, Land Use, Development  
and Hawaiian Homes and Ecology  
and Environment
- 89 Committee on Employment  
Opportunities and Labor  
Relations
- 90 Committee on Culture and  
the Arts, then to the Committee  
on Finance
- 91 Jointly to the Committees  
on Water, Land Use, Development  
and Hawaiian Homes and Agricul-  
ture, then to the Committee on  
Higher Education
- 92 Jointly to the Committees  
on Agriculture and Water,  
Land Use, Development  
and Hawaiian Homes

H.B. No. 776 (Deferred from March  
10, 1977):

By unanimous consent, action was  
deferred until the end of this evening's  
calendar.

H.B. No. 245, HD 1 (Deferred from  
March 10, 1977):

By unanimous consent, action was  
deferred until the end of this evening's  
calendar.

#### STANDING COMMITTEE REPORT

Representative Kunimura, for the  
Committee on Legislative Management,  
presented a report (Stand. Com. Rep.  
No. 502) informing the House that  
House Resolution Nos. 490 to 502,  
House Concurrent Resolution Nos.  
88 to 92 and Standing Committee Report  
Nos. 480 to 501 have been printed  
and distributed.

#### S.C.R. No.

- 100 Jointly to the Committees  
on Water, Land Use, Development  
and Hawaiian Homes and Culture  
and the Arts, then to the Committee  
on Finance

On motion by Representative Kunimura,  
seconded by Representative Lunasco  
and carried, the report of the Committee  
was adopted.

At 11:20 o'clock a.m., the Chair  
declared a recess, subject to the call  
of the Chair.

The House of Representatives reconvened  
at 11:21 o'clock a.m.

#### COMMITTEE REASSIGNMENT

House Bill No. 727 was re-referred  
to the Committee on Consumer Protection  
and Commerce.

#### SUSPENSION OF RULES

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

At 11:07 o'clock a.m., the Chair  
declared a recess, subject to the  
call of the Chair.

The House of Representatives  
reconvened at 11:15 o'clock a.m.

#### UNFINISHED BUSINESS

H.B. No. 777 (Deferred from March  
10, 1977):

By unanimous consent, action

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following  
resolutions (H.R. Nos. 503 to 506)  
and concurrent resolution (H.C.R.  
No. 93) were referred to the Committee  
on Legislative Management and further  
action was deferred until Monday,  
March 14, 1977:

A resolution (H.R. No. 503) requesting  
review of the accomplishments and  
activities of community based services  
for the mentally retarded was jointly  
offered by Representatives Segawa,  
Abercrombie, Ajifu, Aki, Baker,  
Blair, Caldito, Campbell, Carroll,  
Cayetano, Dods, Evans, Fong, Garcia,  
Inaba, Kawakami, Kiyabu, Kunimura,  
Larsen, Lunasco, Machida, Medeiros,  
Mina, Morioka, Naito, Nakamura,  
Narvaes, Peters, Poepoe, Say, Shito,  
Stanley, Sutton, Suwa, Takamine,  
Takamura, Toguchi, Uechi, Ueoka,  
Ushijima, Uwaine, D. Yamada, K.

Yamada and Yuen.

A resolution (H.R. No. 504) requesting an investigation of sewer working conditions was jointly offered by Representatives Dods, Stanley, Baker, Blair, Caldito, Cayetano, Inaba, Kihano, Kiyabu, Kunimura, Lunasco, Mizuguchi, Peters, Say, Suwa, Takamine, Takamura, Uechi and Uwaine.

A resolution (H.R. No. 505) requesting a study of the effectiveness of vocational education and employment training for youth was jointly offered by Representatives Takamine, Kiyabu, Mizuguchi, Segawa, Takamura, Ueoka and Uwaine.

A resolution (H.R. No. 506) requesting discouragement of migration to Hawaii of unemployed job seekers from the mainland was jointly offered by Representatives Takamine, Kiyabu, Mizuguchi, Segawa and Takamura.

A concurrent resolution (H.C.R. No. 93) requesting a study of the effectiveness of vocational education and employment training for youth was jointly offered by Representatives Takamine, Kiyabu, Mizuguchi, Segawa, Takamura, Ueoka and Uwaine.

The Chair, at this time, made the following announcement:

"The Chair would like to remind all members that Tuesday is the deadline to have all House Bills on deck; that this weekend is a working weekend; all of you should be available for committee report signatures.

Please notify your various chairmen as to where you may be reached; otherwise, the chairman, with your understanding, will excuse you from the signing of the committee report."

At 11:25 o'clock a.m., on motion by Representative Yuen, seconded by Representative Ajifu and carried, the House of Representatives stood in recess until 9:00 o'clock p.m. this evening.

#### NIGHT SESSION

The House of Representatives reconvened at 9:20 o'clock p.m.

At this time, the Chair made the

following announcement:

"The Chair would like to remind all members that there are a lot of bills to be considered; the session is supposed to convene at 9:00 o'clock; it's 9:20 o'clock; can we all be on time."

Representative Larsen, at this time, introduced his sister-in-law, Alice Van Camp; her son-in-law, Tad Fairbanks; and their friends, Gloria Duffy and Tuck Newport.

Admiral Alvey Wright, head of the Department of Transportation, was introduced by Representative Sutton.

Representative Lunasco introduced Mr. James Kurita and his wife, Rose.

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 491 on H.B. No. 161 (Deferred from March 10, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 161, entitled: "A BILL FOR AN ACT RELATING TO AN INTERISLAND FERRY SYSTEM", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 492 on H.B. No. 151 (Deferred from March 10, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 151, entitled: "A BILL FOR AN ACT RELATING TO POLICY PLANNING", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 499 on H.B. No. 101, HD 2 (Deferred from March 10, 1977):

Representative Shito moved that the report of the Committee be adopted and that H.B. No. 101, HD 2, having been read throughout, pass Third Reading, seconded by Representative Nakamura.

Representative Sutton, upon being recognized, asked:

"Mr. Speaker, would the Chairman of the Housing Committee yield to a question?"

Representative Shito replied:

"Mr. Speaker, I'll yield after I make my presentation."

Representative Sutton remarked:

"If it's worth waiting for, I'll wait."

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

"Mr. Speaker, home ownership has always been a primary dream of most of Hawaii's people. The home is the basic source of shelter and security in society, the center of our society which provides the basis for the development of our future citizens.

Today, however, we are faced with a grave situation - a situation in which most of our hard-working island people cannot afford to buy a home without some form of outside assistance, be it in the form of government assistance, family savings, monetary gifts from friends or relatives, or by imposing a monetary debt on one's family that will be repaid until the next generation has its children.

The reason for this, as all of the members of the House are well aware, is that the State has recently been faced with the spiralling cost of home ownership. Although part of this cost can be attributed to the rising costs of labor and materials, another important contributing factor is the ever-increasing cost of land. Moreover, this situation can only be expected to worsen with the supply of suitable residential lands diminishing amidst a rapidly growing population.

For too long we have been trying to accomplish an impossible task. We have been trying to house a population that grows not only from within, but also from without.

It is about time that we, as legislators, took what some of you may term 'drastic measures' to try and house the people that already inhabit our fair State.

H.B. No. 101, HD 2, would help to do this.

If you will recall, Mr. Speaker, the first draft of this bill required

that the Department of Land and Natural Resources dispose of lots through the drawing method only, and had deleted the present \$20,000 income limitation for those who participate in drawings. This bill was met with much opposition from my colleagues and I subsequently recommitted it. After much research and deliberation, your Committee on Housing has come up with a second house draft which it feels will make several improvements in this program, as well as in the overall State housing situation.

The Department of Land and Natural Resources will now be required to dispose of lands by the drawing method, except in cases where federal statutes require auction or when the Department feels that no one, based on income limitations, would be able to afford the purchase.

In view of the shortage of available residential lands in this State, I believe that any such public lands should be disposed of in as equitable a manner as possible. Mr. Speaker, I strongly feel that the most equitable manner and the manner which should be used most often by the Department would be that of public drawing. Instead of these lands going to the wealthiest by auction, it would give all qualified residents a fair and equal chance at obtaining a residential lot. Furthermore, the drawing method would keep land prices down to a minimum, which is contrary to auctions which tend to drive prices upward.

Your Committee has also restored the income limitation for drawing; however, the present \$20,000 limit has been raised to \$35,000. This, your Committee feels, would assist the middle income or 'gap' groups, as well as the low income group presently being helped. It has been a legislative policy to aid all State citizens in achieving their home ownership aspirations, and the 'gap' group has recently been identified as a group toward which State efforts should be focused in order for them to achieve home ownership. The income limitation has therefore been raised in order to accommodate the needs of these 'gap' group residents.

Another portion of this bill would require that any qualified person shall have paid State taxes imposed on him for five consecutive years prior to any purchase of public lands. These taxes would be limited to State income taxes or taxes imposed by the State on private business owners, and would not include taxes paid when making purchases of any sort.

Mr. Speaker, I feel that it is the responsibility of this legislative body to provide for the needs of our local citizens. In view of the shortage of available and affordable lands in our State today, I feel that it is our responsibility as legislators to see that these limited lands be first made available to our local residents. The requirement that a person shall have paid State taxes for five consecutive years would, I believe, help to provide lands to the working people of the State who otherwise may not be able to attain home ownership.

Now, this is a bill that steps forward to meet needs - the needs of Hawaii's people. It is a positive step toward shaping our State's future for the benefit of our residents, and I therefore urge all of my colleagues to join me in voting for the passage of this bill.

Thank you."

Representative Sutton then rose and asked:

"Mr. Speaker, I would like to ask the Chairman a question.

He has explained on page 2, section 3, what he has meant about there has been adequate requirement which states that no person shall be qualified to purchase or lease any lot who has not paid any taxes imposed by the State of Hawaii for five consecutive years prior to the purchase or the lease. But I would like to ask him what about, let's just say, Henry Kamoku, and Henry Kamoku has had no income - he's been down on his luck - and he hasn't paid any taxes for the last five years, and we'll say he's in a rented place over at Waikane.

Now, what I would like to ask is this, are you going to preclude him because he didn't pay any taxes? He's got \$100,000 in the bank. He just didn't have any income for the last five years. Are you going to preclude him from being able to lease or get a drawing or get an auction if an auction were required?"

Representative Shito replied:

"Mr. Speaker, I will answer that question.

If the man has \$100,000 in the bank, he must file income tax because of the fact that he will be drawing interest on it."

Representative Sutton then stated:

"Let us assume that he has tax free, or some of Alvey Wright's revenue bonds at the airport, which are non-taxable."

The Chair remarked:

"I believe the chairman has replied to your question, Representative Sutton."

Representative Sutton continued, stating:

"Therefore, I would assume that this man has \$100,000 in tax free government bonds and he is a resident of the State of Hawaii. He should be given a chance to do all of the things of the citizenry and, of course, he should be given the chance to get in on the drawing; and if he gets a lucky number, he should be given a chance to get one of the lots.

I think we have precluded him without thinking about it; therefore, I will have to vote no although the chairman has been very good and has made some very good amendments that I asked for.

Thank you."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.B. No. 101, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF PUBLIC LANDS FOR RESIDENTIAL PURPOSES", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

The Chair directed the Clerk to note that H.B. Nos. 161 and 151 had passed Third Reading at 9:25 o'clock p.m.; and H.B. No. 101 at 9:35 o'clock p.m.

### THIRD READING

H.B. No. 131, HD 1:

On motion by Representative Toguchi, seconded by Representative Morioka, H.B. No. 131, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COORDINATION OF MARINE AFFAIRS", passed Third Reading by a vote of 51 ayes.

H.B. No. 1442, HD 1:

By unanimous consent, action was



deferred until the end of the calendar.

At 9:36 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:44 o'clock p.m.

H.B. No. 967, HD 1:

Representative Garcia moved that H.B. No. 967, HD 1, be recommitted to the Committee on Judiciary, seconded by Representative K. Yamada.

Representative Garcia then explained that "the reason for the recommitment is not any disagreement with the intent of what this particular bill is trying to do, but rather to try and work out some clear language on it."

The motion was put by the Chair and carried and H.B. No. 967, HD 1, was recommitted to the Committee on Judiciary.

At 9:44 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:45 o'clock p.m.

H.B. No. 598, HD 1:

Representative Takamine moved that H.B. No. 598, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Carroll then rose and stated:

"Mr. Speaker, I would just like to speak against this bill very briefly by stating that this particular measure is an unconscionable burden on our community and I urge every member to vote no."

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

"In the last few days we have seen bills pass by this House that seem to be designed to hurt the small businessman. But this one is a little unbelievable as far as I'm concerned.

This bill provides that an employer must pay a lump sum payment of \$12,500 to non-dependent parents of an employee who dies on the job, if the employee has no dependent

within the second degree.

Now, there could be good arguments made to provide settlement for dependents which requires that non-dependent parents receive an automatic payment is getting a little carried away. There is no legal foundation for this type of settlement. The purpose of the workmen's compensation law was to insure that disabled workers and their dependents would be cared for in their time of need. It was not intended to punish or injure the businessmen; that is what this bill does - it punishes the employer and could be extremely harmful to our small businessmen.

I want to remind the members of this House that this is not open season on small businessmen. Our economy is fragile and needs protecting. This bill will not only cause much harm if the parents of a deceased employee did not depend on him while he was alive, but what liability, I say, does the employer have; there is no liability. So why does the employer have to pay the non-dependents without the opportunity for hearings on his liabilities.

I can see no justification, Mr. Speaker, for this bill and I urge my colleagues to vote against this measure.

Thank you."

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

"I would just like to correct the previous speaker by saying that your Committee amended the original bill, as introduced, and therefore there is no change in the amount of \$8,775 which now goes into a special fund.

Further, the Committee discussed and decided that it should go only to those parents or parent that are on poverty level and we decided that it shall be twice the ceiling.

Thank you."

Representative Blair then rose and asked:

"I rise to ask a question of the chairman of the committee, if he will yield?"

The Chair then asked Representative Blair to "state your question first."

Representative Blair replied:

"My question is, from the remarks made earlier, I got the impression that somehow this would hurt the small businessman. But my understanding of the bill is that he'll be required

to pay the same amount irrespective of whether we pass this bill or not; it's merely a question of whether the funds go to non-dependent parents or to a special compensation fund. So, it's not a question, as I understand the bill, of the small businessman being hurt by the passage of this bill, and I wanted to have that clarified before I vote. Thank you."

Representative Takamine answered, stating:

"The first portion is correct, that it is paid out of the special fund; for those who die on the job and they don't have dependent parents, that amount goes to the special fund.

But the second portion to the question, the special fund is assessed to all employers."

Representative Dods then rose and stated:

"I would like to clarify the previous speaker.

Although the amount of \$8,775 does go into the special fund, what this bill does do, if there are two dependent parents, where now only a total of \$8,775 goes into the special fund, this bill would double that amount going out to the individual people."

Representative Carroll then rose and stated:

"Mr. Speaker, just as a note of clarification with respect to the remarks of that of my colleague and myself. The point of it is not where the money goes back into, but the fact that the money has to be paid.

The money that is going in there, for the State special fund, is coming from the taxpayers and the bulk, or the rest of it, is coming from the employer, and that is the thrust of the remark; where it goes after it is spent is irrelevant."

The motion to pass H.B. No. 598, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS UNDER THE WORKERS' COMPENSATION LAW", on Third Reading was put by the Chair and carried by a vote of 33 ayes to 18 noes, with Representatives Ajifu, Blair, Carroll, Cobb, Dods, Evans, Fong, Ikeda, Kamalii, Larsen, Medeiros, Narvaes, Poepoe, Segawa, Shito, Sutton, Ueoka and Yuen voting no.

#### H.B. No. 1602, HD 1:

Representative Say moved that H.B. No. 1602, HD 1, having been read throughout, pass Third Reading, seconded by Representative Stanley.

At this time, Representative Narvaes rose to speak "in favor of the bill, but with a few reservations", stating:

"Mr. Speaker, the purpose of this bill is to amend the definition of arts to include unique or decorative plants in landscaping.

Now, Mr. Speaker, by adding the word 'landscaping' to the definition of arts, a very ambiguous situation is being created. Landscaping is a word that must be clearly defined. Are we to say that planting is a work of art that should be funded by money allocated to the Foundation on Culture and the Arts? Landscaping, I feel, is a part of construction, not a work of art.

With the word 'landscaping' in the definition of arts, the 1% of construction cost of State buildings that is to be used by works of art in the new State buildings could be used potentially to plant anything. I think anything is, of course, a noble task, but I hesitate to call advanced gardening, art.

In the recent article of the Foundation of Culture and the Arts, page 22, it states: 'The 1% deducted from the sums appropriated for the construction of State buildings is supposed to be used exclusively for the acquisition of works of art; however, this has not always been the case. Funds have sometimes been diverted for purposes other than for the works of art - sometimes the 1% funds have been used to cover the cost overruns in the construction of buildings.' It appears the letter and spirit of this law has been violated before.

Now, by redefining arts, to include landscaping, are we making what has happened in the past easier to happen in the future?

With these reservations, Mr. Speaker, I urge all members to vote unanimously for art.

Thank you."

Representative Abercrombie then rose to speak in favor of the bill and to rebut the previous speaker, stating:

"Mr. Speaker, not all bills that

come before us have the same impact for each one of us in terms of it's emotional impact or the compelling nature of the contents, but none of the bills, I think, comes forward from a committee lightheartedly.

The Committee on Culture and the Arts has a very specific function in this community. I would remind the members that the Committee on Culture and the Arts is scarcely two years in existence. It was founded in 1974 by many of the members presently in the majority and by some of the members in the minority who sat out and some of them who are here also; some members are now sitting on it for the first time.

It is the only committee of its kind in the United States. It has been looked upon favorably by the National Endowment for the Arts in Washington, D.C.; and the State Foundation on Culture and the Arts has worked very closely with the committee in trying to establish its credibility and in trying to establish a foundation, in turn, within the legislative process that will enable the Committee on Culture and the Arts to effectively serve the people of this State.

The fact of the matter is, Mr. Speaker, that in moving into the area, such as landscape gardening, we are recognizing a fact of life in this community which expresses very real cultural predilection that we can all enjoy, that we can all savor, and certainly that we should all support. We are, in fact, doing just exactly what the previous speaker stated, and I give credit to the Chairman and Vice-chairman of the Committee on Culture and the Arts for taking the lead in this respect and bringing this bill before us.

I would like to point out, in addition, that if there has been any aspect of State government which has been unfairly attacked and has been made into a scapegoat for the inabilities of certain legislators to find any other issue upon which they can speak with any degree of confidence, it is the State Foundation on Culture and the Arts.

When someone stands up and cites from the Legislative Auditor's report a circumstance which has to do with the abuse of the 1% being set aside in terms of cost overruns, when this is done by DAGS rather than by the State Foundation on Culture and the Arts, then I suggest the re-reading of the Auditor's report

is in order. And I further suggest that before anyone stands up on the floor again to make light of the activities of the Foundation on Culture and the Arts, or to attack it in such a manner as to bring discredit to it without having a foundation, in fact, before he or she does it, that they be prepared to defend themselves in no uncertain terms.

Thank you."

Representative Lunasco then rose to speak "in favor of the bill with some reservations", stating:

"Mr. Speaker, as you know, some of us have been here for quite some time. Some of the things that the so-called 1% of the construction cost that the Foundation has been paying, more specific, art work, we've discussed this in policy and we've looked at pictures that, to me, should be in the trash can.

I wonder, at this point, what kind of plants they are going to buy.

I know many of us appreciate art and I know the committee, in general, do. But believe me, Mr. Speaker, many of us here have been disenchanted with some of the art that they have been buying and I just hope that they purchase plants that is something to look at and not just something that looks green and has no meaning."

Representative Narvaes then rose in rebuttal, stating:

"Mr. Speaker, maybe I was misinterpreted in my speech stating that I was cutting down the Foundation on Culture and the Arts. Mr. Speaker, I wasn't doing that.

Mr. Speaker, I think the Foundation on Culture and the Arts is very needed and a very valuable function so that people can see some of the beauty that we have in this State. I am definitely not cutting it down.

Thank you, Mr. Speaker."

At 10:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:04 o'clock p.m., the motion to pass H.B. No. 1602, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FOUNDATION ON CULTURE AND THE ARTS", on Third Reading was put by the Chair and carried by a vote of 50 ayes to 1 no, with Representative Evans voting no.

H.B. No. 325, HD 1:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 325, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION", passed Third Reading by a vote of 51 ayes.

H.B. No. 235, HD 1:

Representative Suwa moved that H.B. No. 235, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, just a brief comment - I think that this bill is going to bring a great deal of relief from the anxiety that many people in the community now suffer; that the work of a lifetime can be wiped out because of the inflationary situation which has accrued in our time.

I was made personally aware of this by such a tragedy occurring in a family of a close friend and I'm very pleased to say that the members in the Finance Committee have agreed that this is the case and are moving this forward.

I hope we can all support this, and if it moved to the other side, I urge the people to come through for us."

The motion to pass H.B. No. 235, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", on Third Reading was put by the Chair and carried by a vote of 51 ayes.

H.B. No. 1224, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1224, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Third Reading by a vote of 51 ayes.

H.B. No. 1113, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1113, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY LICENSING", passed Third Reading by a vote of 51 ayes.

H.B. No. 1143, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1143, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MONEY AND PUBLIC CONTRACTS", passed Third Reading by a vote of 51 ayes.

H.B. No. 1153, HD 1:

Representative D. Yamada moved that H.B. No. 1153, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

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

"Mr. Speaker, I am a Republican and I put a bill in like this; I see it, but it doesn't have my name on it, but I do want to say that it is a very, very fine bill because when an insurance company doesn't pay and you don't get any interest; and this is one time that the widow and the children need their money the most - it is very important.

I have but one regret, and that the interest that we are going to soak the insurance companies for not paying right away is only 6%. Mr. Speaker, I think you know only too well it should be 9%, but we will leave it as is.

I will urge my colleagues to please give this a resounding aye."

The motion to pass H.B. No. 1153, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIFE INSURANCE", on Third Reading was put by the Chair and carried by a vote of 51 ayes.

H.B. No. 870, HD 1:

Representative Kawakami moved that H.B. No. 870, HD 1, having been read throughout, pass Third Reading, seconded by Representative Caldito.

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

"Mr. Speaker, the purpose of this bill is to prohibit the use of electronic apparatus to kill, drug, direct or repel any aquatic organisms.

Electro fishing in salt water is neither practical nor safe. Due to the conductivity of salt water, great amounts of electricity is needed to produce the desired effects of stunning the fish. The sufficient

levels of electricity being quite expensive and is extremely dangerous to the human body. No major fishing companies use electro fishing in Hawaii.

Electro fishing is very effective in fresh water. So effective that in the Philippines, a few fisheries have been closed because the use of electro fishing devices devoided rivers and streams of fish. Electricity is not particular to what it stuns or kills. It will affect any aquatic organism within the effective range of the power source. Even the UH researchers, experts in the electro fishing field, have been shocked on occasions when they got close to the power source.

Mr. Speaker, with all the possible physical dangers to humans and the chance of disrupting the ecological setting of aquatic life in our already limited streams and rivers, I vote in favor of this bill and I am sure all other members will vote in favor of this bill."

The motion to pass H.B. No. 870, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISH AND GAME", on Third Reading was put by the Chair and carried by a vote of 51 ayes.

#### H.B. No. 674, HD 1:

Representative Kawakami moved that H.B. No. 674, HD 1, having been read throughout, pass Third Reading, seconded by Representative Caldito.

At this time, Representative Sutton rose for a request on ruling, stating:

"I have a 6,000 acre parcel presently being rezoned."

The Chair ruled "no conflict".

The motion to pass H.B. No. 674, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST AND WATER RESERVE ZONES", on Third Reading was put by the Chair and carried by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 131 had passed Third Reading at 9:35 o'clock p.m.; 598 at 9:53 o'clock p.m.; 1602 at 10:04 o'clock p.m.; 325 at 10:05 o'clock p.m.; 235 at 10:06 o'clock p.m.; 1224 and 1113 at 10:07 o'clock p.m.; 1143 at 10:08 o'clock p.m.; 1153 at 10:09 o'clock p.m.; 870

at 10:11 o'clock p.m.; and 674 at 10:12 o'clock p.m.

#### DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

##### H.B. No. 777:

Representative Garcia moved that H.B. No. 777 be recommitted to the Committee on Judiciary, seconded by Representative K. Yamada.

Representative Garcia then explained the reason for the motion as follows:

"Mr. Speaker, the motion to recommit is on the basis of checking the violation that the penalty statute that we have in the bill - perhaps with the idea of reducing the penalty provision in this particular passage."

The motion was put by the Chair and carried and H.B. No. 777 was recommitted to the Committee on Judiciary.

##### H.B. No. 776:

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 776 was recommitted to the Committee on Judiciary for the same reasons as the recommitment of H.B. No. 777.

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 11:06 o'clock p.m.

##### H.B. No. 245, HD 1:

By unanimous consent, action was deferred until the end of Supplemental Calendar #2.

#### STANDING COMMITTEE REPORTS

Representative Toguchi, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 503) recommending that H.R. No. 128, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Toguchi, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.R. No. 128, HD 1, entitled: "HOUSE RESOLUTION

REQUESTING A REVIEW OF OCEAN AND MARINE RESEARCH AND EDUCATION PROGRAMS", was referred to the Committee on Legislative Management.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 504) recommending that H.B. No. 1674 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 505) recommending that H.B. No. 1678 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 506) recommending that H.B. No. 1688, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 507) recommending that H.B. No. 1694, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 508) recommending that H.B. No. 1174 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 509) recommending that H.B. No. 190 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 510) recommending that H.B. No. 192, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 511) recommending that H.B. No. 193 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 512) recommending that H.B. No. 225 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 504 to 512 on H.B. Nos. 1674; 1678; 1688, HD 1; 1694, HD 2; 1174; 190; 192, HD 1; 193; and 225 was deferred until Monday, March 14, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B.

Nos. 1674; 1678; 1688, HD 1; 1694, HD 2; 1174; 190; 192, HD 1; 193 and 225 were made available to the members of the House at 9:00 o'clock p.m.

Representative Naito, for the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 513) recommending that H.B. No. 73, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Ueoka, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 73, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

The Chair directed the Clerk to note that printed copies of H.B. No. 73, HD 1, were made available to the members of the House at 9:00 o'clock p.m.

#### SUSPENSION OF RULES

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

#### STANDING COMMITTEE REPORTS

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 514) recommending that H.B. No. 1062, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 1062, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SCHOOL BUILDINGS, FACILITIES, AND GROUNDS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 515) recommending that H.B. No. 841, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.



On motion by Representative Takamine, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 841, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF WAGES BY PAYROLL CHECK", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1062, HD 1, and 841, HD 1, were made available to the members of the House at 9:00 o'clock p.m.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 516) recommending that H.B. No. 200, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 516 on H.B. No. 200, HD 1, was deferred until Monday, March 14, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 200, HD 1, were made available to the members of the House at 9:00 o'clock p.m.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 517) recommending that H.B. No. 1676, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.B. No. 1676, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

Representative Baker, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 518) recommending that H.B. No. 1658 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Baker, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 1658, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", passed Second Reading and was placed on the calendar for Third

Reading on Monday, March 14, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 519) recommending that H.B. No. 1660, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading on Monday, March 14, 1977.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1660, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST RATES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1676, HD 1; 1658; and 1660, HD 1, were made available to the members of the House at 9:00 o'clock p.m.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 520) recommending that H.B. No. 770, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 520 on H.B. No. 770, HD 2, was deferred until Monday, March 14, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 770, HD 2, were made available to the members of the House at 9:00 o'clock p.m.

Representative Blair, for the Committee on Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 521) recommending that H.B. No. 1065, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.B. No. 1065, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 522) recommending that H.B. No. 74, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 74, HD 1, entitled: "A BILL FOR AN ACT PROVIDING FOR THE USE OF SCHOOL FACILITIES FOR THE OPERATION OF AFTER SCHOOL CHILD CARE PROGRAMS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 523) recommending that H.B. No. 172, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 172, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 524) recommending that H.B. No. 231, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 231, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1065, HD 1; 74, HD 1; 172, HD 1; and 231, HD 1, were made available to the members of the House at 9:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 525) recommending that H.B. No. 196 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 526) recommending that H.B. No. 180 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 527) recommending that H.B. No. 168, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 528) recommending that H.B. No. 1681, HD 1, pass Third Reading.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 529) recommending that H.B. No. 670, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 530) recommending that H.B. No. 671 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 531) recommending that H.B. No. 1173, HD 1, pass Third Reading.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 532) recommending that H.B. No. 672 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 533) recommending that H.B. No. 144, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 534) recommending that H.B. No. 1671, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 535) recommending that H.B. No. 1672, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 536) recommending that H.B. No. 1679, HD 1, pass Third Reading.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 537) recommending that H.B. No. 1680 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 538) recommending that H.B. No. 1183 pass Third Reading.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 539) recommending that H.B. No. 230, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 525 to 539 on H.B. Nos. 196; 180; 168, HD 1; 1681, HD 1; 670, HD 1; 671; 1173, HD 1; 672; 144, HD 2; 1671, HD 1; 1672, HD 1; 1679, HD 1; 1680; 1183; and 230, HD 2, was deferred until Monday, March 14, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 196; 180; 168, HD 1; 1681, HD 1; 670, HD 1; 671; 1173, HD 1; 672; 144, HD 2; 1671, HD 1; 1672, HD 1; 1679, HD 1; 1680; 1183; and 230, HD 2, were made available to the members of the House at 9:00 o'clock p.m.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 540) recommending that H.B. No. 1699, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1699, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOANS BY FOREIGN LENDERS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 541) recommending that H.B. No. 84, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.B. No. 84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ART IN STATE BUILDINGS AND STRUCTURES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes, presented a

joint report (Stand. Com. Rep. No. 542) recommending that H.B. No. 1505 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1505, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

Representative Blair, for the Committee on Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 543) recommending that H.B. No. 117, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.B. No. 117, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AEROSOL SPRAYS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1699, HD 1; 84, HD 1; 1505; and H.B. No. 117, HD 1, were made available to the members of the House at 9:00 o'clock p.m.

Representative Blair, for the Committee on Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 544) recommending that H.B. No. 198 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 544 on H.B. No. 198 was deferred until Monday, March 14, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 198 were made available to the members of the House at 9:00 o'clock p.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 545) recommending that H.B. No. 254, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia,

seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 546) recommending that H.B. No. 171, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 171, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 14, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 254, HD 1, and 171, HD 1, were made available to the members of the House at 9:00 o'clock p.m.

At 11:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:18 o'clock p.m.

#### DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

H.B. No. 1442, HD 1:

Representative Garcia moved that H.B. No. 1442, HD 1, be recommitted, seconded by Representative K. Yamada.

At this time, Representative Carroll rose to speak against the recommittal, stating:

"This bill, a very forward looking measure - I would like to compliment the . . . I'm not addressing the merits, Mr. Speaker, but I'm addressing the procedural matters of recommittal - it's sensitive; it addresses a problem that is very tragic in our community. I think that it needs to be aired on the floor of this House; it is here for that particular purpose. I hate to see us bow to the pressures from

wherever they may be coming, to chase this thing back into the dark. I think by recommitting this measure, that's exactly what we're going to do.

The thing has moved along this far and I think we should air the matter for at least a vote. There's no purpose in the recommittal now; there's no reworking of this bill that's going to help it; there's no purpose in recommittal other than to kill it. And if that's the purpose, it ought to be killed by a majority vote and not by hiding."

Representative Garcia then rose to speak in favor of the recommittal, stating:

"There's no question in my mind that the intent of this bill is a good one and it does try to address a problem that's very serious in the community; however, in the caucus that we've had, and in discussions that we've had in the committee, I would like to point out that there are several practical problems that we've encountered and that's the reason why we would like to recommit this particular bill.

This in no way means that we will not continue to look into this particular problem. On the contrary, I would like to have the committee meet again to look into this and to discuss with Family Court and the Police Department other remedies.

Thank you."

At 11:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:21 o'clock p.m., the motion was put by the Chair and carried and H.B. No. 1442, HD 1, was recommitted to the Committee on Judiciary, with Representatives Abercrombie, Ajifu, Blair, Carroll, Evans, Ikeda, Kamalii, Larsen, Poepoe, Sutton and Uwayne voting no.

H.B. No. 245, HD 1:

On motion by Representative K. Yamada, seconded by Representative Ueoka and carried, H.B. No. 245, HD 1, was recommitted to the Committee on Judiciary, with Representatives Blair and Cobb voting no.

#### COMMITTEE REASSIGNMENTS

The Chair, at this time, re-referred

the following bills:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
252	Committee on Energy and Transportation
1683	Committee on Energy and Transportation
1687	Committee on Energy and Transportation

The Chair then made the following announcement:

"The Chair would like to announce that all members should be available around the Capitol this weekend; if not at the Capitol, leave your

phone numbers with the chairmen of your committees as to where you can be reached for committee signatures."

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 11:30 o'clock p.m.

#### ADJOURNMENT

At 11:31 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 10:00 o'clock a.m. on Monday, March 14, 1977.

## THIRTY-EIGHTH DAY

Monday, March 14, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 10:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Earl Kernahan of the United Methodist Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Blair, Cobb, Garcia, Ikeda, Kawakami, Kiyabu, Larsen, Machida, Medeiros, Mina, Mizuguchi, Nakamura, Narvaes, Poepoe, Toguchi, Uechi, Ueoka, Uwaine, D. Yamada and K. Yamada, who were excused.

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

On motion by Representative Yuen, seconded by Representative Kamalii and carried, reading of the Journal was dispensed with and the Journal of the Thirty-Seventh Day was approved.

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

Representative Sutton introduced Mrs. Hatsumi Nishimura of Hilo, Hawaii. She was accompanied by her son-in-law, Mr. Harris Melemai, who is with the Hawaiian Humane Society.

Representative Takamura introduced 25 first grade students from Kuhio School. They were accompanied by their teacher, Mrs. Margaret Ojima, and parents, Mrs. Sagawa, Mrs. Andrade and Mrs. Choy.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 503 to 506) and concurrent resolution (H.C.R. No. 93) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
503	Committee on Health
504	Jointly to the Committees on Public Employment and Government Operations

and Employment Opportunities and Labor Relations, then to the Committee on Health, then to the Committee on Finance

505	Jointly to the Committees on Employment Opportunities and Labor Relations and Youth and Elderly Affairs
506	Committee on Employment Opportunities and Labor Relations

H.C.R. No.

93	Jointly to the Committees on Employment Opportunities and Labor Relations and Youth and Elderly Affairs
----	---

The Chair, at this time, stated:

"We have a long day ahead of us. The Chair would like to remind all members that parliamentary procedure will be followed and proper decorum will be expected of everyone. Let us take each bill one at a time."

The Chair then directed the Clerk to note the presence of Representatives Blair, Ikeda, Kawakami, Kiyabu, Machida, Medeiros, Mizuguchi, Narvaes, Poepoe, Uechi, Ueoka, Uwaine and K. Yamada.

## SUSPENSION OF RULES

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

## UNFINISHED BUSINESS

Stand. Com. Rep. No. 504 on H.B. No. 1674 (Deferred from March 11, 1977):

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 1674, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Abercrombie, Cobb, Garcia, Larsen, Mina, Toguchi and D. Yamada being excused.



Stand. Com. Rep. No. 505 on H.B. No. 1678 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1678, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Abercrombie, Cobb, Garcia, Larsen, Mina, Toguchi and D. Yamada being excused.

Stand. Com. Rep. No. 506 on H.B. No. 1688, HD 1 (Deferred from March 11, 1977):

Representative Suwa moved that the report of the Committee be adopted and H.B. No. 1688, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Kamalii then rose and stated:

"Mr. Speaker, I rise to speak against House Bill No. 1688, House Draft 1.

We can surely accept, as given the fact, that crime in Hawaii can use whatever remedies available and, of course, no one could care to jeopardize the receipt of any Federal aid in this area. However, Mr. Speaker, I am certain that the Law Enforcement Planning Agency or crime commissions that will be created by this bill will not need to be placed within the office of the Governor and under his jurisdiction to warrant Hawaii's retention of Federal funds.

I would like to suggest, Mr. Speaker, that perhaps it will be difficult to see the proverbial trees from the heart of the forest. Governor Ariyoshi was not at all receptive to an agency or commission along these same lines when the commission was made up of citizens. A State citizens' crime commission would have suited the mandate of the 1976 Crime Control Act exactly, and the Citizens' Crime Commission would have several advantages that the Governor's commission would not; namely, objectivity, and I urge my colleagues to vote no."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1688, HD 1, entitled: "A BILL

FOR AN ACT RELATING TO THE STATE LAW ENFORCEMENT PLANNING AGENCY", having been read throughout, passed Third Reading by a vote of 38 ayes to 6 noes, with Representatives Ajifu, Carroll, Evans, Ikeda, Kamalii and Sutton voting no, and Representatives Abercrombie, Cobb, Garcia, Larsen, Mina, Toguchi and D. Yamada being excused.

Stand. Com. Rep. No. 507 on H.B. No. 1694, HD 2 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1694, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING", having been read throughout, passed Third Reading by a vote of 45 ayes, with Representatives Abercrombie, Cobb, Garcia, Mina, Toguchi and D. Yamada being excused.

At 10:12 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:19 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie, Cobb, Larsen and Toguchi.

Stand. Com. Rep. No. 508 on H.B. No. 1174 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1174, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Garcia and Mina being excused.

Stand. Com. Rep. No. 509 on H.B. No. 190 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 190, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER CONTRIBUTIONS TO THE EMPLOYEES' RETIREMENT SYSTEM AND PROVIDING FOR SEPARATE CONTRIBUTIONS TO THE PENSION ACCUMULATION FUND AND TO THE POST RETIREMENT FUND FOR POLICEMEN, FIREMEN AND CORRECTIONS OFFICERS", having

been read throughout, passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no, and Representatives Garcia and Mina being excused.

Stand. Com. Rep. No. 510 on H.B. No. 192, HD 1 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 192, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCIDENTAL DEATH BENEFIT", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Garcia and Mina being excused.

Stand. Com. Rep. No. 511 on H.B. No. 193 (Deferred from March 11, 1977):

By unanimous consent, consideration of Stand. Com. Rep. No. 511 on H.B. No. 193 was deferred until the end of the calendar.

Stand. Com. Rep. No. 512 on H.B. No. 225 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 225, entitled: "A BILL FOR AN ACT RELATING TO HAWAII INSURANCE LAW", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Garcia and Mina being excused.

Stand. Com. Rep. No. 516 on H.B. No. 200, HD 1 (Deferred from March 11, 1977):

Representative Segawa moved that the report of the Committee be adopted and H.B. No. 200, HD 1, pass Third Reading, seconded by Representative Shito.

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to commend the Chairman of this Committee for making the amendment which I requested on First Reading and, as amended, I approved the bill because there is no unconstitutional delegation of power.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 200, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG ABUSE", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Garcia and Mina being excused.

Stand. Com. Rep. No. 520 on H.B. No. 770, HD 2 (Deferred from March 11, 1977):

On motion by Representative Kiyabu, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 770, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Ikeda voting no, and Representative Mina being excused.

Stand. Com. Rep. No. 525 on H.B. No. 196 (Deferred from March 11, 1977):

Representative Suwa moved that the report of the Committee be adopted and H.B. No. 196, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak against House Bill No. 196.

Once Theodore Roosevelt, deploying the spoils system, put in his civil service classifications a scheme of promotions--it was to be on merit.

Mr. Speaker, this basic concept came out concerning the authorization of the Board of Education to classify and adopt an educational officer classification compensation plan and we had, in 1973, a management audit of the Department of Education by the Legislative Auditor, and this particular audit required us to conceive of a classification for the Department of Education's educational officers, and they noted there was a lack of uniformity, and the minimum qualifications were not properly set down, and the proper descriptions were not properly handled, and the class titles showing the responsibilities and duties did not allow for proper promotional process.

I recognize that a considerable time

has been spent on this, but I am not satisfied that they have accomplished these objectives. I do not think it is sufficiently uniform or consistent on minimum qualifications. I do not think the appellate process recognizes a full right of due process to an educational officer's right. I do not think that the procedures by which an educational officer can submit a classification is anything but self-serving. It should be an objective job description by a third party and the fact that it is self-serving makes it automatically suspicious no matter how correct and, I think we made a management tool to recognize the various levels of responsibility, authority and complexity. I think this is terribly important, because I think a happy school teacher means a happy child and a happy child means a good education and I think that we should have gone over this a little more thoroughly and try to see if we couldn't accomplish the objectives set out by the Legislative Auditor.

Therefore, I would urge my colleagues to vote 'no' at this time."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 196, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Mina being excused.

Stand. Com. Rep. No. 526 on H.B. No. 180 (Deferred from March 11, 1977):

Representative Suwa moved that the report of the Committee be adopted and H.B. No. 180, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Ajifu then rose and asked the Chair for a conflict ruling inasmuch as he is a farm loan officer for one of the local banks.

The Chair ruled that there was no conflict of interest.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 180, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

Stand. Com. Rep. No. 527 on H.B. No. 168, HD 1 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 168, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

Stand. Com. Rep. No. 528 on H.B. No. 1681, HD 1 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1681, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING, having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

Stand. Com. Rep. No. 529 on H.B. No. 670, HD 1 (Deferred from March 11, 1977):

Representative Suwa moved that the report of the majority of the Committee be adopted and H.B. No. 670, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, in 1920, a great delegate from Hawaii, the like of which we have never had in Congress since-- Republican or Democratic, and he was a Republican--put on the books the Hawaiian Homes Act. This Hawaiian Homes Act is something that should have gone on in the Organic Act so that sixteen years after the Organic Act, in effect, what he was doing was the same thing that was done when Alaska was brought into the union.

We find ourselves in a position where, of all states admitted into the union, those who were indigenous to these islands received less than any other native, Indian or Eskimo, and it is a very serious thing when we start to amend the Act that Prince Kuhio put on the books.

I am a great believer in efficient organization and efficiency of management, Mr. Speaker, and I commend Mrs. Beamer for the job she has done, but

we do not feel that at this time, we want to do piecemeal changes, amendments and differences without seeing the total framework of the Hawaiian Homes Act and, therefore, I would ask my colleagues to vote no."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.B. No. 670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Mina being excused.

Stand. Com. Rep. No. 530 on H.B. No. 671 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 671, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Mina being excused.

At 10:30 o'clock a.m., on request by Representative Kamalii, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:34 o'clock a.m.

Stand. Com. Rep. No. 531 on H.B. No. 1173, HD 1 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1173, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

Stand. Com. Rep. No. 532 on H.B. No. 672 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the majority of the Committee was adopted and H.B. No. 672, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Mina being excused.

Stand. Com. Rep. No. 533 on H.B. No. 144, HD 2 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 144, HD 2, entitled: "A BILL FOR AN ACT RELATING TO URBAN AND REGIONAL DESIGN PLANS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

Stand. Com. Rep. No. 534 on H.B. No. 1671, HD 1 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1671, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE MORTGAGE GUARANTEES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

Stand. Com. Rep. No. 535 on H.B. No. 1672, HD 1 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1672, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A MORTGAGE-BACKED SECURITY PROGRAM", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Mina being excused.

Stand. Com. Rep. No. 536 on H.B. No. 1679, HD 1 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee

was adopted and H.B. No. 1679, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

Stand. Com. Rep. No. 537 on H.B. No. 1183 (Deferred from March 11, 1977):

Representative Suwa requested that action be deferred until the end of the calendar, and the Chair, noting that there were no objections, so ordered.

Stand. Com. Rep. No. 538 on H.B. No. 1183 (Deferred from March 11, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1183, entitled: "A BILL FOR AN ACT ESTABLISHING A DUPLICATING SERVICES REVOLVING FUND FOR THE UNIVERSITY OF HAWAII", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

Stand. Com. Rep. No. 539 on H.B. No. 230, HD 2 (Deferred from March 11, 1977):

Representative Suwa requested that action be deferred until the end of the calendar, and the Chair, noting that there were no objections, so ordered.

Stand. Com. Rep. No. 544 on H.B. No. 198 (Deferred from March 11, 1977):

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.B. No. 198, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

The Chair directed the Clerk to note that H.B. Nos. 1674 and 1678 had passed Third Reading at 10:10 o'clock a.m.; H.B. No. 1688 at 10:11 o'clock a.m.; H.B. No. 1694 at 10:12 o'clock a.m.; H.B. Nos. 1174, 190 and 192 at 10:20 o'clock a.m.; H.B. No. 225 at 10:21 o'clock

a.m.; H.B. No. 200 at 10:22 o'clock a.m.; H.B. No. 770 at 10:23 o'clock a.m.; H.B. No. 196 at 10:25 o'clock a.m.; H.B. Nos. 180, 168 and 1681 at 10:26 o'clock a.m.; H.B. No. 670 at 10:29 o'clock a.m.; H.B. No. 671 at 10:30 o'clock a.m.; H.B. Nos. 1173, 672, 144 and 1671 at 10:35 o'clock a.m.; H.B. Nos. 1672 and 1679 at 10:36 o'clock a.m.; H.B. Nos. 1183 and 198 at 11:37 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 547) informing the House that House Resolution Nos. 503 to 506, House Concurrent Resolution No. 93, and Standing Committee Report Nos. 503 to 546 and 548, have been printed and distributed.

On motion by Representative Kunimura, seconded by Representative Lunasco and carried, the report of the Committee was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 548) recommending that H.B. No. 4, as amended in HD 1, be recommitted to the Committee on Finance.

Representative Suwa moved that the report of the Committee be adopted and H.B. No. 4, HD 1, be recommitted, seconded by Representative Peters.

Representative Suwa then explained the reason for the recommittal, stating:

"Mr. Speaker, I would like the members to look at House Draft 1 of House Bill No. 4, a short form, which includes the district appropriation allotment based on need in that particular district. If there are any last minute changes or errors in House Bill No. 4, HD 1, please make it known to the Committee on Finance. We will be having a hearing on this matter on Wednesday morning.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 4, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL PUBLIC IMPROVEMENTS AND MAKING APPROPRIATIONS THEREFOR OUT OF GENERAL REVENUES, SPECIAL FUNDS, GENERAL OBLIGATION AND REVENUE BOND FUNDS AND GRANTS AND PROVIDING FOR THE ISSUANCE OF BONDS", was

recommitted to the Committee on Finance.

The Chair, at this time, made the following request:

"The Chair would like to request, at this time, that all members defer your introduction of resolutions for floor action to have guests on the floor until next week."

### THIRD READING

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

#### H.B. No. 73, HD 1:

On motion by Representative Naito, seconded by Representative Ueoka, H.B. No. 73, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS", passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

#### H.B. No. 1062, HD 1:

On motion by Representative Mizuguchi, seconded by Representative Campbell, H.B. No. 1062, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SCHOOL BUILDINGS, FACILITIES, AND GROUNDS", passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

#### H.B. No. 841, HD 1:

On motion by Representative Takamine, seconded by Representative Peters, H.B. No. 841, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF WAGES BY PAYROLL CHECK", passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

At 10:41 o'clock a.m., on request by Representative Cobb, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:43 o'clock a.m., Representative Kamalii introduced to the members of the House a former colleague, Mrs. Velma Santos.

#### H.B. No. 1676, HD 1:

On motion by Representative Shito, seconded by Representative Nakamura, H.B. No. 1676, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Mina being excused.

#### H.B. No. 1658:

Representative Baker moved that H.B. No. 1658, having been read throughout, pass Third Reading, seconded by Representative Ushijima.

Representative Larsen then rose and stated:

"Mr. Speaker, I would like to speak in favor of this bill and express some reservations I have concerning this bill."

Directed by the Chair to "proceed", Representative Larsen continued, stating:

"Mr. Speaker, this bill is a result, as it stands in the book here. . . I had no objections to helping out the blind and indigent, and so forth, that need the optometric assistance that they might be in need of.

The thing that concerns me is that, several years ago, I introduced a bill which would open up the optometric services of this community to allow for more open advertising and for, you might say, a consumer advocacy so that they would have a broader choice of going into optometric assistance. This was put off so that Wayne Minami could look at the whole problem and then, possibly, open up the advertising for these services and, hopefully, decrease the price of the services throughout the State.

This approach was not forthcoming, but I see we are now assisting the people who really need it and I am happy for that, but I would also like the services to be open to criticism and to open up for advertising throughout the State.

Thank you."

Representative Abercrombie was then recognized and he stated:

"Mr. Speaker, I rise to speak in favor of the bill and wish to state that I echo Representative Larsen's comments."

The motion was put by the Chair, and H.B. No. 1658, entitled: "A BILL



FOR AN ACT RELATING TO PUBLIC ASSISTANCE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

H.B. No. 1660, HD 1:

By unanimous consent, action on H.B. No. 1660, HD 1, was deferred until tomorrow, March 15, 1977.

H.B. No. 1065, HD 1:

On motion by Representative Blair, seconded by Representative Larsen, H.B. No. 1065, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

H.B. No. 74, HD 1:

On motion by Representative Mizuguchi, seconded by Representative Campbell, H.B. No. 74, HD 1, entitled: "A BILL FOR AN ACT PROVIDING FOR THE USE OF SCHOOL FACILITIES FOR THE OPERATION OF AFTER SCHOOL CHILD CARE PROGRAMS", passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

H.B. No. 172, HD 1:

Representative Mizuguchi requested that action on H.B. No. 172, HD 1, be deferred until the end of the calendar, and the Chair, noting that there were no objections, so ordered.

H.B. No. 231, HD 1:

Representative Suwa moved that H.B. No. 231, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Sutton rose and asked the Chair for a conflict ruling, stating:

"Mr. Speaker, I would benefit by this because I have a hotel like the Halekulani. It develops a half acre--no high rise."

The Chair ruled that there was no conflict of interest.

Representative Sutton then spoke

in favor of the bill, stating:

"Mr. Speaker, I rise to speak in favor of this bill and to commend the Chairman for having brought this new concept. Somehow or other, we got on the books of this beautiful State a concept of what was known as the Pittsburgh Land Law which said that you would be charged with the highest and best use, regardless of what the development was.

This will encourage development by shifting a portion of the tax burden from developed properties to undeveloped properties through the use of differential rates, and it will eliminate the undesirable features. It is a very effective way of achieving equality.

Mr. Speaker, your Chairman of the Finance Committee has spent many hours on this, and I think he has done an excellent job on this so I urge all of my colleagues to vote 'yes'."

The motion was put by the Chair and H.B. No. 231, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

H.B. No. 1699, HD 1:

Representative D. Yamada requested that action on H.B. No. 1699, HD 1, be deferred until the end of the calendar, and the Chair, noting that there were no objections, so ordered.

H.B. No. 84, HD 1:

On motion by Representative Say, seconded by Representative Stanley, H.B. No. 84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ART IN STATE BUILDINGS AND STRUCTURES", passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

At 10:50 o'clock a.m., on request by Representative Uechi, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:51 o'clock a.m.

H.B. No. 1505:

On motion by Representative Inaba, seconded by Representative Uechi

and carried, H.B. No. 1505 was recommitted jointly to the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes.

H.B. No. 117, HD 1:

Representative Blair moved that H.B. No. 117, HD 1, having been read throughout, pass Third Reading, seconded by Representative Larsen.

Representative Carroll then rose and stated:

"Mr. Speaker, I rise to speak in favor of this measure, but I rise to speak with grave reservations at the same time.

I think that many bills that pass through this floor become law, but I think that a few measures that never come before this House have the long-term impact that this particular measure may have. When our forefathers created the Constitution, they were looking, not ten, twenty, fifty, or a hundred years down the road but, indeed, centuries ahead.

I think, Mr. Speaker, that when we have something that is as detrimental as the use of the chlorofluorocarbon enter our biosphere; when we know that, scientifically, we may be irreparably harming the ionosphere, or ozone layer, I think that to wait one, two, or three years is to do a grave disservice, perhaps an irremediable service, to our State, our nation and, indeed, to the planet. It is with great distress that I know the effective date of this measure is January 1, 1979.

Other than those reservations, I would urge all to vote 'aye'."

The motion was put by the Chair, and H.B. No. 117, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AEROSOL SPRAYS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

H.B. No. 254, HD 1:

Representative Garcia moved that H.B. No. 254, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Abercrombie then rose and asked if the Chairman of

the Judiciary Committee would yield to a question to which Representative Garcia replied, "Depends on the question."

Representative Abercrombie then asked:

"The question, Mr. Speaker, is in relation to seizing the vehicles--as to what exactly the law presently is regarding accusation and conviction. Is the seizure at the point of accusation?"

Representative Garcia replied:

"The ownership of the vehicle will take place after the trial has taken place involving the seizure so that the full control of the vehicle will take place after determination is made at the trial."

The motion was put by the Chair and H.B. No. 254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT", passed Third Reading by a vote of 50 ayes, with Representative Mina being excused.

H.B. No. 171, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 171, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Mina being excused.

The Chair directed the Clerk to note that H.B. Nos. 73, 1062 and 841 had passed Third Reading at 10:40 o'clock a.m.; H.B. No. 1676 at 10:43 o'clock a.m.; H.B. No. 1658 at 10:45 o'clock a.m.; H.B. Nos. 1065 and 74 at 10:46 o'clock a.m.; H.B. No. 231 at 10:49 o'clock a.m.; H.B. No. 84 at 10:50 o'clock a.m.; H.B. No. 117 at 10:53 o'clock a.m.; and H.B. Nos. 254 and 171 at 10:55 o'clock a.m.

At 10:56 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:07 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Mina.

At this time, Representative Ueoka introduced to the members of the House a personal friend of his, Mr. Warren Shaw, a lawyer by profession, and a former member of the Kansas State Legislature. They also both served

on the Board of Governors of the Law School of Washburn University.

At 11:09 o'clock a.m., on request by Representative Peters, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:10 o'clock a.m.

#### COMMITTEE REASSIGNMENTS

At this time, the Chair re-referred the following bills:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
48	Committee on Consumer Protection and Commerce solely
585	Committee on Energy and Transportation solely

The Chair then made the following announcement:

"The House will recess until 9:00 o'clock this evening. The Chair would like to remind all members to be on time. We will convene this session at 9:00 o'clock p.m. promptly."

At 11:13 o'clock a.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House stood in recess until 9:00 o'clock p.m. tonight.

#### NIGHT SESSION

The House of Representatives reconvened at 9:14 o'clock p.m.

#### DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 511 on H.B. No. 193:

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 193, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 537 on H.B. No. 1680:

Representative Suwa moved that the report of the majority of the Committee be adopted and H.B. No. 1680, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill with very severe reservations.

Mr. Speaker, the purpose of this bill is to clarify a huge accounting error amounting to \$125 million. Section 225 amended Chapter 359-G and combined all the bond authorizations totalling \$125 million. However, a previous appropriation, Mr. Speaker, of \$20 million made in 1975 inadvertently escaped amendment and, thereby, the Governor compounded the felony by vetoing that so the \$125 million should be reduced to \$105 million and the \$20 million authorized in 1975 which was vetoed by the Governor now has to be restored and the \$125 million bond authorization limit is now established.

Now, you have both an accounting error and a violation of what is the limit on a bond authorization. These are quite serious accounting mistakes. Mr. Speaker, I wish you Democrats would get some accountants.

Thank you very much."

Representative Suwa then rose and stated:

"Mr. Speaker, it is not increasing or making an appropriation at this time. The intent was that in Act 105, it shall be no more than \$125 million. As you recall, there was a late supplementary request made by the Administration and when that thing was inserted in the CIP on the pork barrel section, that is where the problem started.

Therefore, the Governor asked in that order, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.B. No. 1680, entitled: "A BILL FOR AN ACT RELATING TO THE DWELLING UNIT REVOLVING FUND", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 193 had passed Third Reading at 9:15 o'clock p.m. and H.B. No. 1680 at 9:17 o'clock p.m.

At 9:17 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:20 o'clock p.m., the following introductions were made to the members of the House:

Representative Carroll introduced Mr. Emmett Cahill who was seated in the gallery.

Representative Lunasco introduced Mr. and Mrs. Ed Tonaki who were also seated in the gallery.

Stand. Com. Rep. No. 539 on H.B. No. 230, HD 2:

Representative Suwa moved that the report of the majority of the Committee be adopted and H.B. No. 230, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill, but with very, very grave reservations.

Mr. Speaker, this bill is a cop-out. We could do much, much better than this. We have 15,000 people lose \$50 million in THC Financial and we are not taking care of them. We are taking care of those who are in other industrial loan companies, but I don't think we have addressed the problem properly.

Now, Mr. Speaker, let me bring this into focus in your mind so that you can see the errors. In the first place, as you know, the late Senator Sherman established the basic policy in America when he established his Sherman Act for anti-trust and, basically speaking, he never permitted any industry to work together. Here, we are forcing them all to work together, and we are saying in so many words--this conspiracy is not a conspiracy in restraint of trade because we are forcing you into the organization.

Now, we have a firm to protect the various depositors--a private corporation. This private corporation is to be known as the Guaranty Corporation. The individual industrial loan companies will make contributions according to their own deposits. This means that three of our larger industrial loan companies--Finance

Factors, AmFac Financial and Hawaii Thrift and Loan--will have 45 percent of the votes of this Corporation, and that means just 6 percent away from control, and if they can persuade 6 percent somewhere along the line, they do have control. As you know, in this State, we do not have voting proxy trust, but this comes very close to it.

Now, Mr. Speaker, the point of this bill is that the State of Hawaii will issue bonds to the extent of \$20 million, and fund this until the fund is replenished by the industrial and savings and loan companies over a five year period. That means that we're staking \$20 million worth of bet on all of the industrial loan companies of Hawaii. That's your taxpayers' and my taxpayers' money that we're betting this on, and the next thing that we'll be doing is this very grave elimination of the mission in this bill.

Let me give you a hypothetical example, Mr. Speaker. We do not take care of the contingency of a new industrial loan company being formed in Hawaii by, say, some very wealthy individual, and he puts in a capitalization of \$100 million, and he would then be in a position to own approximately 10 percent of the stocks of this Corporation. Then, he would be in a position that every penny of the \$100 million will be guaranteed and, then, he could loan himself 90 percent of that. He could loan himself \$90 million and do it in such a way that when he takes a default, the taxpayers of this State would have to bail him out.

We have not taken care of the contingency of a new corporation of an industrial loan company. That is totally silent in the bill. Therefore, it is presumed that they would be allowed to come into this Guaranty Corporation and there is nothing that says they cannot. This is a very grave omission, and it allows a very high degree of possibility of the type of thing we have just seen with THC Financial which we want to stop.

The point of this bill of taking \$20 million of the taxpayers' money is to prevent another THC Financial. Mr. Speaker, I submit to you that, on top of the basic concept, we have a lot to learn on the past history of THC Financial. They were bailed out temporarily by loans from the banks and other large industrial loan companies, and those loans now come in as preferred creditors, ahead of the little depositors who signed the petition while Mr. Abercrombie was

in Paris, and while I was on the Big Island. Two thousand five hundred of them signed a petition and said that they wanted Abercrombie and Ike Sutton to help them and yet, at the same time, the banks and a large savings and loan company were loaning money to THC Financial and coming in as preferred creditors.

We're not taking care of that contingency in the bill. Mr. Speaker, you're an attorney; you have studied a lot of law, and you know, Oliver Wendell Holmes said, 'One page of history is worth a hundred pages of law.' We are not taking advantage of the history we have learned and it has been a very sad, sad situation. Mr. Speaker, I have never in my life felt so badly as seeing the individual whose life savings went down the drain in THC Financial. I feel that we can do better than this and I'm asking everybody to vote in favor.

The time limit is up; we've got to do something. We must not have the situation that happened in Missouri. In Missouri, they all went under--every one of them. We must not have that. I ask that next session, and we'll all be here--this is not an election year--that we can do a little better job and protect the people who rely on us and rely on the Consumer Protector, and rely on the regulatory agencies and who, when they see a TV commercial that says to deposit your money here, do not expect to see that go under two days later.

Thank you."

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

"Mr. Speaker, I would like to make some observations on the bill.

First is that the \$10,000 per depositor coverage is, I believe, unrealistically low. Banks and savings and loan associations are insured for higher amounts--why are these depositors to be treated differently? I realize from the testimony that savings and loan companies would like to have it even lower or not at all.

We have a four prong loan system existent in the State, possibly a fifth. First is the banks; second is the savings and loan; third is the industrial loan company; fourth is the loan sharks, and the fifth is personal borrowing that you may borrow from your friends. Of course, that is something that is not new

to any of us. We've all done it; we do it on our personal word, and usually do not have the kind of sanctions, other than, possibly, bad feelings that might come between two people or two parties should such a loan be defaulted on.

The loan sharking that goes on is, of course, outside the law that has more serious consequences for those who default. The consequences usually fall on those who are least able to pay; those who have been victimized by the loan sharks, and the punishment for their failure to pay is swift and sure and sometimes even deadly.

Industrial loan companies are in a situation in which some of the major financial institutions of the State, as the previous speaker has pointed out, may be in a position to dominate. Therefore, I think they should have an insurance situation, that it should be spelled out far more closely in the bill over and above the actual insurance or dollar amount, so that the people who are putting their money into the industrial loan companies understand exactly what it is they are doing.

Mr. Speaker, when I first heard about the THC Financial situation, my reaction was something along the lines of. . .if you go to Las Vegas and you walk into a gambling hotel or casino and you come outside and then announce to the world that they took your money in there, that you shouldn't be surprised, nor is anyone in such a condition deserving of much sympathy. However, I, too, have had occasion to meet personally with some of the people involved, and I have concluded that my first reaction was incorrect. That is to say, while it might apply to people who really knew what the circumstances were, I have concluded that there were great many people in this State, perhaps numbering into the thousands, certainly in the hundreds, who were totally unaware of what it was that was going to happen to them under the circumstances. They may be naive; they may be foolish; they are, nonetheless, citizens of the State of Hawaii and I believe them.

I went to meetings where I believe I saw hundreds of people virtually in a state of shock; as if they had been in an automobile accident; as if they were physically incapable of hearing the words that were being spoken in the room concerning their faith. They listened to legal terminology; they listened to what amounted to

treatises on the law, incapable of understanding them to the extent that they were still irrational about it; certainly incapable because of the shock they had incurred as a result.

I began to change my mind and began to do a little research on my own. I am not an accountant. I am not sophisticated in the ways of high finance as such, but I do know that there are precedents now as a result of my research for states to return money out of the State Treasury to people who have been fraudulently deprived of their funds. The State of Illinois is one such state. I feel that not enough work is going on as a result in this bill. I feel that the bank examiners are given enough authority and let me pursue that if I might.

The basic idea of this Guaranty Corporation is a creature of the industrial loan companies and I find that suspect. This intimate relationship could easily give rise to conflict of interest situations which, I believe, the previous speaker alluded to. As an alternative, the Legislature could mandate the creation of a guarantee fund under the control of the bank examiner or the Director of the Department of Regulatory Agencies. I realize and will comment a little further on as to what, I believe, are the inadequacies of the present Department of Regulatory Agencies' controls. That, too, needs to be tightened up and considerably.

This bill does not address the losses of the THC depositors. Therefore, see page 1, if you would, paragraph 5, of the Standing Committee Report. Moving further, the findings and purpose section on page 2, line 2, is disingenuous. It cites general economic difficulties as the cause of industrial loan failure without mentioning the rotten practice of the THC officers. I believe there was activity there which may be questionable. Certainly, that needs to be investigated on that course and, certainly, the activity of the Department of Regulatory Agencies, in monitoring this situation, needs to be explored.

Section 408A-6(5) on page 9, lines 10 to 12, gives the Corporation a blank check virtually to dip into the public Treasury to cover industrial loan company failures. Moving further on page 9, line 13, it authorizes the Guaranty Corporation to act as a receiver for an industrial loan

company in default.

Again, I believe we have an insider's playground since the officers of the Guaranty Corporation and the industrial loan companies are drawn from the same circle.

Moving to page 11, line 17, I believe we have here a deception, perhaps a cruel one. Theoretically, this ten day warning provision allows depositors time to get their money out of an institution from which the Guaranty Corporation is drawing its coverage. But the posting of such notices will precipitate runs with every likelihood of small depositors holding the bag again. Instead of allowing the Guaranty Corporation to duck its responsibilities for protecting depositors through this dual warning loophole, it should be held to its obligations to serve the public interest; that is, protect depositors.

Option 2 on page 20, line 11, in unfair. The timeliness of restitution is an inherent component of justice to allow the bank examiner to withhold for an indefinite period towards the need for swift recompense.

On page 22, line 1, I find what is apparently a contradiction. Paragraph A mandates interest rate ceiling more than the savings and loan rate, but paragraph B allows the bank examiner to adjust the ceiling in the public interest. Which formula do we want?

Mr. Speaker, in addition, on page 27, lines 6 through 8, permits higher rates of interest to large accounts and is blatantly discriminatory. If the higher rate of interest is permitted to all, it should apply to every uninsured penny. Those moneys of the depositors who already had their \$10,000 insured at the base in industrial loan companies.

Mr. Speaker, I feel, as I said, that this bill needs a good deal more work. The damage has been done in THC. I think people in industrial loan companies are now aware of the shakiness of their position; certainly, they have been manifest in their presence in the halls of the Legislature.

I think they are unnoticed and I think it is worth our time to put forth a bill. I realize how difficult it was to bring forth a bill, even of this nature, but I think that the points that I have raised and some of the points of the previous speaker are such that we should recommit this bill, work on it a little harder, and come up with something which we can all be justly proud of and which will truly serve



the interest of all the people of this State, including those people who are depositors in the industrial loan companies.

Thank you."

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

"Mr. Speaker, I would just like to comment on some of the comments made by the previous speakers.

First of all, your Committee did feel and considered the plight of the THC depositors. However, considering their status as investors as opposed to creditors on demand, we felt that it is a type of thing that the State should not go into as far as any direct reimbursement is concerned. I think this status as a creditor on demand, as opposed to investor, is really the difference between putting your money in a bank, or savings and loan, as opposed to putting it in an industrial loan company, wherein your status as an investor is similar to a limited partner. Such being the case, as you can read from some of the publications, that is why a lot of creditors come before them.

Now, much has been said as far as the control of the three larger industrial loan companies in relation to their control over the Board. Actually, if you look at the total amount of money that these three larger industrial loan companies control, or the total amount that the industrial loan industry has, that the three of them together constitute approximately 75 percent of all monies in the industrial loan industry. However, your Committee felt that to give them, because they have the most investors, full control over the Board, we limited each of them, really, to a point of just 15 percent a piece, or a total of 45, so that they would not dominate the Board to the detriment of the small industrial loan companies.

Much has been said of the \$20 million State line of credit, and one speaker seemed to infer that the three have subsidies. In fact, it is not. It's really a five-year line of credit--five years being the 'drop dead' or 2 percent of the total amount of outstanding certificates once the security deposit has that and, really, it puts them on a somewhat parody to banks and savings and loan as these banks and savings

and loan have, really, a ready-made line of credit through the Federal government and the Federal Reserve System. But, more importantly, it is not a subsidy; that any moneys that are taken from the State will have to be paid back at 1 percent above what it cost the State to get the money to deposit into the Security Deposit Corporation.

Now, even to get this money from the State, it is not where you ask and the money will be forthcoming. The bill provides some safeguards that first of all, the bank examiner will have to determine whether, in fact, the State should issue the money to the Security Deposit Corporation, but on top of that, it also requires the signature of the Governor. You know, we felt that, if necessary, that if any State moneys are expended, that we also have a system in which we can determine that it is necessary to the survival of the industrial loan industry for these moneys to be expended by the State.

Now, one of the previous speakers gave some example of an investor depositing \$100 million and, somehow, we did not consider that possibility. I guess, maybe, because I did not understand what he is talking about, but there is a good reason why we did not consider that possibility.

Now, we ended up at \$10,000 and while I admit, as one of the prior speakers talked about, it should have been higher, but then, we also received lots of testimonies that it should be lower. But, at no time, did we think that the amount of deposit insurance should be in parody with the savings and loan or the banks. Presently, these two institutions are insured up to \$40,000 and it took them a while to get to that amount. It took them a while to have stability in the industry and also it took a while until the Federal government was ready for them to increase their amount of insurance. So, considering all these things, we thought that \$10,000 was a good place to start.

Now, I agree with one of the prior speakers that people who are fraudulently deprived of their money should be compensated. However, at the present time, we have not seen or have not been proven to us that, in fact, fraud was committed as a lot of these things, I guess, are pending litigation.

Now, as far as the Board of Directors of the Security Deposit Corporation being members of the industry, we

understand that and, knowing that, we also gave the bank examiner large powers over the Board--powers that the Board can impose reasonable restrictions or conditions and conditions on the activities of a member; that any disputes between the member and the Board be resolved by an appeal to the bank examiner and that even when funds are invested from the Security Deposit Corporation, the prior approval of these investments also be approved by the bank examiner.

And, lastly, that if continued violations are found by the bank examiner of the Security Deposit Corporation, the bank examiner can also step in and take over the Security Deposit Corporation.

Now, a lot of the ceilings that we have had on the interest rate was to lower or give more parity as the difference between industrial loan company and the savings and loan companies. Now, the ceiling we set as to how much. . . well, the management of interest that an industrial loan company can give is  $1\frac{1}{4}$  percent above what the savings and loan industry can give, but that is a maximum ceiling and the reason that we have the bank examiner having the ability to lower the ceiling is because we also understand that we have three segments of our lending industry. We have the banks, the savings and loan associations, and the industrial loan companies and to prevent one side from drawing more than their share of funds from the others, we put in a provision that the bank examiner, if he so feels that a disproportionate amount of funds are being diverted into the industrial loan industry, that he can lower the ceiling to prevent such a run on these other institutions.

Mr. Speaker, I think your Committee has done a lot of work on this bill and we have given it a good thought and it is not, as a prior speaker said, that we hastily went through this bill and just concocted something up in our minds. I think this represents a lot of work and something that, I think, will be workable to the benefit of our depositors here in the State."

At 9:43 o'clock p.m., on request by Representative Kamalii, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:44 o'clock p.m., the motion was put by the Chair and carried, and the report

of the majority of the Committee was adopted and H.B. No. 230, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Abercrombie voting no.

H.B. No. 172, HD 1, on Third Reading:

On motion by Representative Mizuguchi, seconded by Representative Campbell, H.B. No. 172, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", having been read throughout, passed Third Reading by a vote of 51 ayes.

H.B. No. 1699, HD 1, on Third Reading:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1699, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOANS BY FOREIGN LENDERS", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 230, 172 and 1699 had passed Third Reading at 9:45 o'clock p.m.

At 9:46 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:04 o'clock p.m.

At this time, Representative Abercrombie rose on a point of personal privilege and stated:

"Mr. Speaker, before we carry on the evening's activities, I would like to announce something that I just learned about to the House in general, because I am so overjoyed as to what has happened to me. I think it is probably the greatest thing that has ever happened in my life--no, I am not getting married.

I have been selected as one of the people who will go to China next month--at the close of next month--on the Hawaii-China Friendship Tour, and my heart is pounding right now while I am telling you about it. I just couldn't wait to tell everybody."

The Chair asked:

"Did you say before the end of this month?"

Representative Cobb then rose and stated:

"Mr. Speaker, I was wondering if they were going to convert him or he is going to convert them."

The Chair remarked:

"He will probably return unshaven."

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 10:13 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 549) recommending that H.B. No. 1151, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1151, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BANKING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 550) recommending that H.B. No. 224, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative D. Yamada moved that the report of the Committee be adopted and H.B. No. 224, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Cobb.

Representative D. Yamada then rose and stated:

"Just for the record that there is a typographical error in the Committee Report. The bill is correct when it says that the effective date is January 1, 1978. The Committee Report states, 'January 1, 1977', but that is a typographical error, and I want the record to so reflect."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 224, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 551) recommending that H.B. No. 1687 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 1687, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT AND HARBOR REVENUE BONDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 552) recommending that H.B. No. 1683 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 1683, entitled: "A BILL FOR AN ACT RELATING TO THE BOATING LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 553) recommending that H.B. No. 1070 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 1070, entitled: "A BILL FOR AN ACT RELATING TO THE RESPONSIBILITY OF A VESSEL OWNER FOR UNAUTHORIZED MOORING OR PLACEMENT IN THE STATE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep.

No. 554) recommending that H.B. No. 682 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 682, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE EQUIPMENT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 555) recommending that H.B. No. 252, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the majority of the Committee was adopted and H.B. No. 252, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY EQUIPMENT FOR MOTORCYCLES AND MOTOR SCOOTERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1151, HD 1; 224, HD 1; 1687; 1683; 1070; 682; and 252, HD 1, were made available to the members of the House at 10:20 o'clock a.m.

Representative Blair, for the Committee on Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 556) recommending that H.B. No. 220, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.B. No. 220, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION, MANAGEMENT AND PROTECTION OF ENDANGERED OR THREATENED SPECIES OF WILDLIFE AND PLANTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representatives Blair and Segawa, for the Committees on Ecology and Environmental Protection and Health, presented a joint report (Stand. Com. Rep. No. 557) recommending

that H.B. No. 1425, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Segawa and carried, the joint report of the Committees was adopted and H.B. No. 1425, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH, ENVIRONMENTAL PROTECTION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 220, HD 1, and 1425, HD 1, were made available to the members of the House at 10:50 o'clock a.m.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 558) recommending that H.B. No. 1144, as amended in HD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 558 on H.B. No. 1144, HD 1, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1144, HD 1, were made available to the members of the House at 10:50 o'clock a.m.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 559) recommending that H.B. No. 1696, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamine, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1696, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 560) recommending that H.B. No. 374, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamine, seconded by Representative Peters

and carried, the report of the Committee was adopted and H.B. No. 374, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1696, HD 1 and 374, HD 1, were made available to the members of the House at 10:50 o'clock a.m.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 561) recommending that H.B. No. 1618 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 1618, entitled: "A BILL FOR AN ACT RELATING TO CLASSIFICATION OF MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed The Clerk to note that printed copies of H.B. No. 1618 were made available to the members of the House at 11:10 o'clock a.m.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 562) recommending that H.B. No. 455, as amended in HD 1, pass Third Reading.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 563) recommending that H.B. No. 251, as amended in HD 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 562 on H.B. No. 455, HD 1, and Stand. Com. Rep. No. 563 on H.B. No. 251, HD 2, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 455, HD 1, and 251, HD 2, were made available to the members of the House at 11:10 o'clock a.m.

Representative Cayetano, for

the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 564) recommending that H.B. No. 585, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 585, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. No. 585, HD 1, were made available to the members of the House at 11:10 o'clock a.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 565) recommending that H.B. No. 1430 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1430, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL APPEALS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 566) recommending that H.B. No. 1441 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1441, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1430 and 1441 were made available to the members of the House at 2:06 o'clock p.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 567) recommending that H.B. No. 202 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 567 on H.B.

No. 202 was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 202 were made available to the members of the House at 2:06 o'clock p.m.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 568) recommending that H.B. No. 1653, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1653, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES AND AGREEMENTS OF SALE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 569) recommending that H.B. No. 1641, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1641, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 570) recommending that H.B. No. 1321 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1321, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MEAT INSPECTION ACT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report

(Stand. Com. Rep. No. 571) recommending that H.B. No. 727, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 727, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE PROVIDERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 572) recommending that H.B. No. 1535 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1535, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF ELECTRICIANS AND PLUMBERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 573) recommending that H.B. No. 786 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 786, entitled: "A BILL FOR AN ACT RELATING TO ADVISORY ORGANIZATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 574) recommending that H.B. No. 1353 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 1353, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE FOR THE COUNTIES OF HAWAII, MAUI, AND KAUAI", passed Second Reading and was placed



on the calendar for Third Reading.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 575) recommending that H.B. No. 817, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 817, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN THE PUBLIC SECTOR AND AMENDING CHAPTER 89, HAWAII REVISED STATUTES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1653, HD 1; 1641, HD 1; 1321; 727, HD 1; 1535; 786; 1353; and 817, HD 1, were made available to the members of the House at 2:06 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 576) recommending that H.B. No. 482, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 577) recommending that H.B. No. 925, as amended in HD 3, pass Third Reading.

Representative Suwa then rose and stated:

"Mr. Speaker, on Standing Committee Report No. 577, before deferring-- as to the bill itself, there is no amendment or changes, but as to the Committee's intent, on page 2 of the Standing Committee Report, the third paragraph, here the bill has been further amended to provide for full-time twelve months employment for nurses. In that area, we will be deleting the entire paragraph and the Committee Report will be substituted that the intent is that the Supervisor will be employed twelve months, and the nurses will be employed ten months. Those are the changes to the Committee Report."

At 10:18 o'clock p.m., on request by Representative Evans, the Chair

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

The House of Representatives reconvened at 10:21 o'clock p.m.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 578) recommending that H.B. No. 976, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 579) recommending that H.B. No. 107, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 580) recommending that H.B. No. 1373, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 581) recommending that H.B. No. 1129, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 582) recommending that H.B. No. 1355, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 583) recommending that H.B. No. 1685, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 584) recommending that H.B. No. 486, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 585) recommending that H.B. No. 1171, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 586) recommending that H.B. No. 82, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 587) recommending that H.B. No. 854, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 588) recommending

that H.B. No. 1098, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 589) recommending that H.B. No. 1003, as amended in HD 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 576 on H.B. No. 482, HD 2; 577 on H.B. No. 925, HD 3; 578 on H.B. No. 976, HD 1; 579 on H.B. No. 107, HD 2; 580 on H.B. No. 1373, HD 2; 581 on H.B. No. 1129, HD 2; 582 on H.B. No. 1355, HD 2; 583 on H.B. No. 1685, HD 2; 584 on H.B. No. 486, HD 2; 585 on H.B. No. 1171, HD 1; 586 on H.B. No. 82, HD 2; 587 on H.B. No. 854, HD 2; 588 on H.B. No. 1098, HD 1; and 589 on H.B. No. 1003, HD 2, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 482, HD 2; 925, HD 3; 976, HD 1; 107, HD 2; 1373, HD 2; 1129, HD 2; 1355, HD 2; 1685, HD 2; 486, HD 2; 1171, HD 1; 82, HD 2; 854, HD 2; 1098, HD 1; and 1003, HD 2, were made available to the members of the House at 2:06 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 590) recommending that H.B. No. 630, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 591) recommending that H.B. No. 77, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 592) recommending that H.B. No. 105, as amended in HD 2, pass Third Reading.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 593) recommending that H.B. No. 1713, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 594) recommending that H.B. No. 1693 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 595) recommending that H.B. No. 106, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 596) recommending that H.B. No. 78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 597) recommending that H.B. No. 137, as amended in HD 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 590 on H.B. Nos. 630, HD 2; 591 on H.B. No. 77, HD 1; 592 on H.B. No. 105, HD 2; 593 on H.B. No. 1713, HD 2; 594 on H.B. No. 1693; 595 on H.B. No. 106, HD 2; 596 on H.B. No. 78, HD 2; and 597 on H.B. No. 137, HD 2, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 630, HD 2; 77, HD 1; 105, HD 2; 1713, HD 2; 1693; 106, HD 2; 78, HD 2; and 137, HD 2, were made available to the members of the House at 2:35 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 598) recommending that H.B. No. 65, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 599) recommending that H.B. No. 5, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 600) recommending that H.B. No. 68, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 601) recommending that H.B. No. 1504, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 602) recommending that H.B. No. 113, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 603) recommending that H.B. No. 28, as amended

in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 604) recommending that H.B. No. 129, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 605) recommending that H.B. No. 420, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 606) recommending that H.B. No. 962, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 607) recommending that H.B. No. 861, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 608) recommending that H.B. No. 100, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 609) recommending that H.B. No. 102, as amended in HD 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 598 on H.B. No. 65, HD 2; 599 on H.B. No. 5, HD 2; 600 on H.B. No. 68, HD 2; 601 on H.B. No. 1504, HD 2; 602 on H.B. No. 113, HD 2; 603 on H.B. No. 28, HD 2; 604 on H.B. No. 129, HD 2; 605 on H.B. No. 420, HD 2; 606 on H.B. No. 962, HD 1; 607 on H.B. No. 861, HD 1; 608 on H.B. No. 100, HD 1; and 609 on H.B. No. 102, HD 2, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 65, HD 2; 5, HD 2; 68, HD 2; 1504, HD 2; 113, HD 2; 28, HD 2; 129, HD 2; 420, HD 2; 962, HD 1; 861, HD 1; 100, HD 1; and 102, HD 2, were made available to the members of the House at 4:50 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No.

610) recommending that H.B. No. 138, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 611) recommending that H.B. No. 768, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 612) recommending that H.B. No. 562, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 613) recommending that H.B. No. 808 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 614) recommending that H.B. No. 1215, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 615) recommending that H.B. No. 559 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 616) recommending that H.B. No. 512, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 617) recommending that H.B. No. 632 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 618) recommending that H.B. No. 819 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 619) recommending that H.B. No. 491, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 620) recommending that H.B. No. 715, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 621) recommending that H.B. No. 1205, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 622) recommending that H.B. No. 1132, as amended in

HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 623) recommending that H.B. No. 1357, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 624) recommending that H.B. No. 154, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 625) recommending that H.B. No. 1459, as amended in HD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 610 on H.B. No. 138, HD 2; 611 on H.B. No. 768, HD 1; 612 on H.B. No. 562, HD 1; 613 on H.B. No. 808; 614 on H.B. No. 1215, HD 1; 615 on H.B. No. 559; 616 on H.B. No. 512, HD 1; 617 on H.B. No. 632; 618 on H.B. No. 819; 619 on H.B. No. 491, HD 2; 620 on H.B. No. 715, HD 1; 621 on H.B. No. 1205, HD 2; 622 on H.B. No. 1132, HD 1; 623 on H.B. No. 1357, HD 2; 624 on H.B. No. 154, HD 2; and 625 on H.B. No. 1459, HD 1, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 138, HD 2; 768, HD 1; 562, HD 1; 808; 1215, HD 1; 559; 512, HD 1; 632; 819; 491, HD 2; 715, HD 1; 1205, HD 2; 1132, HD 1; 1357, HD 2; 154, HD 2; and 1459, HD 1, were made available to the members of the House at 5:25 o'clock p.m.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 626) recommending that H.B. No. 1624, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the majority of the Committee was adopted and H.B. No. 1624, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE TORT LIABILITY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March

15, 1977.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 627) recommending that H.B. No. 1643, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1643, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GARNISHMENT OF PROPERTY AND CHOSES IN ACTION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1624, HD 1, and 1643, HD 1, were made available to the members of the House at 6:30 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 628) recommending that H.B. No. 733, as amended in HD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 628 on H.B. No. 733, HD 1, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 733, HD 1, were made available to the members of the House at 6:30 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 629) recommending that H.B. No. 238 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 238, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 630) recommending that H.B. No. 236 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters

and carried, the report of the Committee was adopted and H.B. No. 236, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 238 and 236 were made available to the members of the House at 6:30 o'clock p.m.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 631) recommending that H.B. No. 425, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 425, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 632) recommending that H.B. No. 1198, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1198, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 633) recommending that H.B. No. 865 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 865, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAX LAW", passed Second Reading and was placed on the calendar for Third

Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 425, HD 1; 1198, HD 1; and 865, were made available to the members of the House at 8:00 o'clock p.m.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 634) recommending that H.B. No. 408 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 635) recommending that H.B. No. 1354, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 636) recommending that H.B. No. 1398, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 637) recommending that H.B. No. 1162, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 638) recommending that H.B. No. 1243, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 639) recommending that H.B. No. 1086, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 640) recommending that H.B. No. 481, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 641) recommending that H.B. No. 456, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 642) recommending that H.B. No. 1297 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 643) recommending that H.B. No. 514 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 634 on H.B. No. 408; 635 on H.B. No. 1354, HD 2; 636 on H.B. No. 1398, HD 2; 637

on H.B. No. 1162, HD 1; 638 on H.B. No. 1243, HD 1; 639 on H.B. No. 1086, HD 2; 640 on H.B. No. 481, HD 2; 641 on H.B. No. 456, HD 1; 642 on H.B. No. 1297; and 643 on H.B. No. 514, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 408; 1354, HD 2; 1398, HD 2; 1162, HD 1; 1243, HD 1; 1086, HD 2; 481, HD 2; 456, HD 1; 1297; and 514, were made available to the members of the House at 8:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 644) recommending that H.B. No. 1491, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 645) recommending that H.B. No. 973, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 646) recommending that H.B. No. 423, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 647) recommending that H.B. No. 96, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 648) recommending that H.B. No. 1075, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 649) recommending that H.B. No. 95, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 650) recommending that H.B. No. 591, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 651) recommending that H.B. No. 433, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 652) recommending that H.B. No. 307, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 653) recommending that H.B. No. 1285, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 654) recommending that H.B. No. 650, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 655) recommending that H.B. No. 136, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 656) recommending that H.B. No. 952, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 657) recommending that H.B. No. 634 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 644 on H.B. No. 1491, HD 2; 645 on H.B. No. 973, HD 2; 646 on H.B. No. 423, HD 2; 647 on H.B. No. 96, HD 1; 648 on H.B. No. 1075, HD 1; 649 on H.B. No. 95, HD 2; 650 on H.B. No. 591, HD 1; 651 on H.B. No. 433, HD 1; 652 on H.B. No. 307, HD 2; 653 on H.B. No. 1285, HD 2; 654 on H.B. No. 650, HD 1; 655 on H.B. No. 136, HD 2; 656 on H.B. No. 952, HD 2; and 657 on H.B. No. 634, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 1491, HD 2; 973, HD 2; 423, HD 2; 96, HD 1; 1075, HD 1; 95, HD 2; 591, HD 1; 433, HD 1; 307, HD 2; 1285, HD 2; 650, HD 1; 136, HD 2; 952, HD 2; and 634, were made available to the members of the House at 8:45 o'clock p.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 658) recommending that H.B. No. 1472, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada



and carried, the report of the Committee was adopted and H.B. No. 1472, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. No. 1472, HD 1, were made available to the members of the House at 8:45 o'clock p.m.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 659) recommending that H.B. No. 1097, as amended in HD 1, pass Third Reading.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 660) recommending that H.B. No. 776, as amended in HD 1, pass Third Reading.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 661) recommending that H.B. No. 805, as amended in HD 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 659 on H.B. No. 1097, HD 1; 660 on H.B. No. 776, HD 1; and 661 on H.B. No. 805, HD 2, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 1097, HD 1; 776, HD 1; and 805, HD 2, were made available to the members of the House at 8:45 o'clock p.m.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 662) recommending that H.B. No. 1667 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1667, entitled: "A BILL FOR AN ACT RELATING TO INJURY TO PUBLIC UTILITY PROPERTY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative D. Yamada, for the Committee on Consumer Protection

and Commerce, presented a report (Stand. Com. Rep. No. 663) recommending that H.B. No. 48, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 48, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL PROFESSIONAL LIABILITY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 664) recommending that H.B. No. 785, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 785, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGGREGATE LIMITS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 665) recommending that H.B. No. 985, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 985, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1667; 48, HD 1; 785, HD 1 and 985, HD 1, were made available to the members of the House at 9:08 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 666) recommending that H.B. No. 828, as amended in HD 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 666 on H.B.

No. 828, HD 2, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 828, HD 2, were made available to the members of the House at 9:08 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 667) recommending that H.B. No. 261, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 261, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. No. 261, HD 1, were made available to the members of the House at 9:08 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 668) recommending that H.B. No. 91, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 669) recommending that H.B. No. 98, HD 1, pass Third Reading.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 670) recommending that H.B. No. 1061, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 671) recommending that H.B. No. 505, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 672) recommending that H.B. No. 1523, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No.

673) recommending that H.B. No. 1012, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 674) recommending that H.B. No. 66, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 675) recommending that H.B. No. 1001, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 676) recommending that H.B. No. 592 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 677) recommending that H.B. No. 197, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 678) recommending that H.B. No. 160, HD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 668 on H.B. No. 91, HD 2; 669 on H.B. No. 98, HD 1; 670 on H.B. No. 1061, HD 1; 671 on H.B. No. 505, HD 1; 672 on H.B. No. 1523, HD 1; 673 on H.B. No. 1012, HD 2; 674 on H.B. No. 66, HD 2; 675 on H.B. No. 1001, HD 1; 676 on H.B. No. 592; 677 on H.B. No. 197, HD 1; and 678 on H.B. No. 160, HD 1, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 91, HD 2; 98, HD 1; 1061, HD 1; 505, HD 1; 1523, HD 1; 1012, HD 2; 66, HD 2; 1001, HD 1; 592; 197, HD 1; and 160, HD 1, were made available to the members of the House at 9:08 o'clock p.m.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 679) recommending that H.B. No. 81, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.B. No. 81, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION", passed Second Reading and was placed

on the calendar for Third Reading tomorrow, March 15, 1977.

Representatives Blair and Kawakami, for the Committees on Ecology and Environment and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 680) recommending that H.B. No. 1463, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and H.B. No. 1463, HD 1, entitled: "A BILL FOR AN ACT EXCLUDING TREES INVOLVED IN COMMERCIAL FORESTRY OPERATIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 681) recommending that H.B. No. 986, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 986, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 81, HD 1; 1463, HD 1; and 986, HD 1, were made available to the members of the House at 9:40 o'clock p.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 682) recommending that H.B. No. 777, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 682 on H.B. No. 777, HD 1, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 777, HD 1, were made available to the members of the House at 9:40 o'clock p.m.

Representative Garcia, for the

Committee on Judiciary, presented a report (Stand. Com. Rep. No. 683) recommending that H.B. No. 1455, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1455, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING DRUGS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 684) recommending that H.B. No. 1547, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 1547, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 685) recommending that H.B. No. 1533 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 1533, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 686) recommending that H.B. No. 12, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 12, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CERTAIN FUNDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representatives Segawa and Garcia, for the majority of the Committees on Health and Judiciary, presented a joint report (Stand. Com. Rep. No. 687) recommending that H.B. No. 258, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Garcia and carried, the joint report of the majority of the Committees was adopted and H.B. No. 258, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF DEATH", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Segawa, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 688) recommending that H.B. No. 201, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the majority of the Committee was adopted and H.B. No. 201, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SURVEILLANCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 689) recommending that H.B. No. 829 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 829, entitled: "A BILL FOR AN ACT RELATING TO THE ENRICHMENT OF BREAD AND FLOUR", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 690) recommending that H.B. No. 1319 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Uechi,

seconded by Representative Kawakami, the joint report of the Committees was adopted and H.B. No. 1319, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. 691) recommending that H.B. No. 1059, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and H.B. No. 1059, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 692) recommending that H.B. No. 264, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 264, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION AND MAINTENANCE OF SIDEWALKS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 81, HD 1; 1463, HD 1; 986, HD 1; 777, HD 1; 1455, HD 1; 1547, HD 1; 1533; 12, HD 2; 258, HD 1; 201, HD 1; 829; 1319; 1059, HD 1; and 264, HD 1, were made available to the members of the House at 9:40 o'clock p.m.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 693) recommending that H.B. No. 683, as amended in HD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 693 on H.B. No. 683, HD 1, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B.

No. 683, HD 1, were made available to the members of the House at 9:40 o'clock p.m.

Representatives Cayetano and Stanley, for the Committees on Energy and Transportation and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 694) recommending that H.B. No. 162, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Stanley and carried, the joint report of the Committee was adopted and H.B. No. 162, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STAGGERED WORK HOUR AND/OR VARIABLE TIME PROGRAM FOR STATE EMPLOYEES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. No. 162, HD 1, were made available to the members of the House at 10:20 o'clock p.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 695) recommending that H.B. No. 332, as amended in HD 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 695 on H.B. No. 332, HD 2, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 332, HD 2, were made available to the members of the House at 10:20 o'clock p.m.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 696) recommending that H.B. No. 1644, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1644, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC COMPANIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. No. 1644, HD 1, were made available to the members of the House at 10:20 o'clock p.m.

Representative Aki, for the majority of the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 697) recommending that H.B. No. 250, HD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 697 on H.B. No. 250, HD 1, was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 250, HD 1, were made available to the members of the House at 10:20 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 698) recommending that H.B. No. 234 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 234, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 699) recommending that H.B. No. 874 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 874, entitled: "A BILL FOR AN ACT RELATING TO THE USE TAX LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 700) recommending that H.B. No. 13, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 13, HD 2, entitled: "A BILL FOR AN ACT

RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 234; 874; and 13, HD 2, were made available to the members of the House at 10:20 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 701) recommending that H.B. No. 126, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 702) recommending that H.B. No. 490, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 703) recommending that H.B. No. 813 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 704) recommending that H.B. No. 1283, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 705) recommending that H.B. No. 565, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 706) recommending that H.B. No. 849, as amended in HD 2, pass Third Reading.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 707) recommending that H.B. No. 432, as amended in HD 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 701 on H.B. No. 126, HD 2; 702 on H.B. No. 490, HD 2; 703 on H.B. No. 813; 704 on H.B. No. 1283, HD 2; 705 on H.B. No. 565, HD 2; 706 on H.B. No. 849, HD 2; and 707 on H.B. No. 432, HD 2, was deferred until tomorrow, March 15, 1977,

and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 126, HD 2; 490, HD 2; 813; 1283, HD 2; 565, HD 2; 849, HD 2; and 432, HD 2, were made available to the members of the House at 10:20 o'clock p.m.

Representatives D. Yamada and Baker, for the majority of the Committees on Consumer Protection and Commerce and Public Assistance and Human Services, presented a joint report (Stand. Com. Rep. No. 708) recommending that H.B. No. 1698, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Baker and carried, the joint report of the majority of the Committees was adopted and H.B. No. 1698, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 709) recommending that H.B. No. 1358, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamine, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1358, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPREHENSIVE EMPLOYMENT AND TRAINING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 710) recommending that H.B. No. 122, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.B. No. 122, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977.



The Chair directed the Clerk to note that printed copies of H.B. Nos. 1698, HD 1; 1358, HD 1; and 122, HD 1, were made available to the members of the House at 10:20 o'clock p.m.

At 10:37 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 10:38 o'clock p.m.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 711) recommending that H.B. No. 1056 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 711 on H.B. No. 1056 was deferred until tomorrow, March 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1056 were made available to the members of the House at 10:20 o'clock p.m.

Representative Stanley, for the majority of the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 712) recommending that H.B. No. 1084 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Uwayne and carried, the report of the majority of the Committee was adopted and H.B. No. 1084, entitled: "A BILL FOR AN ACT RELATING TO PREFERENCE FOR PUBLIC SERVICE EMPLOYMENT PROGRAM PARTICIPANTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 15, 1977, with Representatives Abercrombie, Blair,

Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Ikeda, Narvaes, Peters, Say and Sutton voting no.

The Chair directed the Clerk to note that printed copies of H.B. No. 1084 were made available to the members of the House at 10:20 o'clock p.m.

#### COMMITTEE REASSIGNMENTS

At this time, the Chair re-referred the following bills:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
8	Committee on Finance
894	Committee on Finance
1175	Committee on Finance

At 10:40 o'clock p.m., on request by Representative Cayetano, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:41 o'clock p.m.

At this time, the Chair made the following announcement:

"We will have a very long day tomorrow so the Chair recommends that all of you get a good night's rest. We will convene at 11:00 o'clock a.m. and probably at 7:00 o'clock p.m., and continue on through midnight and into the next day's morning hour, if necessary."

#### ADJOURNMENT

At 10:45 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 11:00 o'clock a.m. tomorrow, Tuesday, March 15, 1977.

## THIRTY-NINTH DAY

Tuesday, March 15, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Dae Won Ki, Chief Abbot of the Korean Dae Won Ga Temple, after which the Roll was called showing all members present.

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

On motion by Representative Yuen, seconded by Representative Kamalii and carried, reading of the Journal was dispensed with and the Journal of the Thirty Eighth Day was approved.

At this time, Representative Cobb rose and stated:

"Looking around me and listening to the prayer, I was reminded of the very wonderful and beautiful diversity of our Hawaii, and I'm so terribly grateful for that, Mr. Speaker."

Representative Cobb then introduced Keith Lee and Brian Isobe, Iolani seniors, who are student interns learning the legislative process.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENT

House Resolution No. 384 was re-referred jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Agriculture, then to the Committee on Legislative Management.

## SUSPENSION OF RULES

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

## UNFINISHED BUSINESS

H.B. No. 1660, HD 1, on Third Reading (Deferred from March 14, 1977):

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

At 11:09 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:11 o'clock a.m., the Chair made the following request:

"The Chair would like to request that all members follow the calendar and try to keep the recesses at a minimum."

Stand. Com. Rep. No. 558 on H.B. No. 1144, HD 1 (Deferred from March 14, 1977):

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.B. No. 1144, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Fong and Peters being excused.

Stand. Com. Rep. No. 562 on H.B. No. 455, HD 1 (Deferred from March 14, 1977):

Representative Aki moved that the report of the Committee be adopted and that H.B. No. 455, HD 1, having been read throughout, pass Third Reading, seconded by Representative Campbell.

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

"Mr. Speaker, this is an act relating to the confidentiality of police records concerning juveniles.

The purpose of the bill was to clarify various provisions regarding the confidentiality of police and juvenile crime prevention records, and it permits the prosecuting attorneys and their investigators to inspect and obtain copies of those records to assist them in evaluating any pending or prospective charges against persons who are juveniles and to make recommendations to the court concerning these.

Now, the basic concept of the Family Court - the basic concept that Judge Lindsay in Denver originally had on Juvenile Court - was that if you would have a child get into trouble, you would have a Family Court. The names would not be divulged; the individual

would be given a chance to rehabilitate without losing his reputation. The basic concept of all of our juvenile laws is on the basic concept that at this tender age, people may make mistakes, but we do not want to perpetuate them through their lives.

This bill contravenes the basic philosophy of a Family Court; it contravenes the basic philosophy of the Juvenile Court system as originally established in Denver in 1920 by Judge Lindsay; and I would ask my colleagues, therefore, to please vote it down."

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

"The present statutes allow certain individuals to examine the court records, and this bill just clarifies it by saying that the county prosecuting attorney can obtain and examine these records, and, so, it is just for clarification purposes.

So I urge all members to vote in favor of this bill."

Representative K. Yamada then rose and, upon being recognized, stated:

"Mr. Speaker, I would like to speak in favor of the bill, and in doing so, I support the previous speaker that has just supported the passage of the bill.

The individual that spoke in opposition to the bill apparently is not aware of the contents of the bill because the things that he stated are not changed at all. We are not changing the Family Court, Mr. Speaker.

Under the present system, if there is an adjudication of the juvenile, that's where the matter stops; however, if it is a contested case, then the matter is referred to the prosecutor's office for the conferring of the proper charge.

In this particular case, we feel that the prosecutor ought to be able to review the records that would give the prosecutor's office disgression to impose the proper charge, but we are not releasing any information, Mr. Speaker.

We are also giving the individual a chance to rehabilitate; none of that has changed; it just extends the courtesy to the prosecutor's office to look at the records and impose the proper charge.

For that reason, Mr. Speaker, I ask all my colleagues to vote in favor of this bill."

Representative Campbell then rose and stated:

"Mr. Speaker, I would like to speak in favor of this bill and in support of the previous speaker.

This bill in no way undermines the basic concept and purpose of the Family Court; therefore, I urge all my colleagues to vote for the bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 455, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONFIDENTIALITY OF POLICE RECORDS CONCERNING JUVENILES", having been read throughout, passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Abercrombie, Lunasco, Sutton and Takamura voting no.

Stand. Com. Rep. No. 563 on H.B. No. 251, HD 2 (Deferred from March 14, 1977):

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 251, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXTRADITION OF JUVENILE FUGITIVES", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1144, HD 1, had passed Third Reading at 11:11 o'clock a.m.; 455, HD 1, at 11:16 o'clock a.m.; and 251, HD 2, at 11:17 o'clock a.m.

#### STANDING COMMITTEE REPORT

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 713) informing the House that Standing Committee Report Nos. 549 to 712 have been printed and distributed.

On motion by Representative Kunimura, seconded by Representative Lunasco and carried, the report of the Committee was adopted.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 507 to 518) and concurrent resolutions (H.C.R. Nos. 94 to 96) were referred to the

Committee on Legislative Management and further action was deferred until tomorrow, March 16, 1977:

A resolution (H.R. No. 507) requesting the transfer of (T) H-3 funds was jointly offered by Representatives Takamura, Blair and Baker.

A resolution (H.R. No. 508) requesting the establishment of a center for the right to an education was offered by Representative Evans.

A resolution (H.R. No. 509) requesting the implementation of certain recommendations relating to the transportation of handicapped students was offered by Representative Evans.

A resolution (H.R. No. 510) requesting the consideration of the banning of political campaign sign holding was offered by Representative Evans.

A resolution (H.R. No. 511) requesting the University of Hawaii to give Hawaii residents first preference in awarding athletic scholarships was offered by Representative Evans.

A resolution (H.R. No. 512) requesting a study of the programs of the Texas Youth Council was offered by Representative Evans.

A resolution (H.R. No. 513) requesting the placement of telecommunication in, and changing the name of, the Department of Transportation to the Department of Communications and Transportation was offered by Representative Evans.

A resolution (H.R. No. 514) relating to pesticides tolerance petitions submitted to the U.S. Environmental Protection Agency was jointly offered by Representatives Machida, Aki, Caldito, Cayetano, Evans, Fong, Kamalii, Kawakami, Kunimura, Larsen, Medeiros, Mina, Nakamura, Narvaes, Poepoe, Say, Segawa, Shito, Takamura, Toguchi, Uechi, Uwaine and Yuen.

A resolution (H.R. No. 515) relating to the Makena-Laperouse State Park was jointly offered by Representatives Machida, Aki, Caldito, Cayetano, Cobb, Evans, Fong, Kamalii, Kawakami, Kunimura, Larsen, Medeiros, Mina, Nakamura, Narvaes, Poepoe, Say, Segawa, Shito, Takamura, Toguchi, Uechi, Uwaine and Yuen.

A resolution (H.R. No. 516) requesting the re-routing of military air traffic away from population centers in the Ewa Beach area was jointly

offered by Representatives Peters and Aki.

A resolution (H.R. No. 517) requesting inclusion of the Director of Labor and Industrial Relations in the deliberations of the State Plan Policy Council was jointly offered by Representatives Takamine, Kiyabu and Mizuguchi.

A resolution (H.R. No. 518) requesting the Board of Regents of the University of Hawaii to study the feasibility of establishing a center for Philippine studies on the Manoa campus of the University of Hawaii was jointly offered by Representatives Mina, Mizuguchi, Abercrombie, Ajifu, Aki, Blair, Caldito, Cayetano, Dods, Evans, Inaba, Kawakami, Kihano, Kiyabu, Larsen, Lunasco, Machida, Morioka, Naito, Peters, Poepoe, Say, Shito, Stanley, Sutton, Takamine, Takamura, Toguchi, Uechi, D. Yamada, K. Yamada and Yuen.

A concurrent resolution (H.C.R. No. 94) requesting inclusion of the Director of Labor and Industrial Relations in the deliberations of the State Plan Policy Council was jointly offered by Representatives Takamine, Kiyabu and Mizuguchi.

A concurrent resolution (H.C.R. No. 95) urging the United States Congress to provide construction grants for the improvement of Hawaii's public water systems in compliance with the Safe Drinking Water Act was jointly offered by Representatives Kondo, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

A concurrent resolution (H.C.R. No. 96) requesting the Governor to hold a second conference on immigration was jointly offered by Representatives Mina, Kiyabu, Abercrombie, Ajifu, Aki, Blair, Caldito, Cayetano, Dods, Evans, Inaba, Kawakami, Kihano, Larsen, Lunasco, Machida, Mizuguchi, Morioka, Naito, Peters, Poepoe, Say, Shito, Stanley, Sutton, Takamine, Takamura, Toguchi, Uechi, D. Yamada, K. Yamada and Yuen.

### THIRD READING

The following bills, which were

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

H.B. No. 1151, HD 1:

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

H.B. No. 224, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 224, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", passed Third Reading by a vote of 49 ayes, with Representatives Fong and Poepoe being excused.

H.B. No. 1687:

On motion by Representative Cayetano, seconded by Representative Takamura, H.B. No. 1687, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT AND HARBOR REVENUE BONDS", passed Third Reading by a vote of 49 ayes, with Representatives Fong and Poepoe being excused.

H.B. No. 1683:

On motion by Representative Cayetano, seconded by Representative Takamura, H.B. No. 1683, entitled: "A BILL FOR AN ACT RELATING TO THE BOATING LAW", passed Third Reading by a vote of 49 ayes, with Representatives Fong and Poepoe being excused.

H.B. No. 1070:

On motion by Representative Cayetano, seconded by Representative Takamura, H.B. No. 1070, entitled: "A BILL FOR AN ACT RELATING TO THE RESPONSIBILITY OF A VESSEL OWNER FOR UNAUTHORIZED MOORING OR PLACEMENT IN THE STATE", passed Third Reading by a vote of 49 ayes, with Representatives Fong and Poepoe being excused.

H.B. No. 682:

On motion by Representative Cayetano, seconded by Representative Takamura, H.B. No. 682, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE EQUIPMENT", passed Third Reading by a vote of 49 ayes, with Representatives Fong and Poepoe being excused.

H.B. No. 252, HD 1:

Representative Cayetano moved that H.B. No. 252, HD 1, having been read throughout, pass Third Reading, seconded by Representative Takamura.

Representative Cobb then rose and stated:

"Mr. Speaker, I rise to speak in favor of the bill and, in doing so, also to reflect the feelings of myself and some of the Committee members - perhaps a little tinge of disappointment that we don't have what we did last year, namely, the Lady Godiva amendment which would provide that a motorcyclist, regardless of sex, may wear anything or nothing, as long as they keep their cycle or the noise level of their cycle in conformance with all other vehicles on Oahu.

I think the chairman is correct when he points out that the title of the bill this year is not sufficiently broad to encompass that kind of amendment. But, Mr. Speaker, in addressing my remarks on behalf of the bill, I also want to make a plea to all the cyclists in the State, and that is, while we, as a body and as individuals, respect your right to choose the kind of equipment that you as an individual want to wear, we ask for reciprocity that you respect our rights to peace and quiet.

With these remarks, Mr. Speaker, I would ask my colleagues to support this bill."

Representative Uwayne, speaking against the bill, stated:

"Mr. Speaker, as a bike rider both on the street and on the race track, I think I speak with firsthand experience when I say nobody really knows the real value of a helmet until he's had his first accident; and that, Mr. Speaker, may be too late."

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

"Mr. Speaker, addressing myself to some of the previous remarks, first let me say that if there is some concern of the noise made by motorcycles, then the concerned representative should introduce that bill next session to meet that problem.

With respect to the remarks made regarding the use or the purpose of the helmet, your Committee, after reviewing the testimonies and getting information on this problem, came

to the conclusions that a helmet is really to prevent injury and is not necessarily a safety measure. The helmet comes into effect after the accident has happened.

The bill concerns itself with safety equipment for motorcycles and motor scooters - safety in terms of motorcycle riding comes in education and in training. We feel that the question of the individual's liberty to wear or not to wear a helmet to prevent injury to himself is one which outweighs any benefit to society in terms of imposing such a requirement on the individual rider."

Speaking against the bill, Representative Sutton stated:

"Mr. Speaker, we live in a day and age where we have advanced on what we will wear; the astronauts wear certain suits; those that dive down in the depths of the seas wear certain suits. We have learned to clothe what mother nature gave us with protective devices and I submit, sir, protective devices is safety regardless of what the prior speaker said.

I feel that if you will look at football, we used to play without helmets, and I think you see the results right here. Mr. Speaker, you would never have the trouble with me that you do had I played with a helmet when I played for the Kalihi Thundering Herd, and so I would ask all my colleagues, in the name of safety, safety alone, to please retain the requirement of a helmet.

Thank you."

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

"We've seen in the past number of years, particularly the sixties and seventies, the constant eroding away of individual rights. I think that this is a step in the right direction; of eliminating some of these governmental interventions and the freedoms we as Americans have learned to enjoy.

Certainly the comments, with respect to the use of various items of equipment, are well taken, but I think it's one thing to advise people, as has been mentioned by the Chairman of the Energy and Transportation Committee, and quite another when you say you must.

I'm very happy to see that after some six years, this bill has finally emerged and I hope the Senate will

have the wisdom that this House has to vote 'aye'.

Thank you."

Representative Blair then rose and stated:

"Mr. Speaker, I would just like to add to that that we should not impose the judgment of the State but the judgment of the individual when the consequences of the decision flow to the individual and not the State.

I would also like to note, for the record, that fortunately there's no law that prevents the sale of motorcycle helmets from vending machines."

Representative Takamura, upon being recognized, stated:

"Just briefly speaking in support of this measure, I would like to reiterate the fact that, as the Chairman of the Energy and Transportation Committee has pointed out, is that one of our concerns is that while we have had this mandatory helmet law, really we haven't had much work done in terms of driver education, in terms of the use of motorcycles. We really don't even have a program that is recognized and established within the State that teaches people how to ride motorcycles safely.

I think this is where the emphasis should really go and I think what we are saying here is that even though we are talking about repealing the safety helmet law, we are not saying we are against safety in terms of the riding of motorcycles.

And related to this issue, I think, is a bill we will be considering later for passage as House Bill No. 585, relating to the renewal of temporary instruction permits for motorcycle operations. I think this is tied into the whole effort we are trying to make here because what we will be doing in that bill is dealing with another aspect of this problem with regard to people learning to ride motorcycles safely, which is, I think, the real issue here rather than this issue of individual rights."

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

"The reason I would like to add to it is that something hasn't been mentioned here.

There has been a bias for a number of years on the part of the public,



probably on the part of myself as well as others, because we don't think very much about it, about two-wheel vehicles, whether it be bicycles or motorcycles.

Those of us who have spent more time on four-wheel vehicles have taken the attitude in many instances that we own the road, that the machine that we are ensconced in has some kind of priority.

We've even had to go to the point of having to pass laws to give pedestrians the right of way, where that should be common sense.

But what happened was that we became so enamored of the power and technology associated with automobiles that we forgot common courtesy.

I was late to the caucus this morning because I was involved in an automobile accident. It occurred to me, at the time of that accident, that it was very good for me to be riding in my checkered cab so that no matter how hard I was hit, I didn't even slide off the seat. However, for the person in the other car, it was quite a different story - the car happened to be a Volkswagen - and it reminded me of the situation that prevails now.

We do not require automobile drivers to wear safety helmets and I think that any common sense look at auto accidents, as they take place now, and any series of photographs that might be presented to the Transportation Committee by the Police Department on what happens when there is an automobile accident on high speed and someone does not wear a safety belt nor a helmet in an automobile, you can see the results in such photographs; they're rather grizzly experiences; however, no one puts forth the idea that we should be required to wear safety helmets in an automobile when it's quite obvious that if you're in an accident situation, which propels you over the steering wheel or towards the dashboard in the front seat of a car, that you will in all likelihood smash your head into that dashboard or into the windshield.

But I have never seen, as I say, any serious attempt to require people to wear other than a safety harness, which was mightily resisted by the public at large, a safety helmet. And the reason for that is that there are too many votes there; too many problems. But when you come to motorcyclists that have not had the voting power previously, they have

not had the organizational impact and they have been stereotyped in failures and various other forms of media in such a way as to prevent them from being taken seriously as citizens or collectively as a group with a legitimate legislative concern.

What has surprised me the most about the lobbying that has gone on from the motorcyclists in particular and from those of us who value individual freedom is that the responsible, tenacious and steadfast support of the motorcyclists in the State for the passage of this bill has been a real lesson in democratic process and a real lesson in not becoming frustrated to the point that one gives up.

So, I think that we should pass this bill on the basis that at long last a minority group has made a case to us in such a way that it has now commanded the attention of the majority matter committee, and that subject matter committee now comes before you asking for your vote in favor of this. I hope the points I have made, especially in relation to the power of various lobby groups, has some weight on your decision.

Thank you."

Representative Uwaine, upon being recognized, stated:

"I would just like to make a short statement against, for the record - that about 80% to 90% of the time, it's not the motorcyclist's fault when there's an accident, and no matter how safely or defensively he drives, it is beyond his control; that's why we have the word 'accident'."

At 11:32 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:33 o'clock a.m., the motion to pass H.B. No. 252, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY EQUIPMENT FOR MOTORCYCLES AND MOTOR SCOOTERS", on Third Reading was put by the Chair and carried by a vote of 49 ayes to 2 noes, with Representatives Sutton and Uwaine voting no.

H.B. No. 220, HD 1:

Representative Blair moved that H.B. No. 220, HD 1, having been read throughout, pass Third Reading, seconded by Representative Larsen.

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

"Mr. Speaker, we already have on the books Act 65 and that provides statutory authority for the Department of Land and Natural Resources to establish programs for the preservation of all of Hawaii's unique flora and fauna, and particularly things threatened and endangered species of plant and animal life.

Now, these are our islands. It is true that they were annexed and it was an organic act, but these are our islands and we don't need to do everything just to conform with the federal government and have the federal government tell us how to run these islands.

We have vast resources of forest and timber; beautiful lands that we have preserved well beyond what any other spot in the nation has done. And by the same token, we have the same situation, that Hawaii has more endangered species, Mr. Speaker, than any other place in the world, Mr. Speaker, according to the federal rules.

And if we do this, to try to conform to the federal, you will not be even allowed to trepsy through the hills, on trails, because this might kill a bug, and that is an endangered species, and then you have violated the federal law; and you can't even go on the trails in our mountains.

Now, Mr. Speaker, this is a very serious thing that has been brought to light in two periodicals, that they have gone way, way too far in declaring endangered species of flora and fauna here in Hawaii, and I do not see why this Legislature needs to knuckle down and say in so many words that, tell me what to do, to the federal government just so they can get some of the federal money. Let's keep our land for ourselves.

I would ask everybody to please vote this down."

Representative Blair then rose and stated:

"Mr. Speaker, he is correct in pointing out that the intent of this bill is to get some federal dollars. Their money is good enough for me, Mr. Speaker, and I urge all my colleagues to vote 'aye'."

The motion to pass H.B. No. 220, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION, MANAGEMENT AND PROTECTION

OF ENDANGERED OR THREATENED SPECIES OF WILDLIFE AND PLANTS", on Third Reading was put by the Chair and carried by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

#### H.B. No. 1425, HD 1:

On motion by Representative Blair, seconded by Representative Ueoka, H.B. No. 1425, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH, ENVIRONMENTAL PROTECTION", passed Third Reading by a vote of 51 ayes.

#### H.B. No. 1696, HD 1:

On motion by Representative Takamine, seconded by Representative Peters, H.B. No. 1696, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ajifu voting no.

#### H.B. No. 374, HD 1:

On motion by Representative Takamine, seconded by Representative Peters, H.B. No. 374, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Ajifu and Sutton voting no.

#### H.B. No. 1618:

Representative Stanley moved that H.B. No. 1618, having been read throughout, pass Third Reading, seconded by Representative Uwaine.

Representative Stanley, upon being recognized, stated:

"I wish to make it very clear, for the record, that this bill's purpose is to only allow for those policemen and firemen classified in Group 4 to elect board members to the Board of Trustees of the retirement system as general employees and is not in any way to be construed to mean that firemen and policemen are to be considered general employees for any other purpose whatsoever."

The motion to pass H.B. No. 1618, entitled: "A BILL FOR AN ACT RELATING TO CLASSIFICATION OF MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM", on Third Reading was put

by the Chair and carried by a vote of 51 ayes.

H.B. No. 585, HD 1:

On motion by Representative Cayetano, seconded by Representative Yuen, H.B. No. 585, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 224, HD 1, had passed Third Reading at 11:17 o'clock a.m.; 1687, 1683 and 1070 at 11:18 o'clock a.m.; 682 at 11:19 o'clock a.m.; 252, HD 1, at 11:34 o'clock a.m.; 220, HD 1, 1425, HD 1, and 1696, HD 1, at 11:37 o'clock a.m.; 374, HD 1, at 11:38 o'clock a.m.; 1618 at 11:39 o'clock a.m.; and 585, HD 1, at 11:40 o'clock a.m.

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

The House of Representatives reconvened at 11:47 o'clock a.m.

STANDING COMMITTEE REPORT

The Chair, at this time, stated:

"If there's no objection, the Chair would like to add on to this morning's calendar of business, Standing Committee Report No. 577 on House Bill No. 925, HD 3.

The purpose for this is to have your Committee on Finance recommit the bill and the committee report in order to amend the committee report and to have action on it this evening."

On motion by Representative Suwa, seconded by Representative Peters and carried, Standing Committee Report No. 577 and House Bill No. 925, HD 3, were recommitted to the Committee on Finance.

INTRODUCTION OF RESOLUTION

A concurrent resolution (H.C.R. No. 97) honoring General Charles Douglas Herron for his distinguished military career was jointly offered by Representatives Ushijima, Kunimura, Suwa, Peters, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano,

Kiyabu, Kondo, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Kunimura and carried, H.C.R. No. 97 was adopted.

At 11:50 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.

RECONSIDERATION OF  
ACTION TAKEN

Representative Suwa moved that the House reconsider its action taken on Stand. Com. Rep. No. 577 on H.B. No. 925, HD 3, seconded by Representative Peters.

On motion by Representative Suwa, seconded by Representative Peters and carried, only Stand. Com. Rep. No. 577 (see Stand. Com. Rep. No. 714) was recommitted to the Committee on Finance.

At 11:57 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:58 o'clock a.m., Representative Peters introduced Leinani, "a leader out in Nanakuli" and her friend from Alaska, Mrs. Lou James.

COMMITTEE REASSIGNMENT

The Chair, at this time, re-referred House Bill No. 1604 to the Committee on Energy and Transportation.

At 12:00 o'clock noon, on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 7:00 o'clock this evening.

NIGHT SESSION

Upon reconvening at 7:04 o'clock p.m., the Chair made the following announcement:

"The Chair would like to remind

all members that we have approximately 150 bills to pass, or for action, this evening; shall we move along with dispatch, but in an orderly fashion."

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 567 on H.B. No. 202 (Deferred from March 14, 1977):

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 202, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS REGISTRATION", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 576 on H.B. No. 482, HD 2 (Deferred from March 14, 1977):

On motion by Representative Peters, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 482, HD 2, entitled: "A BILL FOR AN ACT APPROPRIATION FOR THE SUBSTANCE ABUSE PROGRAM", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 714 on H.B. No. 925, HD 3 (Deferred from March 14, 1977):

On motion by Representative Peters, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 925, HD 3, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES", having been read throughout, passed Third Reading by a vote of 51 ayes.

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

"Mr. Speaker, I rise to speak in favor of this bill, but with serious reservations.

The purpose of this bill is to establish a permanent statewide school health services program for public schools of the State of Hawaii. The bill calls for an expansion of the school health services program to include all elementary schools but not all intermediate and high schools of

the State.

Mr. Speaker, I was on the school health advisory committee of the health and community services council of Hawaii which brought this program into being. The responsibility of that committee was to develop a school health pilot program for the public schools in the State to meet the initial need for emergency health care to our school children.

As a former school teacher, who has taught on the intermediate and high school levels, I know what it means to refer an ill student or an injured student to a health room where there is no nurse - there is no health aide and there is no one to administer to the health needs of the student.

Mr. Speaker, this is a good bill. However, it has one significant weakness, it limits the complete implementation of the program to the elementary grades. It is praiseworthy that all elementary schools will be covered, but it is an omission of major proportions that the other grades are not included. Mr. Speaker and members of the House, every minute that passes that there is one health room in any school not manned to service the sick and the injured of our school population at the time they are in school should give us serious moments of concern. In this instance, I am not talking only about the legal responsibility of the State to provide medical care for our children while they are in school, but I am also referring to our moral obligation to provide this service to our youngsters.

Now what about the cost? The cost-benefit ratio for this program is one of the best for any program financed by the State. In support of this contention, let me call to your attention a statement from the Standing Committee Report No. 215, 'Testimony submitted by the Department of Health, Department of Education, parents and supporting organizations, as well as the public audit by the Legislative Auditor indicate that cost-benefit studies have been uniformly positive. The cost per student is \$12.00 per year. This small investment has produced many benefits for parents of school children, the schools, as well as the school children themselves.'

Mr. Speaker, the Chairman of the Health Committee and the committee members agree with my position. The Health Committee report says this, 'Your Committee recognizes the need to implement the health services

program in all public schools throughout the State as a permanent program.'

Mr. Speaker, so that there will be no misconceptions, let me make the following point: the chairmen and the members of the Health, the Education and Finance Committees are as much concerned about the health of the children of this State as anyone. The main reason the committees did not favor full implementation of this program at this time is cost.

I am equally concerned about cost. But, Mr. Speaker and members of this House, one tragic medical case at any uncovered intermediate or high school could cost the State the equivalent of the cost for funding this program for those schools.

Mr. Speaker, we have allowed this problem to fester. Almost seven years ago, we initiated a pilot program to meet the emergency health of our school children while they were in school. This is probably the longest pilot program in the history of this State. This program has waited in the wings too long. The time has come for us to act.

The Department of Health, the Department of Education, parents and other community groups are in favor of expanding this program to include all schools.

So Mr. Speaker and members of the House, as a definitive indicia of our intent to join them, I urge you to support full funding of this program at the earliest possible date."

Stand. Com. Rep. No. 578 on H.B. No. 976, HD 1 (Deferred from March 14, 1977)

Representative Suwa moved that the report of the majority of the Committee be adopted and that H.B. No. 976, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Sutton, speaking against the bill, stated:

"Mr. Speaker, when the sugar industry was in excellent shape, I was the first to feel that we should not do anything to curtail them, and I felt that they understood that their industry was one that had its ups and downs.

Now we are asked to make an

appropriation to help the HSPA in its research. This research has meant that sugar has led the world in the breeding of the sugar cane varieties and selection of superior progenies has meant that we are the sugar cane capitol of the world.

But I do feel that it's not appropriate when we have to cut our budget at the University of Hawaii, we have to cut our budget on many things that are very much needed by our citizenry, to make an appropriation to this particular thing at this time. A year from now I might change my mind, but not at this time; and, therefore, Mr. Speaker, I would ask my colleagues to please vote against this."

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

"Just one simple statement: next year may be too late; if we are going to help them, we may as well help them now."

At 7:08 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 7:09 o'clock p.m., the Chair stated:

"The Chair would like to remind all members if you are not present, your vote is not cast."

At 7:09 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 7:15 o'clock p.m., the Chair made the following statement:

"The Chair would like to remind all members that on a vote count if you will remain in your seats, the Clerk will be able to record your votes. The fact that the Majority Floor Leader reflects all of you by saying, 'the majority has no objections', does not mean that your vote will be counted if you are not seated. Technically, if we have a Roll Call vote, if you are not in this chamber, your vote is 'excused'. So let's try to keep movement in and out of this chamber at a minimum."

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

"Based on the announcement you just made, has the Clerk recorded 'aye' votes for the majority to this point except those who indicated otherwise?"

The Chair answered:

"That is correct; for those who are present."

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

"Mr. Speaker, on the last privilege that was given the previous speaker, I just wanted to have it on record that this would be afforded any other member on request like this, where action has been taken."

The Chair replied:

"By leave of the House. I requested that if there was no objection, no objection was stated, so by leave of the House, this will be afforded the privilege. I want you to understand that."

Representative Abercrombie then asked:

"I was in the House but not in my seat for some of those votes, does that mean my vote was not recorded?"

The Chair answered:

"That is correct."

Representative Abercrombie asked:

"Is that irremediable? Can it be changed?"

At 7:18 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 7:22 o'clock p.m., the Chair announced:

"The Chair would like to remind all members, again, that we have a hundred fifty plus bills to act on, can we move along with a minimum of recesses, if at all possible."

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and H.B. No. 976, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT THE RESEARCH PROGRAMS OF THE HAWAII SUGAR PLANTERS' ASSOCIATION", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

Stand. Com. Rep. No. 579 on H.B. No. 107, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 107, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT THE PRODUCTION AND MARKETING OF HAWAIIAN AGRICULTURAL COMMODITIES", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 580 on H.B. No. 1373, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1373, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE MASTER PLAN FOR THE DIVERSIFIED AGRICULTURAL INDUSTRY", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 581 on H.B. No. 1129, HD 2 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 1129, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Cobb, upon being recognized, stated:

"Mr. Speaker, just two observations on this, speaking in favor of the measure, and that is, in fairness to our economic situation here in the State of Hawaii, as well as in fairness to the prospects of the future of Kahoolawe, two items should be considered and perhaps introduced in any future legislation transactions involving this question: One, any amount of dollars that would be lost to the State if Kahoolawe was removed as a training facility; and two, any added cost of development to the island of Kahoolawe.

I think in fairness to addressing the entire cause, these items ought to be considered in future legislative deliberations.

With that, Mr. Speaker, I would urge my colleagues to vote in favor."

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

"Mr. Speaker, I feel the necessity to research historical and archaeological



aspects of this island are of the utmost importance. The cultural aspects of a people are not the result of a single spontaneous event. The creation of a culture is a process and it's an evolution of a species; the influence that had, through many years of time, shaped the culture of a people are inherent in all those who wish to identify with that culture.

Mr. Speaker, in order for people to take pride in who they are and from where they came and to better know themselves, they must have a knowledge of their history. When they obtain that knowledge as a people, it is then easier for the individuals of that group to develop as human beings to the utmost of their potential.

Many people from many ethnic backgrounds live on these islands. We all take pride in our many diversified nationalities and all of us take pride in identifying ourselves with Hawaii. But only one people of these islands are truly keiki o ka aina, and only one people of these islands live with the fear that their culture, their history and their people, as a people, could soon disappear forever from the face of this earth.

Barring unforeseen events, the cultures from the Orient and of Europe are not going to fade into oblivion; and I don't personally feel that the Chinese and Spanish cultures are also going into extinction.

Now, the Hawaiian culture, however, is teetering near that brink. The study that this bill asked for, delving into the history of Hawaii, of this island here, is an integral ingredient in the survival of the Hawaiian culture. I feel we must pursue it before this culture is lost forever.

Mr. Speaker, this bill, for us, is another step for the eventual return of this island and I urge all the members to vote 'aye'."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 1129, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ARCHAEOLOGICAL AND HISTORICAL RESEARCH ON THE ISLAND OF KAHOLAWE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 582 on H.B. No. 1355, HD 2 (Deferred

from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 1355, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Sutton then rose to speak in favor of the bill, "but with qualifications", stating:

"Mr. Speaker, I am a member of the Finance Committee and I voiced this at the time; it, however, did not get in. We have, however, been quite preoccupied.

I wanted the basic concept put in, if we put in a program like 'Rice and Roses', which is an excellent program, that we must show public purpose - we have a public broadcasting company, and a public broadcasting company must have a purpose - and this program must have a public purpose, and I wanted it inserted in the record, as a member of the Committee, that the showing of 'Rice and Roses' is for a public purpose.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 1355, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC TELEVISION", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 583 on H.B. No. 1685, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1685, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS, MOTOR CARRIER VEHICLES, AND MOTOR VEHICLES", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 584 on H.B. No. 486, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 486, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ALLIED HEALTH PROGRAMS AT KAPIOLANI COMMUNITY COLLEGE", having been read throughout,

passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 585 on H.B. No. 1171, HD 1 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 1171, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Sutton then rose to speak in favor of the bill, "but with qualifications", stated:

"Mr. Speaker, we are establishing too many special funds. As one who has taken the CPA exam, I can tell you that the audit of special funds sometimes finds that you have some special funds in the corner that you don't work at.

Now, here, by this bill, we are establishing a new thing called 'County/State Hospital Special Fund'. By its name, Mr. Speaker, we have made a very strange inter-mixture either upon this County or State - by definition of our accounting; by definition of our government structure. Now all of a sudden, we call this 'County/State Special Fund'. I would like to see the accounting of this more specifically put in next year.

Thank you."

Representative Suwa then rose and stated:

"Let me clarify, for the record, that presently Act 97 is the Hospital Special Fund."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 1171, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF SPECIAL FUND", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 586 on H.B. No. 82, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 82, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY WITHOUT WALLS", having been read throughout, passed Third Reading by a vote of 50 ayes

to 1 no, with Representative Ikeda voting no.

Stand. Com. Rep. No. 587 on H.B. No. 854, HD 2 (Deferred from March 14, 1977)

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 854, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, we received testimony in the Higher Education Committee relating to the Marine Option Program, and I raised several questions, during the course of the testimony given, about the Marine Option Program. I was sure I would receive answers on the questions I raised, and none has been forthcoming; therefore, I bring the attention of the House prior to the vote.

Mr. Speaker, there are examples cited to us by Dr. Craven in the testimony that, for example, in 1972 the Marine Option Program students constructed a sea water pipeline for the Pacific Bound Medical Research Laboratory, Kewalo Basin. It was indicated that this construction project was undertaken by student help under the guise of being a student education project and it may very well, in fact, have been a CIP project which should have been bid upon and contract-let by the State. There is no indication what wages were paid to the students. The only point raised by Dr. Craven was that it was needed.

Mr. Speaker, there are a good many projects that are needed in the State, but not all of them are funded. In fact, a good many of them are not funded at all because of the circumstance in which something that could be done by the students in place of what was necessary in terms of CIP operations; perhaps a good deal more of our projects can be funded in much the same manner.

However, I do not think it is up to the people involved with the Marine Option Program to make those kinds of decisions, especially as regards the use of students and student help where we may be depriving people in our construction industry of much-needed work. The fact that you have people who are enthusiastic; the fact that you have people who wish to have programs and participate in them, is not an excuse to utilize that enthusiasm and energy to undermine and undercut

the legitimate construction interest, the legitimate business interest that we have in the State.

In that same year, 1974, in Hilo, the Marine Option Program students received State funding to survey the offshore sand deposits of the Kona Coast for potential use by the construction industry. The construction industry has an organization which is perfectly capable of funding itself in that respect and I'm wondering what the Marine Option Program students are doing working for the construction industry. It was not specified whether this was a CILO project or whether it was just the construction industry, as a vague phrase of reference by the Marine Option Program people, inserted in the testimony.

That survey involved aerial photography, detailed mapping of the deposits, thickness determinations, grain size and organic content analysis. It was not just a student program. In other words, it was detailed and it was sophisticated. The study was completed and the data submitted to the Marine Affairs Coordinator.

Now, I think offshore sandmining is most definitely a situation that deserves the attention of the Legislature and deserves the attention of business within the State and should not involve students unless there are very specific circumstances, including proper standards of wage rates and proper protection for them as they conduct their work.

It is indicated, as well, that Kapalua Land Co., requested and funded the baseline study of Honolua Bay and that study was completed and was submitted to the appropriate agencies, unnamed.

Now, I am not under the impression that private companies can come to a student operation, such as the Marine Option Program purports to be, and then have a study done on its behalf, for a private interest, by the Marine Option Program.

I understood, when I questioned them as to who was paid, that was very vague. I understood that the National Science Foundation was involved in it and that the pay was ostensibly \$90 a week but that the students had volunteered to be paid \$75 a week so that more might work. I have no idea whether this is actually the case; whether more worked or not, or where that

money went, or whether there's an audit involved; whether there has been any control over the funds expended; and whether or not the students were told that the project was for a private company's purpose. I think this has been very shoddy all the way through.

We have a team of students, indicated in here, working on a Hawaiian fishpond operation that is now being paid \$4 an hour. It is not clear, here, whether Mr. Pryor has a role in any of these things, and if so, what benefits he pays; and I know the State of Hawaii has benefitted Mr. Pryor just by its very existence.

These are but a few of the questions that I asked at the time and I was assured of an answer by Dr. Craven, and none has been forthcoming. I understood perfectly well what the Marine Option Program is all about. I understood what an attractive program it is to those students who do not otherwise have an opportunity to engage in marine-related courses, oceanographic courses; engage in inter-disciplinary activities involving the ocean; but that is not an excuse for the marine affairs activities in this State to become a sidekick for either private industry or to be utilized in such a fashion as to take advantage of the students that are involved in the course.

And for that reason, Mr. Speaker, I vote 'no' until such time that I am assured that the Marine Option Program is all that it purports to be in terms of looking after the legitimate interests of each and every citizen of the State."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 854, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MARINE OPTION PROGRAM", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Abercrombie voting no.

Stand. Com. Rep. No. 588 on H.B. No. 1098, HD 1 (Deferred from March 14, 1977)

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1098, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 589 on H.B. No. 1003, HD 2 (Deferred from March

14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1003, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VISION AND HEARING SCREENING", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 590 on H.B. No. 630, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 630, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Ajifu and Sutton voting no.

Stand. Com. Rep. No. 591 on H.B. No. 77, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 77, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEANINGFUL PUBLIC PARTICIPATION IN THE SCHOOL SYSTEM THROUGH THE ESTABLISHMENT OF SCHOOL COUNCILS", having been read throughout, passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Ajifu, Carroll and Evans voting no.

Stand. Com. Rep. No. 592 on H.B. No. 105, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 105, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT THE PRODUCTION AND MARKETING OPERATIONS OF DIVERSIFIED AGRICULTURE IN HAWAII", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 593 on H.B. No. 1713, HD 2 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the majority of the

Committee be adopted and that H.B. No. 1713, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Sutton, speaking against the bill, stated:

"Mr. Speaker, we took testimony right through 3 o'clock in the a.m. concerning this particular idea. It has a fascination.

We in the tropics here, we can go into this new business of aquaculture. Mr. Speaker, it would be a wonderful thing to do if we were affluent the way we were two years ago. But, Mr. Speaker, when we are cutting \$14 million off of the University of Hawaii, should we spend the equivalent of almost \$1 million on something which I and you, as businessmen, would not spend? I'm sure that you would not join me in a joint venture on this because we wouldn't see any profit on this. I'm afraid what you will see is this all go down in the rat hole.

Therefore, I ask all of my colleagues here to please vote 'no'."

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and H.B. No. 1713, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE DEVELOPMENT IN HAWAII AND MAKING AN APPROPRIATION THEREFOR", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

Stand. Com. Rep. No. 594 on H.B. No. 1693 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1693, entitled: "A BILL FOR AN ACT RELATING TO WITNESS EXPENSES IN CRIMINAL PROCEEDINGS", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

Stand. Com. Rep. No. 595 on H.B. No. 106, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 106, HD

2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT THE TRANSPORTATION SYSTEMS FOR HAWAIIAN AGRICULTURAL COMMODITIES", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 596 on H.B. No. 78, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BASIC SKILLS AND REAL-LIFE SKILLS IN THE PUBLIC SCHOOLS", having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Ajifu and Evans voting no.

Stand. Com. Rep. No. 597 on H.B. No. 137, HD 2 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 137, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

Upon being recognized, Representative Dods made the following statement:

"Mr. Speaker, I rise to speak in favor of House Bill No. 137, HD 2, but with these reservations.

The high rate of unemployment is a problem, not just for Hawaii, but for all our sister states. This bill only serves as temporary relief for a small majority of our unemployed. I realize that an immediate solution cannot be found to help the unemployed find permanent and suitable employment. However, we must look towards the future and find positive solutions to help the economy and the people of our State. The participants of public service programs must not become complacent and expect the funding to continue year after year. Those working for the State and County governments must also not assume that they will achieve permanent status through this program. It is imperative that everyone realizes that this is just a temporary solution to an extremely pressing problem.

Mr. Speaker, the true measure of the success of this program is that all the participants find permanent

and suitable employment, so that there would no longer be a need for such a program.

Thank you very much."

Representative Sutton then rose and, upon being recognized, stated:

"Mr. Speaker, I rise to speak in favor of this bill, but with very grave reservations.

Mr. Speaker, we, here in Hawaii, have an economy that is just like a foreign nation. We do not drive up and down the highway to sister states. We are isolated in the middle of the Pacific; therefore, if someone is unemployed, they cannot just get in their car and drive down to the next town or next city and get a job.

We, I do not think, have attacked the question of unemployment with imagination. The Governor of this State has addressed us twice. I reviewed his addresses very carefully before I speak to you tonight, Mr. Speaker, and I find very few references to this basic problem of unemployment when it is 12% in Hilo and 8½% on this island and when we are not doing anything constructive.

Now, Mr. Speaker, I will be frank with you - in the last depression I worked for the Work Progress Administration with a pick and shovel. But Mr. Speaker, I learned something. I learned how to dig ditches, and, Mr. Speaker, I then learned how to put various pipes in there and I have a concept of what is underground in our streets and what not from this.

But the type of jobs we are giving here we are doing no good for anybody. We are not even developing their skills. We are just saying to them, this is it, take it, take it or leave it. Of course, they have to take it, there's no constructive imagination.

Mr. Speaker, if I ever become governor of this great State, I will have something more constructive than this.

Thank you."

Representative Say then rose to speak in favor of the bill "with deep reservations", stating:

"I believe that the intent of House Bill No. 137 is to amend Act 151 of the Session Laws of Hawaii of 1975. Act 151 established the State program for the unemployed (SPU) which was designed as a one year program to

alleviate the effects of the State's high unemployment rate through public service jobs and other unemployment programs. In 1976, the Legislature extended and funded SPU for an additional year through Act 134 of 1976.

Mr. Speaker and members of this House, my major concern for this bill is that if you look on page 8 of the 'Report on the State Program for the Unemployed', a chart is shown which correlates for the fiscal year of 1976; for that year, the total enrollment of SCET workers was 2 to 243. The breakdown of priority groups indicates the following priority groups: priority group #1, which has the highest priority, the personnel was 619 and the percentage of the total enrollment was 28%; for priority group #2, the personnel was 263 and 12%; for priority group #3, the personnel was 29 and 1%; but my major concern is priority group #4 - it's the lowest on the priority list and the personnel was 1,332, which comprises 59%.

The basic problem is that the figures reveal or indicate that the program's intent is not being met. Where people in priority 1 comprise only 28% of the total enrollment, these are the same people who have the highest priority, while priority group 4 comprises 59% of the enrollment. Also, there was no rationale given by the Labor Department for this discrepancy and I think all of the members of this House have this report in your offices."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 137, HD 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 598 on H.B. No. 65, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 65, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL TRAINING", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 599 on H.B. No. 5, HD 2 (Deferred from

March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 5, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"I'm wondering if it's possible for us to pass on Third Reading a bill with blank dollar amounts and blank units on pages 3 and 4 of this bill?"

The Chair replied:

"It is proper."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 5, HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS AND FOR SALARY ADJUSTMENTS FOR EMPLOYEES EXCLUDED FROM CERTAIN BARGAINING UNITS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 600 on H.B. No. 68, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 68, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ALTERNATIVE CORRECTIONAL PROGRAMS", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Kamalii voting no.

Stand. Com. Rep. No. 601 on H.B. No. 1504, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1504, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A PILOT PROJECT TO USE SEWAGE WATER FOR AGRICULTURE, AQUACULTURE AND RECHARGE OF THE GROUND WATER, AND MAKING AN APPROPRIATION THEREFOR", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 602 on H.B. No. 113, HD 2 (Deferred from March 14, 1977):



On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 113, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 603 on H.B. No. 28, HD 2 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 28, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Cobb, upon being recognized, stated:

"Mr. Speaker, I would like to have a correction for the record: on page 4, line 20 of the bill, since we are dealing with the bill and not a committee report, that in the 8th Representative District, sub-District 8b, that there are only four precincts, not 5, that we do not have eight precincts altogether in the 8th District; that the bill should read: line 19, 8a should be 1, 2 and 3, and line 20 should read 4, 5, 6 and 7 - there being no 8th precinct.

I can appreciate efforts to expand my horizons, but not in bill form."

At 7:51 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, upon the request of Representative Garcia.

Upon reconvening at 7:53 o'clock p.m., Representative Garcia made the following statement:

"Mr. Speaker, the correction mentioned by Representative Cobb is correct, but because of the time limitation, I would like to request that the House pass this bill and we make this particular correction known to the Senate."

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak in favor of the bill, but there are a couple of points I want to bring out.

Mr. Speaker, it seems unfortunate that in this bill there is not a preamble

showing the finding. We are the newest State in the whole union; we've had only one constitutional convention while being a State; we had a preliminary constitutional convention in 1950 when we were a territory; five of us in this room have served in a constitutional convention and yet this bill has no preamble.

This is not the year that a constitutional convention would fall by the ten-year rule. This is two years ahead of time and we are, in all effect, trying to say that we are going to hold a constitutional convention; we give all the mechanism, but no preamble or purpose or reason and why.

I think it would be highly appropriate to ask the Senate, by the time it gets over there and we are going to have many, many more bills over there than they'll ever get back over here, as you know, and we'll have an opportunity to possibly have this as our bill, and to say in so many words that the people of Hawaii seem to want a constitutional convention because certain things have not appealed to them. When I say certain things have not appealed to them - as you know I am now in the Supreme Court of this State on the pension and the pay raise bill, which showed that in the middle of the night . . . ."

Representative Cobb, on a point of order, stated:

"The subject matter under discussion is not directly relevant to the bill at hand, nor its merits and is therefore out of order."

The Chair then stated:

"The Chair rules you out of order, Representative Sutton, on the points raised by Representative Cobb. Will you confine your argument to the bill in question. Proceed."

Representative Sutton continued, stating:

"I have covered the preamble and I want to also point out that we are using here exactly the same times that were used for the previous constitutional convention and we had a very good example there of people putting their heads down and getting to work. I think, at that time, we found that it was very well that we did not have a limitation on time. But some states have taken as long as two or three years to accomplish their mission; and I think that we in the State of Hawaii have been able to do a job in

three or four months twice, and I hope they will be able to do it again."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 28, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 604 on H.B. No. 129, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 129, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN AND MARINE EDUCATION AND RESEARCH", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 605 on H.B. No. 420, HD 2 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 420, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, I signed the bill with reservations, and in the course of considering it, I've decided to vote against it. We are confronted, once again, with the situation at the University of Hawaii where we are to make an appropriation for an athletic program.

Mr. Speaker, I have devoted no little time to the University of Hawaii's athletic program in the past two and one-half years. I apparently have devoted more time to it than the University of Hawaii has. The reason I can say this is because we do not have an athletic program at the University of Hawaii despite the Higher Education Committee's constant request, going into the third year now, for some semblance of an athletic program to be presented to us; none has been forthcoming.

We continuously receive assurances that such a program is just in the offing, just this side, two more

weeks, one more month, just another day or two, and yet nothing arrives. We are constantly told that everything is being done that can possibly be done and yet nothing seems to get done at all.

There was an action memo associated with the previous audit, yet nothing has been accomplished in the way of that action. I have been told two or three times, over the past six or seven months, that an agreement has been reached with Koa Anuenue, the ostensible benefactor of the University in terms of athletic scholarships, and yet I have seen nothing in writing to this day.

We have a situation in which we find the columnists in the newspapers consistently reporting on athletics at the University; continuously reporting in such a manner as to lament the circumstances at the University and, in some instances, lamenting what this Legislature has done or not done in respect of the athletic circumstances and programs at the University; yet, I can assure this body and the public at large, that it is not for lack of trying on the part of the Higher Education Committee that these programs have not been forthcoming; it is a question of the way money is spent.

There is no question in my mind that there is the grossest kind of negligence involved in the spending of money in the University's athletic programs. There is no question in my mind that these circumstances would be alleviated with some hard-nosed administrative input by the president of the University, by the Board of Regents, and by the athletic director; if they would only take hold. The reason they cannot do so, in my opinion, is that the athletic director and the president and the chancellor are trying to serve the needs not of the University in respect to athletics, but of the special interest groups that have taken over the running of these programs, to the detriment of the State, as if it were their very own.

We have situations now in which reports which have been published and which have been reported upon by the Associated Students, as well as the president's own committee, that members of the Board of Regents themselves were involved in activities which will bring forward not progress in our athletic program but disaster due to NCAA sanction; members of the Board of Regents themselves consciously and with forethought involved, destroying the basketball program.

We find a situation in which the football program is unable to recruit in such a way to compete at the level which we have scheduled schools for Aloha Stadium. We are in a situation, Mr. Speaker, in which there is going to be serious injury, of that I have no doubt, to the football players and perhaps others involved in the various programs, if there are any left, but most certainly in the football program because we have overscheduled in terms of the athletic program.

Now, this bill specifically addresses itself to those programs, in addition to those that I have mentioned, because they are not properly funded. And yet, the committee that I served on two years ago, drafted a bill, went through Finance, went through the other house, went through Ways and Means. It was passed into law for \$485,000; not one penny was spent.

The wrestling program bit the dust, track and field bit the dust, and yet lo and behold what appears here, a special provision of \$57,000 for the wrestling program; \$252,000 for the men's athletic program; \$130,000 to the women's athletic program; Hilo campus, \$50,000. Hilo campus is yet to get a shower. After all these years, there's plenty of money for the chancellor of the University of Hawaii at Hilo to travel back and forth from his home on another island to Hilo where he's the chancellor, but no money for showers for the athletic program at Hilo. There is plenty of money available to engage in all kinds of publicity practices. Everybody loves the Vulcans now, but nobody wants to see if they can take a shower after they play.

These are the kinds of shoddy practices that have gone on at the University of Hawaii and continue to go on while everybody passes the buck.

Now, the easiest thing to do would be to vote for this bill, then be able to turn to the students, turn to the people of the State and say, 'oh, but we voted that money'. Well, I did that once and I meant it when I voted it, and yet, the University did nothing; they did not spend a single penny; they haven't the slightest intention of carrying forward on these things.

As a matter of fact, we found ourselves shy money this spring and if we

hadn't cancelled the track team, we would have had a money-making proposition there in the world's champion shot putter, Olympic calibre. We could have put on track meets here. The interest is here in this State - the Honolulu Marathon has shown that; it's proven this. We have a built-in audience for track and field in this State - you have only to go to any of the high schools in this State and see that - and yet, we tossed out the program that could have made money this spring and restored some of the funds because we didn't have the vision to see that by hanging on a couple of months, we actually could have put in play people who already had scholarships at the University of Hawaii in such a manner as to make money for the program.

This is the kind of management we are getting, so I'm going to vote against the bill, not because I'm against athletics, but because I'm for it, because I'm sick and tired of seeing the people of this State being played fast and loose with by an inept administration, by people incapable of exercising the responsibility and authority that they have at the University. And, as a result, I hope that it will shake people up a little bit and that the fossil comments in the newspapers about support for the University athletic programs will take on a different coloration where some of the people in this State will examine what is truly in the interest of the young men and women that we ask to participate, in our name, for the State of Hawaii.

Thank you."

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

"Mr. Speaker, the University of Hawaii has been known as the roaring rainbows in football. I'm sure there's nobody in this room, including yourself, Mr. Speaker, who does not identify with them.

Certainly, we have had heavy schedules, but that's the challenge of life, Mr. Speaker. Mr. Speaker, we have ups and downs; we have had some good teams and some poor teams; but generally speaking, we've always been proud of the way our rainbows have handled themselves on the field of battle.

Our basketball teams have gone back to the nationals. We have just seen the Vulcans go back to the nationals.

But, Mr. Speaker, addressing our minds solely to the formation of the

University of Hawaii program, it was our late Governor John A. Burns who gave the impetus and the stimulus that we would start something. We live in a very isolated spot. We do not have the entertainment - we have no professional football; while we do have the remnants of a professional baseball team - but the idea of spectator participation has been a magnificent thing here in these islands.

This is a very modest amount, \$500,000; and this split in numerous ways so that it gets into even the intramurals, and we are in a position, Mr. Speaker, to afford to the University of Hawaii students the type of identification where instead of having the terrible riots we had up there ten years ago, these students can come down and cheer and enjoy themselves.

Now, Mr. Speaker, it is very important for us to recognize that a program of this nature cannot for one minute be withheld for a year and then be expected to resume. We have a momentum and we must keep our momentum. I applaud the chairman of the Finance Committee for making this favorable appropriation.

Thank you."

Representative Larsen then rose to speak in favor of the bill, "but with some reservations", stating:

"I, too, applaud the chairman of the Finance Committee for coming through with the appropriation that came across from the Higher Education Committee, but I am also under the impression, from past history, that this program has been emasculated by the administration at the University of Hawaii.

I think it's a serious false impression when we pass monies like this, with the idea that they probably will not be funded in the interim, because when we're talking about funding these non-income producing sports that have to be on a long term planned basis. The University Athletic Department had a very well documented plan outlining monies for these various sports for the next two years and this was completely cut out of the budget, and therefore necessitating this lump sum from the Higher Education Committee, on to Finance.

I regret to see this type of thing going on and I think it has been shown to us over the last couple

of years that this is sort of a game we play down here by satisfying some demands from the constituents but not satisfying the needs of the University.

I regretfully urge all members to vote 'aye'.

Thank you."

Representative Abercrombie then rose in rebuttal, stating:

"It is for precisely this reason that I will not vote for this bill. It is not entertainment to be on a scholarship and find that scholarship utterly meaningless when you've devoted several years of your life to it. We talk about the careers and experiences of young people in such a way that they feel that they are going to accomplish something, that they feel that they are going to participate in a program, that promises have been made to them on this basis and suddenly find it taken away for obscure budgetary reasons that they have neither been a participant in, nor allowed to be a party to, except to find out the bad news in the end; that's not entertainment.

It's not entertaining to be a wrestler at the University of Hawaii and find that on the day that you are to leave for a tournament on the mainland that the athletic director's voucher allowing you to take the plane to the mainland has been overruled by the budget office of the chancellor at the University of Hawaii at Manoa; that's not very entertaining.

It's not entertaining to be in circumstances to find yourself the world champion and not be able to have your coach go with you to the Olympic trials for the United States of America, participating in the Olympic games. This is the kind of thing I am talking about.

It's easy; it's fossil to talk about entertainment; it's easy and fossil to talk about come down here and cheer and enjoy themselves. I do not find it enjoyable and I most certainly do not find it entertaining to have a circumstance in which a football game is played and we find a situation in which a sports reporter records that the trouble of the Rainbow Warriors was the fact that a young man played defensive halfback until such time as he was knocked cold and taken out of the stadium in an ambulance, and that this is what the Warriors are all about.

I played some athletics, too, as I'm sure other members of this august body have. I enjoyed competition.

I do not enjoy a slaughter and neither do the audience, neither do the people of the State of Hawaii - the citizens that have been expressing that by virtue of their attendance at these games. It is not because they are disloyal to these young men or to the young women that are participating in these sports. It is because they do not want to see a spectacle of disaster. It is because they do not want to see them over-matched, not because of individual bravery or all this kind of nonsense that get paraded about, but because their talents are put to ill use by virtue of the fact that there are people within the State who vicariously enjoy the exertions of these young people, these athletes, who have vicarious pleasure out of what they are doing and are not concerned with their benefit and welfare.

I think it is perverse. I think it destroys character to put people into circumstances in which you do not intend to carry through for them on the promises that you've made to them, whether it's in respect of a scholarship or whether it's in respect of a program. It ill serves the image of this State to have such shoddy administration; it ill serves the image of this State to speak in terms of entertainment as if we were the ones to enjoy some kind of spectacle at the expense of these people. It's hypocritical and I won't vote for it."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 420, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ATHLETIC PROGRAMS OF THE UNIVERSITY OF HAWAII", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Abercrombie voting no.

Stand. Com. Rep. No. 606 on H.B. No. 962, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 962, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO OPERATE COMMUNITY ACTION AGENCIES", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 607 on H.B. No. 861, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 861, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CONTINUING THE OPERATIONS OF THE KALIHI-PALAMA IMMIGRANT SERVICES CENTER", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 608 on H.B. No. 100, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 100, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 609 on H.B. No. 102, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 102, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE ELDERLY HOUSING PROGRAM", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 610 on H.B. No. 138, HD 2 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 138, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Abercrombie, speaking against the bill, stated:

"Mr. Speaker, the purpose of this bill was to provide a vehicle by which the State would work with other government agencies associated with tourism to coordinate and implement comprehensive policies to achieve the State's desired goals and objectives of obtaining a high quality of life for the people of Hawaii.

Mr. Speaker, I have heard motherhood



language before. That language which I have just cited to you is indeed the essence of motherhood language.

Mr. Speaker, I attended a hearing of the Senate Ways and Means Committee the other evening on the hotel room tax. And at that point, I had an opportunity to listen at great lengths to members of the visitor industry that are cited in the committee report.

I have never in my life heard such selfish, vain people; I have never in my life heard such self-centered utterance; I have never in my life heard such self-serving commentary as was uttered by those people. I have no doubt, Mr. Speaker, that the visitor industry, that is addressed in this bill, is the visitor industry which toes the mark, which cites the party line - there may be other entities in the world, corporate and governmental, which require all their members that they speak with one voice, that they never deviate from the party line - I have no doubt of that; we read of them every day, but we need look no further than the shores of Waikiki to find in our own State an industry similar to those entities that I have just mentioned.

The growth of the visitor industry must take into consideration, it says in the bill, rather in the committee report, not only the needs of the industry but the needs of the community as well. I did not hear in that hearing a single phrase that was not dripping with crocodile tears over the needs of the community as well. And these are the kinds of people that this bill will associate itself with; these kinds of people.

Mr. Speaker, I don't see how it is possible to have a legislative adoption for a ten-year control quality growth policy plan to be developed by the office of tourism, in conjunction with the visitor industry council, and in any way, shape or form reflect the actual community needs of this State."

Representative Machida requested that following be inserted into the Journal:

"Mr. Speaker, I rise to speak in favor of House Bill 138, House Draft 2.

Hawaii, 'Land of Aloha', has been a tourist destination area for well over 100 years. Yet, in all that time the various governments of Hawaii have not seen fit to give the tourist industry guidance and direction. This may well be understandable, for the tourists of past decades were

more a curiosity than a contributor to the community. Today, however, visitors generate more than \$1.4 billion income and directly and indirectly generate about 20% of all civilian jobs in Hawaii . . . and thus directly affect the lives of each and every one of us.

Furthermore, Mr. Speaker, tourism for Hawaii has entered a new age . . . an age where it is no longer a luxury for a select few, but widely available to many of us. A few main reasons for this can be attributed to several concurrent factors. . . rising personal incomes (particularly in western countries), lower air fares relative to the costs of other items in the travel budget, improved air technology, and more leisure time.

Tourism being the second largest industry in the world, has been very important to countries that depend on this vital industry, that they have put their main tourist organization within the central government's administration. For example, Mr. Speaker:

Australia. . . has a Department of Tourism and Recreation. In 1975, they had a total budget of \$20.1 million. They have shown great returns in this investment for in the first seven months of 1976, they had a 21% increase in U.S. and Canadian arrivals.

Bahamas. . . has a Ministry of Tourism. In 1975, the Ministry had an \$8.7 million total budget, of which \$7.5 million was spent on promotion, marketing, and advertising.

Competition against Hawaii for the tourist dollar comes from all over the world. Many countries and cities are finding that they too have a unique destination area to promote and market in which to attract the world traveler. Within the Pacific region, there are two countries that are doing extremely well: 1) Philippines . . . which from '73 to '75 had a yearly average increase of 46%. In 1976, they had a 9% increase of which more than 215,000 were American visitors. From a statement in TRAVEL WEEKLY magazine, February 7, 1977, it states, '. . . Philippines' 1976 tourism performance stood out as one of the most outstanding in Southeast Asia if not in the whole Pacific region'. 2) Hong Kong . . . whose total budget in 1974-75 was over \$3.3 million, of which \$2 million was spent abroad for promotion, marketing, and advertising. In 1976, they had a 24% increase in visitor arrivals, with the United States accounting for 15% of the total market. This means more than 250,000 Americans visited there, which was a 26% increase



over 1975.

It is the purpose of House Bill 138, House Draft 2, Mr. Speaker, to give the visitor industry in Hawaii the guidance which will insure the quality of life for all our residents and provide the protection which will insure the tourist to come and have an enjoyable stay in our islands.

The bill will establish an office of tourism within the Department of Planning and Economic Development for administration purposes only, where the coordination and direction will take place. The bill also provides for the creation of a visitor industry council which will be able to provide the necessary technical assistance and advice.

Support for this bill, Mr. Speaker, represents a commitment to the preservation and enhancement of this vital industry for Hawaii. I encourage this honorable body to pass House Bill 138, House Draft 2 on Third Reading."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 138, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", having been read throughout, passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Abercrombie, Baker and Uwaine voting no.

At 8:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:32 o'clock p.m.

Stand. Com. Rep. No. 611 on H.B. No. 768, HD 1 (Deferred from March 14, 1977):

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

Stand. Com. Rep. No. 612 on H.B. No. 562, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 562, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKER'S COMPENSATION", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 613 on H.B. No. 808 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 808, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 614 on H.B. No. 1215, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1215, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES IN CERTAIN EXEMPT POSITIONS OF THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

Stand. Com. Rep. No. 615 on H.B. No. 559 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 559, entitled: "A BILL FOR AN ACT RELATING TO FIREMEN'S PENSIONS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 616 on H.B. No. 512, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 512, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION EMPLOYEES", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 617 on H.B. No. 632 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 632, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM

OF THE STATE OF HAWAII", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 618 on H.B. No. 819 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 819, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 619 on H.B. No. 491, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 491, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VANDALISM IN THE SCHOOLS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 620 on H.B. No. 715, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 715, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE HOME RENOVATION AND REHABILITATION PROGRAM", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 621 on H.B. No. 1205, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1205, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTINUING EDUCATION FOR WOMEN", having been read throughout, passed Third Reading by a vote of 51 ayes.

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

"Mr. Speaker, I rise to speak

in favor of H.B. No. 1205, HD 2.

This bill is important, Mr. Speaker, because it recognizes the fact that many women who are major breadwinners have been forced into the job market through separation, divorce, or widowhood. These women need help. They are not adequately prepared to compete for jobs in our very competitive job market.

As the U.H. testimony on this bill reports, women make up almost half of Hawaii's total work force. Yet women remain at the bottom rung of the ladder - and, in fact, are even losing ground in the fight to gain economic equality.

This bill will allow the continuing education for women program to expand their services and aid more women in gaining necessary educational and vocational training.

Not only will this aid women in achieving more responsible positions, but it will help women gain the skills needed to land a job, thus enabling them to drop off the welfare rolls. And, this will also help the University of Hawaii comply with federal regulations on equal opportunities for women and minorities in education - a more pressing issue now that the HEW withheld funds from Chicago's School System due to non-compliance.

Mr. Speaker, I commend the introducers of this bill because there is obviously a great need for this service. I would like to point out, however, that H.B. No. 1205, HD 2, provides only part of the help needed.

Other legislation introduced this session called for a more complete package, which included a homemaker opportunity center offering educational training as well as comprehensive health services and legal and economic counseling - all of these services are necessary to a woman whose life has been disrupted through divorce or death. These women often have no source of income; and, as you all know, the unemployment insurance division does not recognize homemaking as employment.

So, Mr. Speaker, while H.B. No. 1205, HD 2, does not cover all the needed areas of assistance, I ask my colleagues to join me in voting 'aye' on this measure."

Stand. Com. Rep. No. 622 on H.B. No. 1132, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1132, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO THE WELFARE RECIPIENTS ADVISORY COUNCIL", having been read throughout, passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Ajifu, Carroll, Evans, Ikeda, Kamalii and Sutton voting no.

Stand. Com. Rep. No. 623 on H.B. No. 1357, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1357, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A PROGRAM TO DISCOURAGE IN-MIGRATION TO HAWAII", having been read throughout, passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Abercrombie, Baker, Blair, Carroll, Sutton, Ueoka and Uwaine voting no.

Stand. Com. Rep. No. 624 on H.B. No. 154, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 154, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REGIONAL DESIGN PLANS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 625 on H.B. No. 1459, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1459, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CURRENT EXPENSES AND EQUIPMENT FOR THE VOCATIONAL/TECHNICAL EDUCATION PROGRAM AT LEEWARD COMMUNITY COLLEGE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 628 on H.B. No. 733, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 733, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CORPS OF CIVILIAN WORKERS PROGRAM", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 634 on H.B. No. 408 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the majority of the Committee was adopted and H.B. No. 408, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRANSPORTATION COUNCIL AND A STATEWIDE TRANSPORTATION PLANNING PROGRAM", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

Stand. Com. Rep. No. 635 on H.B. No. 1354, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1354, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION FOR THE BIRTH SITE OF KAMEHAMEHA THE GREAT", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 636 on H.B. No. 1398, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1398, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT IN AID TO THE HONOLULU SYMPHONY", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Abercrombie voting no.

Stand. Com. Rep. No. 637 on H.B. No. 1162, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1162, HD

1, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC AND ASIAN AFFAIRS COUNCIL FOR THE STATE OF HAWAII", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 638 on H.B. No. 1243, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1243, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN APPROPRIATION TO SUPPORT PESTICIDE RESEARCH TO ENHANCE PAPAYA PRODUCTION", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 639 on H.B. No. 1086, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1086, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FEASIBILITY STUDY RELATING TO A CENTRALIZED EGG PROCESSING FACILITY", having been read throughout, passed Third Reading by a vote 50 ayes to 1 no, with Representative Carroll voting no.

Stand. Com. Rep. No. 640 on H.B. No. 481, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 481, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR POISON INFORMATION", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 641 on H.B. No. 456, HD 1 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 456, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Sutton then rose to speak "in favor of this bill, but I have reservations", stating:

"May I ask a question of the head of the Judiciary?"

The Chair then asked:

"You are rising on a point of information at this time?"

Representative Sutton replied in the affirmative and the Chair then asked:

"Representative Sutton, will you state your question before Representative Garcia decides to answer or not."

Representative Sutton asked:

"Mr. Speaker, here is what bothers me - the purpose of this bill is to allow members of the Police Department to engage in political activity except when on duty or when acting in their official capacity. As far as I understand, as far as I have ever learned, there is no such thing as a police officer really ever being off duty, and does the chairman of the Judiciary Committee feel that a police officer is off duty at some time?"

Representative Garcia answered, stating:

"Mr. Speaker, for the purpose of defining what is off duty and what is not considered to be a time in which a police officer is on duty, I would assume that when a policeman is being paid for a certain number of hours, he is considered to be on duty; when he is not being paid, he is considered to be off duty."

Representative Sutton then asked:

"May I respond to that?"

The Chair replied:

"Are you seeking the floor to speak for or against?"

Representative Sutton answered:

"In favor, but with qualifications."

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

"Mr. Speaker, I think we should insert in the record the remarks of the chairman of the Judiciary Committee because the basic concept is that a policeman is always on duty.

I recognize that this hourly concept and how he is paid would give us a correlation by which we can judge an official being on duty. But, Mr.

Speaker, all adjudications are that a policeman when he's off duty and when he sees a crime being committed, must, as part of his oath and part of his job of being a good policeman, immediately make the arrest even though his hours are not then being tabulated.

I feel that this query should be in the record so that when we come to the legislative intent in interpreting this, that we have an understanding and I would urge my colleagues to vote in favor.

Thank you."

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

"Mr. Speaker, in speaking in favor of the bill, I want to make sure that every member understands the real intent of this particular piece of legislation. This bill goes beyond allowing a policeman to participate in political activities.

This bill guarantees members of the Police Departments the right, I'd like them to think about that, the right to take part in political activities during their off-duty time if they choose to do so. A right, incidentally, which is given to every other public employee. The bill will also allow members of the Police Department to take a leave of absence without pay to run for public office.

Mr. Speaker, at present, section 6-608 of the revised charter of the City and County of Honolulu, specifically prohibits any member of the Police Department from supporting, advocating, or aiding in the election or defeat of any candidate for public office, except for exercising just the right to vote. The penalty for this violation is summary dismissal from the department. This provision, applying as it does not only to police officers but to all other members of the department, constitutes an infringement of their constitutional rights.

The State personnel rules and regulations applicable to civil service employees specifically provides for granting of leaves of absence without pay to seek political office, and section 12-102 spells out the rights of civil service employees to vote and express opinions on political subjects and candidates, to be an active member of political parties, organizations or clubs, and to make political contributions and even to become a candidate

even while working for the State, provided that he doesn't campaign on government time. In view of these rules and regulations, applicable to State employees, I believe that it is grossly unfair that a member of the Police Department must resign in order to run for election.

Apparently, the reason for prohibiting police officers from participating in political activity was the fear of abusive use of their position and powers. This bill would allow participation during off-duty hours only, thus minimizing or eliminating any coercive effects which might arise by virtue of their position.

I firmly believe that members of the Police Department should have the right to participate in political activities during off-duty hours, especially when you consider all the rhetoric that we have heard in the past few years that in our great country everyone should participate, poor as well as rich, educated as well as illiterate. Laws have been changed to permit every person in our country to participate in the elective process, and yet, we have a very substantial segment of our society, the policemen, who, just now, are not able to exercise that right which we have to contribute in a responsible fashion as legislators, and that is give them this right to participate in our elective process; therefore, I urge all members to vote 'aye' on this bill."

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

"I want to make my remarks very short. In voting against this bill, I did not consider the constitutional question, but the previous speaker made reference to the County ordinance, and what we are doing here, by passing this bill, and if this bill becomes law, we are overruling a County ordinance.

At the hearings, I made clear my feeling that if there was a wrong done, then redress should be sought at the County level. In my two years of service here, I have found many times arguments espoused by other representatives here when State laws seem to infringe on County functions, that we should leave the counties alone and let them work things out for themselves; and we are making an exception here. I think it is wrong, and for that reason, I am voting against the bill."

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

"We have a different situation in

the City and County of Honolulu, where, by charter, the members of the Police Department are denied the right to exercise their inalienable rights. But, more unconscionable, it almost happened on the island of Kauai where the Police Department, by rules and regulations, almost took away this right from the police officers of Kauai.

Mr. Speaker, if we lose anything or everything, I'll be happy as long as I have my right to exercise my right as an American to participate and to vote in the elections."

Representative Cobb, upon being recognized, stated:

"Just a brief observation in favor of the bill, that although it's a charter provision that is being over-ridden, which has been voted upon by the people, I believe that if that charter provision were challenged in court, it could be invalidated and that a State legislative act . . . ."

Representative Sutton, on a point of order, stated:

"This gentleman's opinion about what the law is, what a court should do, or what he would do in a court of law is totally irrelevant and should not come into our record here. We are a legislative body, sir."

The Chair then stated:

"The Chair rules you out of order, Representative Sutton."

Representative Cobb then continued, stating:

"We are certainly entitled to make an interpretation relative to the standing of any law that comes before this body because we are setting legislative policy when we're doing so.

Continuing in favor, Mr. Speaker, I don't think the representative from the 15th district would have to worry if an officer is running against him and that officer is holding a sign, as long as he is holding a sign correctly; otherwise, when the officer goes on duty, he could exercise his right as a policeman.

But more importantly, I think that officer ought to be able to have the right, as any other American, in his off-duty time, to seek the privilege of any other citizen, that of representing his fellow citizens.

And, Mr. Speaker, whether or not this goes to a court case or not, or whether this is a simple question of individual rights, if it comes to a choice of a provision of charter with the right of an individual, I would always come down on the side of the individual.

Thank you."

Representative Larsen, upon being recognized, stated:

"I would like to ask a question of the chairman of the Judiciary."

Representative Garcia responded by saying:

"I'll listen to the question."

Representative Larsen then asked:

"My question is, I am wondering if the Hatch Act, which my understanding is that it applies to federal employees, but it does state, my understanding of it, that they cannot participate actively in elections, solicit funds, campaign, etc. Is this correct or not?"

Representative Garcia answered, stating:

"Mr. Speaker, prior to, I believe, last year, the Hatch Act did have specific provisions to that effect. But it is my understanding that the Congress, last year or the year before, did make specific changes to the Hatch Act to allow limited participation on the part of federal employees."

Representative Larsen then asked:

"In essence, there is now limited participation in election campaigns, but can they run for office?"

Representative Garcia replied:

"Mr. Speaker, I can't answer that specific question as to whether they can run for political office. All I know is that there are limited exceptions to the Hatch Act itself."

Representative Cayetano then rose on rebuttal, stating:

"One of the representatives made remarks with reference to the constitutional question. Let me point out that at the hearing we received evidence that the courts have upheld this prohibition as being constitutional."

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



was adopted and H.B. No. 456, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARTICIPATION IN POLITICAL ACTIVITIES BY MEMBERS OF THE POLICE DEPARTMENT", having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Cayetano and Nakamura voting no.

Stand. Com. Rep. No. 642 on H.B. No. 1297 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1297, entitled: "A BILL FOR AN ACT RELATING TO THE HANDICAPPED", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 643 on H.B. 514 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 514, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Narvaes then offered the following amendment to H.B. No. 514:

"Section 1. House Bill 514 is amended by amending lines 4 and 5 to read:

'Sec. 186- License plates, trucks and vans, personal use. A person operating a pickup truck or van having a gross weight of five . . .'

At 8:53 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:56 o'clock p.m., Representative Narvaes moved that the amendment be adopted, seconded by Representative Ajifu.

Representative Narvaes then rose and stated:

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

Mr. Speaker, the purpose of H.B. No. 514, as it presently stands, is to allow people who drive pickup trucks for personal use to pay for license plates in accordance to this personal use. Mr. Speaker, presently,

these drivers are forced to pay unfairly for license plates as if they were using these pickup trucks commercially.

But, Mr. Speaker, this bill, as it presently stands, fails to address another segment of the motoring public who should also be considered. This amendment, Mr. Speaker, addresses that segment. This amendment equitably expands the wording of this bill to include not only pickup trucks for personal use, but also vans for personal use.

Let me make it clear, Mr. Speaker, that this amendment and this bill addresses only pickup trucks and vans that have a gross weight of 5,000 lbs or less.

Mr. Speaker, a Lincoln Continental weighs 5,200 lbs; a 1976 Cadillac Fleetwood weighs 5,100 lbs.

Mr. Speaker, if you take a look at some of the pickup trucks that we have driving on the streets today, we have Datsun pickups, Toyota pickups, etc. Mr. Speaker, all these pickup trucks are charged for license plates which is a commercial charge. Mr. Speaker, let me, again, point out, many of these pickup trucks are being used only for personal purpose.

Mr. Speaker, if we move over to Chevys, we address vans. Mr. Speaker, a passenger van weighs anywhere from 3,197 lbs to 4,318 lbs; a cargo van weighs anywhere from 3,600 lbs to 4,500 lbs; pickup trucks, a two-wheel drive pickup, weighs 3,620 lbs to approximately 5,000 lbs.

Now, Mr. Speaker, if these vehicles, including this Continental Mark IV, the Cadillac, the Chrysler New Yorker weigh 5,000 lbs. or more and are used for personal use, and if we were to compare these vehicles to pickup trucks and vans that are only used for personal use, we have an inequity here, that this bill addresses.

But, again, it leaves out vans. Mr. Speaker, pickup trucks and vans that are being driven by our constituents for personal use should also be allowed to pay license fees in accordance to that of personal use.

Mr. Speaker, there are several options we can do with my amendment, since I'm a Republican. Mr. Speaker, I worked here as a researcher for two years, and now I'm a legislator, and I consider myself an equal to you, but in all the time that I have been here, I have never seen a Republican

amendment pass - maybe many of these Republican amendments were good and maybe many of them were bad - but I have never seen a Republican amendment that has even been so simple and so clear cut and so visible for everybody here to see.

Mr. Speaker, I don't want this bill to go over to the Senate without this amendment because I don't want the Senate to be given credit for this portion that we would be missing.

Mr. Speaker, I don't want to see this bill die because it is a good bill as it presently stands.

Therefore, Mr. Speaker, as I look around me, I see ten Republicans, I see forty-one Democrats, and I obviously know where the votes lie, and that you can do whatever you want with this amendment.

So, Mr. Speaker, let me summarize. Mr. Speaker, what is best for our pickup driving constituents, who are using their vehicles for personal use and are presently paying commercial license plate charges, should be given this break. So, Mr. Speaker, I urge all members to forget our parties and vote for this simple amendment.

Thank you."

Representative Lunasco then rose to speak in rebuttal, stating:

"Mr. Speaker, whether this is a Republican amendment or not, if the previous speaker was very sincere in making this amendment, he would have given us notice several days ago before this came before us on Third Reading. This is the first time I've ever seen this amendment, and till today, we are still questioning whether it should be included in the present bill before us.

For that reason, Mr. Speaker, I ask the members to vote the amendment down."

Representative Cayetano then rose and stated:

"Mr. Speaker, as Chairman of the Energy and Transportation Committee, which had the primary responsibility for this bill, let me echo the words of Representative Lunasco.

This is the first time we've seen this amendment. We had no idea or evidence that what the representative

across the aisle is saying is true. I suggest he try again next year.

I urge my colleagues to vote 'no'."

Representative Kamalii, upon being recognized, stated:

"I stand to rebut my colleague across the aisle.

Yes, this possibly is the first time you've seen this amendment. But let me point out to you, also, that we have had several bills recommitted to several committees since the opening day of the session, and we've done it in that manner. We've had it recommitted by talking to the chairmen and without going through amendments on the floor.

We said that we would be a vocal minority and we intend to be a vocal minority and we also said that there will be times that we would not take our grievances to the chairmen so that the Republicans would look like they are not doing their homework. This is one time that an amendment is being made on the floor without going to the chairman and committee, and I think it is our privilege and we will do this whenever we see fit."

Representative Suwa then rose to speak against the amendment, stating:

"Mr. Speaker, in the deliberation of this bill, the person that submitted the amendment has talked about the vans, but in the Committee it was turned down. Therefore, I urge the members to vote against the amendment."

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

"Mr. Speaker, as the proponent of the amendment had stated, this is a very simple amendment, it adds on vans.

Presently, House Bill No. 514 provides for exempting pickup trucks, and this is an amendment proposing to add vans on to it.

Mr. Speaker, if we are all sincere and if we are going to be consistent in our actions here, I think this is a good amendment, whether it goes through the committee chairman or not. I think if the committee had been remiss in proposing this kind of interjection in the proposal, I think it is the right of any member to propose any amendment on the floor and to see if we can get it inserted to make the

correction and to take a consistent position.

Therefore, Mr. Speaker, I would like to ask the majority members to consider this amendment on the basis of the merit of the amendment and that you support the amendment.

Mr. Speaker, I would like to have a Roll Call vote on this amendment."

At 9:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:10 o'clock p.m.

Representative Uwaine then rose and asked:

"Mr. Speaker, would the Chairman of Finance yield to a question?"

Representative Suwa replied:

"Yes, I will."

Representative Uwaine then asked:

"Mr. Speaker, I would like to know why the amendment was turned down at the Committee meeting."

Representative Suwa answered:

"Mr. Speaker, in deliberation on the pros and cons, the introducer of the amendment had brought out the area of vans, but at that time, in the discussion when we made the move to vote, he was the only one favoring it; so, therefore, the vans were not included."

Representative Kunimura then rose to speak against the amendment, stating:

Mr. Speaker, I am not speaking against this amendment because of the partisan nature or the introducer's partisan connection, but I would like to address my opposition to this amendment based upon the demerits.

Mr. Speaker, I own a van and I have a regular license plate like any other sedan. This bill, Mr. Speaker, addresses the problem of people using pickup trucks because pickup trucks, regardless of personal use or not, have to pay the truck rate. Vans are recognized, even in Honolulu I've seen vans with passengers in it, that pay passenger rates.

So, I cannot understand the reason for this amendment because it is already treated as a passenger vehicle and if it is used as a laundry delivery wagon, then it's going to be rated as a commercial vehicle and like a pickup truck.

So, I don't see any necessity for this amendment."

Representative Takamura, speaking against the amendment, stated:

"Originally, when it was presented, I thought that we would hear some discussion about the need for this amendment, and at that point I think all of us would have considered the merits and demerits, but it seems to me that all I've heard so far is a challenge to the majority members.

It seems as if that the thing that is being talked about here is not so much whether or not we should include vans or not, but seems to be kind of a straw man being set up to be knocked down when we take a vote.

For that basis, I don't consider this to be a serious amendment that we should treat seriously."

Representative Narvaes, upon being recognized, stated:

"For whatever reasons, when I did make some mistakes on this bill, excuse me; but none of it had to with substance.

Mr. Speaker, when I was signing the committee reports, and I think everybody here has to understand that the Chairman of the Finance Committee has a \$1.5 billion budget that he has to take care of, that very same day that I approached and was going to sign this standing committee report, there was approximately 30, 40 or more on his desk...."

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

"Mr. Speaker, the amendment on the floor, as presented by the speaker on the floor, deals with whether or not we should amend the main motion to include the word 'vans'. What he is discussing has no relevance to that amendment."

The Chair then stated:

"Representative Narvaes, will you get to your point?"

Representative Narvaes continued,

stating:

"Mr. Speaker, as I read through the standing committee report, I realized that vans were not included.

Mr. Speaker, I would also like to point out that El Caminos also pay this commercial charge.

Mr. Speaker, I walked up to the Chairman and I pointed it out to him. Mr. Speaker, I was assured that this would have been corrected in conference committee. Mr. Speaker, I think what I have just heard, and I am not trying to attack anybody, I'm just trying to make an amendment on this floor which I think everybody realizes should happen because it is so practical, but because of the politics that is being played, it is not happening. . ."

Representative Yuen again rose on a point of order and stated:

"Mr. Speaker, I think that it is quite obvious that many of our members who have spoken previously were not playing politics. We are trying to deal with the merits and demerits of this particular amendment."

The Chair then stated:

"The Chair rules that you ought to speak on the merits of your amendment and not talk too much about it being political. The Chair rules you out of order in that regard. Proceed."

Representative Narvaes then stated:

"I'm sorry, Mr. Speaker.

Mr. Speaker, then, again, I think you have to take a look at what is before us. Mr. Speaker, we are looking at an amendment that should include vans. To my understanding, El Caminos are already included, in the research that I have done, with the word 'truck' already in the bill.

So, what we would be doing, on the vote that will be coming up on this amendment, Mr. Speaker, I'm asking for a Roll Call vote, that we either vote this amendment simply down or simply up.

Mr. Speaker, I, therefore, urge all members of this body to vote for this amendment.

Thank you."

Representative Sutton then rose

and, upon being recognized, stated:

"Mr. Speaker, I checked the registration and we have, in this City and County, 8,465 vans.

Now, Mr. Speaker, General Motors makes a van which serves a multiple purpose, and these vans have become one of the most desirable bits of transportation. But the type of person that needs this, Mr. Speaker, is the type of person who can accommodate personal use with a large delivery of groceries and what not and put the kids behind with the other couple of dogs - they can't get out because it is enclosed.

Now, these do fall under 5,000 lbs and we have this constituency in my area and Representative Narvaes', we live side by side, and these areas have tremendous van usage; therefore, Mr. Speaker, I would appeal, particularly to those gentlemen who live out in the Waianae area - I think he was starting to rise in favor; I should have not said that, Mr. Speaker - I feel that we would help all our constituents.

Let us all, for one minute, remember the basic phrase that Rudyard Kipling said: 'Ship me somewhere east of Suez where the best is like the worst, where there ain't no ten commandments and a man can raise a thirst.' And this is what we have in our vans on the weekends - a little extra liquor - and these have been known, you know, Mr. Speaker, and I don't like to say this too loudly and I hope it won't be taken down on tape, but they have been known as sex wagons, too.

So, Mr. Speaker, in the name of all these multiple uses, would you ask your own constituents to please vote for this amendment."

Representative Peters, speaking against the amendment, stated:

"Very seriously, Mr. Speaker, this amendment lends much - there's no 'ifs' or 'buts' about it; it is redundant, as indicated by my colleague from Kauai. Directors of Finance throughout the countries apparently have a practice of exempting the payment of commercial fees for vans. No need for us to put in an amendment like this.

The current taxes exempts vans. It does not exempt trucks and this is why this measure targets in on trucks, and I urge all my colleagues to vote down this amendment.

Thank you."

Representative Carroll then rose on rebuttal, stating:

"A van is a truck and is taxed as a truck, and one member on your side of the aisle, who is an expert in this particular field and who sells these particular vehicles, has so noted.

As far as the amendment here is concerned, I would like to address that briefly - it is simply a question of equity. The purpose of the bill is quite clear; that's so that people who have non-commercial use of a pickup truck could drive it and pay taxes at that rate.

But the amendment simply asks that vans, which is not included in the current bill, be put in there; so it is quite clear what is being asked by the amendment, and whether it was seen today, yesterday, three days ago or three weeks ago, is really irrelevant.

I ask that we vote 'aye' and move on."

Representative Abercrombie, upon being recognized, stated:

"I don't own a van or a pickup truck, I own a cab. I'm not sure whether it is 5,000 lbs or 6,000 lbs; I think it is more likely 6,000 lbs. I know that what I just paid for my license is enough to support Representative Cayetano in the style to which he'd like to become accustomed for a long, long time.

But I do know this, that there are two distinct opinions being expressed on this: one, vans are covered and one, that vans are not; and I think it ill-behooves the House to pass an amendment if the circumstances are that we sit here in some kind of consternation as to which is the truth and which is not.

I do know that the bill before us does address pickup trucks and that there is no argument against that, either by the County Finance Directors or by anyone on both sides of the aisle except for the reservations about the van. So, in the absence of clear evidence, one way or the other, as to whether they are covered or not, I would urge that we vote it down, vote the bill that everybody seems to be in favor of and then take this up, as has been suggested, if in fact we find it to be the case that they are not included, if it has that kind of merit. Does that

make sense, Mr. Speaker?"

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

"I would just like to know, under parliamentary procedure, what rights I have. I spoke twice, if I'm the movant, can I speak again?"

The Chair answered:

"You may, in summation."

Representative Narvaes then asked:

"Mr. Speaker, am I still on a point of information at this time?"

The Chair responded by saying:

"The Chair recognizes you for the purpose of raising the point of information."

Representative Narvaes then asked:

"Mr. Speaker, after I ask for this point of information, can I then speak again?"

The Chair answered, stating:

"You may summarize."

Representative Narvaes then asked:

"Mr. Speaker, will you ask Representative Fong if he would yield to a question?"

Representative Yuen, on a point of order, stated:

"To me, the attempt is quite obvious. It is simply to circumvent the two time speaking rule."

Representative Narvaes then asked:

"Mr. Speaker, am I not in my rights, though?"

The Chair then asked:

"Representative Fong, will you yield to a specific question?"

Representative Fong replied:

"I will."

Representative Narvaes then asked:

"Representative Fong, do you have an El Camino?"

To which, Representative Fong answered:

"Yes, that is correct, Mr. Speaker."

Representative Narvaes then asked:

"Mr. Speaker, I would like to ask the distinguished representative from Manoa some information on this. I would just like him to explain, since he pays the license fee for this El Camino, how it really works, as far as he knows it."

Representative Fong replied:

"I do pay commercial rates."

Representative Narvaes, speaking in rebuttal, stated:

"Mr. Speaker, I've been told that this has been through committees - come before the Finance Committee, the Transportation Committee - they're telling me that the only way I get my information is by implication. Mr. Speaker, I did some extensive research on this and, through this research, I've called the licensing division and I found out, and I've asked them, and I've read them this bill and I pointed out to them, and they told me the language, at present, doesn't cover vans.

They also told me that at present there are two ways of taxing automobiles. Of course, the common basis, by our State statutes, we allow them this. Mr. Speaker, cars driven for personal use are charged 3/4 of a penny in comparison to commercial vehicles which are charged 1½¢.

Mr. Speaker, this bill will allow trucks that weigh less than a Cadillac. . . ."

The Chair then stated:

"Representative Narvaes, will you relate the bill to your amendment."

Representative Narvaes then stated:

"Yes, because I feel that both are important.

Mr. Speaker, so these pickup trucks, which weigh less than a Lincoln Continental, Cadillac and other cars, vans, which this amendment addresses, which, again, weigh less than certain automobiles, which I considered to be pleasurable automobiles, which are gas guzzlers, which are driven by many of the more wealthy people of the State, pay a personal use tax.

Mr. Speaker, many of my constituents in Kalihi can't afford to drive a Lincoln Continental; they can't

afford to drive a Cadillac; and many of these other cars; but they can afford to drive, for personal use, a truck, a van, which very often doesn't consume as much gas as these other automobiles, but they are being charged unfairly a commercial use tax for their license plates.

Mr. Speaker, I am just asking for an equitable change in this bill.

Thank you."

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

"I would like to ask a question of the proponent of the amendment.

With all the research you have done on vans and vehicles that have dual uses, personal or commercial, have you checked into the way they treat off-street vehicles like jeeps, Broncos, land cruisers? Wouldn't you consider these vehicles also in the category for personal use?"

The Chair then remarked:

"The Chair would like to request all members to address the questions and answers to the Chair."

Representative Narvaes answered, stating:

"Mr. Speaker, yes, I have done some research and they're considered, and I hope I have my information correct, to be off-street vehicles. But in different cases, I think people have to realize that sometimes, for instance . . . .let me give you an example, a blazer is a blazer truck or a blazer jeep. Geez, Mr. Speaker, we have something here that's pretty complicated."

Representative Kawakami then stated:

"That's the point of my question, Mr. Speaker. Having this complicated matter, I don't think we can make a decision here other than what the main bill calls for."

The motion was put by the Chair and the amendment failed to carry by a Roll Call vote of 10 ayes to 41 noes, with Representatives Ajifu, Carroll, Evans, Fong, Ikeda, Kamalii, Medeiros, Narvaes, Poepoe and Sutton voting aye.

Representative Lunasco, upon being recognized, stated:

"Mr. Speaker, my colleague from Kalihi, if he's done so much research,



would note that any vehicle, including Rancheros, El Caminos, Datsun pickups, you name it, is considered pickup trucks under the present statute, unless you have a seat bolted down in the bed. If you don't have a seat bolted down in the bed of the truck, it's considered to be a pickup truck and would be taxed accordingly.

What this bill does is the owner of the vehicle or pickup truck shows proof that he is not going to use it for commercial purposes and it would be exempt from the truck fees.

Mr. Speaker, as you and members of this House well know that many of our constituents throughout our State own pickup trucks - Datsun, Toyotas and you name it - and they are taxed, to me, unjustly, although they are using it for personal use. In that case, Mr. Speaker, I ask all my colleagues to vote 'aye'."

Representative Fong then rose and asked:

"Mr. Speaker, possible conflict. I own two trucks that are taxed commercially."

The Chair ruled: "No conflict."

Representative Carroll then asked:

"Mr. Speaker, I have one of those undeterminable vehicles which may or may not fall."

The Chair then stated:

"For one undeterminable man, no conflict."

Representative Narvaes then rose and stated:

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

Mr. Speaker, maybe, unlike any brother across the aisle, when I find something that's good, I vote for it.

Mr. Speaker, maybe I should rule myself in conflict too, because sometimes I drive a truck also. But, Mr. Speaker, this is a good bill and I think it is very obvious that everybody can see that the bill will pass; it's too bad that the amendment didn't."

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

Committee was adopted and H.B. No. 514, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Evans and Ikeda voting no.

Stand. Com. Rep. No. 644 on H.B. No. 1491, HD 2 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 1491, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, the bill before us, out of Finance, is not the bill that passed from the Higher Education Committee. I have to vote 'no' because I don't think the Center for Labor Education and Research should be in the president's office as voted by the Committee. I might have been argued into it, had I ever had a chance to vote on it. The one that I did have a chance to vote on, the Committee agreed to sustain the College of Continuing Education.

Since that time, the Committee on Finance has indicated it wishes to see it in the president's office. I am sorry to see this take place. I think there's questions of prior concurrence that are involved here; however, I cannot speak for the other members of the Higher Education Committee. I would be willing to sit down and be argued into, if the case could be made for the Center for Labor Education and Research being put into the president's office, but, I have not had that opportunity. It would be hypocritical of me, given the pronouncements that I have made to members of the majority caucus about my feelings and prior concurrence to vote 'yes' on this bill, and I do not feel that has been the case.

I will say, on the merits then of putting it in the president's office, without having had the benefit of discussing the whys and why nots for putting it there, that there can only be one reason for it and that is to try to advance this Center for Labor Education and Research in terms of its capacities to get funding. And, believe me, Mr. Speaker, if that's the case, and I think I've got a legitimate interest in this Center because it's my Center in terms of the origination

of the bill - every word that was written in the original bill that put this Center on the map was mine - the Center, as it was outlined, as it came forth, the importance of it, is something that is very clear to me.

I first put forward the idea in the Oahu Division of the AFL-CIO more than seven years ago. I tried to carry through on it when I was elected to the Legislature and the Legislature saw the wisdom of the establishment of such a center, and both Houses passed it and it was put into the University of Hawaii and the University chose not to fund it.

Now, putting the Center in the president's office, as far as I'm concerned, is a blatant political move. I hope everyone is paying attention to it. I hope that the newspapers are going to report this. I hope that this will be on the record for future generations to look at, as to how to deal with individual items that you want to have taken care of in the University of Hawaii.

I think this is a good example of how the University operates - you cannot pass on the merits; you cannot get a program started on the merits; but if you put it in the president's office, by God, then maybe you'll get it funded and moved forward. That's the message that's in this bill right now. That's what's going forward.

Now, maybe it will be challenged on the other side, if it passes, I don't know. But I tell you this, this is not the way to do things - and everybody who is in Philippine Studies, and everybody who is in Hawaiian Studies, everybody in Operation Manong, everybody who is in a temporary position at the University, everybody who is a lecturer who hasn't been paid on time, everybody who is in a situation where you don't know whether the program is going to live or die, everybody who belongs to the department where you have had retirement and now the position is frozen, every student who is in a class that is steadily expanding as a result of freezing of positions, every person in the community college involved in vocational education classes that has had their budget severely cut to the point where they can scarcely carry on the program.

-In short, every interested student,

faculty member and every taxpayer member of this State, get yourself a bill, get some money funded and stick it in President Matsuda's office. I would like to stick it someplace else."

At 9:40 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:04 o'clock p.m., the motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 1491, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR LABOR EDUCATION AND RESEARCH AT THE UNIVERSITY OF HAWAII", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 645 on H.B. No. 973, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 973, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PAN PACIFIC AGRICULTURE CONFERENCE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 646 on H.B. No. 423, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 423, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KONA COFFEE RESEARCH IN KONA, HAWAII", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 647 on H.B. No. 96, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 96, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 648 on H.B. No. 1075, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa,

seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1075, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS FOR NATIONAL GUARDSMEN", having been read throughout, passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Cayetano, Cobb and Ikeda voting no.

Stand. Com. Rep. No. 649 on H.B. No. 95, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 95, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A PRE-RETIREMENT EDUCATION PROGRAM", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 650 on H.B. No. 591, HD 1 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 591, HD 1, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Carroll, speaking against the bill, stated:

"This bill, while innocuous in format, is a very dangerous bill for homeowners and, in fact, for people who are living in areas of prospective improvements. The bill sets up, as the title would indicate, special improvement areas to be made by the committee.

I do not want to belabor the matter, Mr. Speaker, but, for the record, one very serious trap for the individuals, just to give you an idea, is contained on page 2 of section c in which it states that no action, action against the committee, whether legal or equitable, based on any act done in implementing this section or any act done in the daily exercise or the power to make improvements by assessment, shall be maintained unless begun within 30 days after the performance of the act complained of.

Mr. Speaker, this runs the gamut - everything from the establishment, opening, extension, widening and altering of streets, construction of storm drains, sewers, sanitary

sewage systems, street lighting systems, water systems and every other improvements or maintenance form thereof.

In the Waikiki district we've been on our toes watching for this kind of effect by the City and County of Honolulu. And, so far, they have not succeeded in harming the residents of the district with this type of exercise.

We have ample laws on the books. There is no need for this kind of a bill. It gives an almost unlimited, what I would consider unconscionable, power to the City and County with respect to the area of improvement and assessment. There is nothing in here to tie the assessments into contiguous improvements and to the typical types of laws that prevail in this matter.

I can assure you, Mr. Speaker, if this does become law and we see this kind of an effect given, at least in the district where I live, they will be in for court battles.

And I also believe, Mr. Speaker, that there are some serious constitutional problems with this measure.

I urge everyone to vote 'no'.

Thank you."

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

"As you know, approximately two or three weeks ago I stood here and made some allegations against the City and County of Honolulu. This bill takes them off the hook.

Mr. Speaker, many of my constituents out in Waianae are faced with lack of improvements because of the inaction of the City and County of Honolulu, because administration as well as the legislative mechanism in the City and County has failed to take or to sell bonds in the open market so that they will have enough money to take care of these kinds of improvements.

What this bill is calling for is providing another alternative, and that is basically to have many people out there, my constituents, pay for these improvements. I am against that kind of an arrangement in every sense of the word.

I urge my colleagues to vote 'no'."

At 10:11 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:13 o'clock p.m.

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

"I believe it is the intent of this bill to assess the entire cost of special improvements to the property owners that the government might feel would be specially benefitted from any special improvements.

Under the regular improvement laws, the cost is generally divided between the government and the property owners. But under this measure, it is possible that the County may pass the entire cost of the improvement to the property owners. For this reason, I believe that this is a bad bill.

I urge my colleagues to vote down this measure."

Representative Suwa, upon being recognized, stated:

"Coming from the neighbor island, I don't think I should be defending the intent of the bill. Primarily speaking in favor of the bill, at present there is a statute as to the authority to improve districts which conform to the charter.

Likewise, as to the safeguard factor, you just cannot go in a district and set up improvement districts that may have to have a certain amount of percentage of votes by the residents; therefore, they have a safeguard.

Mr. Speaker, I think this bill speaks for itself and I urge the members to vote for this bill."

Representative Takamura then rose and asked:

"Mr. Speaker, may I ask the Chairman of the Committee on Water, Land Use, a question?"

Representative Kawakami replied:

"I'll yield."

Representative Takamura then asked:

"Under the present improvements district ordinance in the City and County of Honolulu, the property owners that would be affected when an improvement district is proposed have to agree to be assessed a certain percentage and I think this gives

them some control over whether or not an improvement district will go into this area. Would this bill, as it is currently proposed, still have that safeguard provision in?"

Representative Kawakami answered, stating:

"Yes, the safeguard still remains."

Representative Peters then rose and stated:

"Mr. Speaker, one of my greatest concerns is that Waianae has been in existence for a number of years now. It is one of the oldest communities on Oahu. It has never been given its fair consideration for some of the improvements, as I've stated before, that you find readily available in Honolulu proper.

If we had those improvements before, then fine. If they are deteriorated, I don't mind going this route. But, we've never had anything to begin with - we've had rocky roads; we've never had a sewage system; never had gutters, sidewalks - things that people in Honolulu, or Honolulu proper, enjoy - built-in amenities. We want a fair shake.

I don't think that we're doing people out in Waianae, people out in Waialua, Haleiwa, Kahuku and any other places on the peripheral edges of Oahu, fair consideration. This is why I am against this bill. This is a very, very, very poor way of treating our people.

Thank you."

Representative Carroll then rose in rebuttal, stating:

"Mr. Speaker, the only voice that the people who are involved with these assessments have is that which they may have in voicing their opinions at public hearings. They do not have any such vote. When this assessment comes down on them, the only thing left for them to do is to pay for it. Under the terms of this particular bill, conceivably through a constrained use of this law, you could have people paying for improvements which not only do not specially benefit their property, but which, in fact, damages it. And, I'm talking about high rise parking.

I think that we had think very carefully before we pass this measure. I would suggest that we do not pass this measure."

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

"Mr. Speaker, in the interest of time, and since a number of members throughout the House seem to have multiple questions on this, I was wondering if the chairman of the committee from which it is being reported from would graciously defer the matter either to the end of the calendar or until tomorrow, inasmuch as the bill is to be for Third Reading and would not jeopardize the chances of passage."

Representative Suwa replied, stating:

"Mr. Speaker, as far as I am concerned, it can be deferred to the 60th day of the session. No objection."

The Chair, noting that there were no objections, so ordered, and action on Stand. Com. Rep. No. 650 on H.B. No. 591, HD 1, was deferred until tomorrow, March 16, 1977.

Stand. Com. Rep. No. 651 on H.B. No. 433, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 433, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION PRECINCT OFFICIALS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 652 on H.B. No. 307, HD 2 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 307, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, this bill precludes criminal compensation for a victim unless that person is a resident of this State or a resident of a state which provides similar compensation to residents of this State. Surely, any injury or disfigurement a visitor to Hawaii receives causes that person the same amount of suffering as it would a Hawaii resident.

And, it doesn't matter whether a person is a kamaaina or a malihini - the injured person is simply a human being who has received an injury, or even death, here in Hawaii. And just because some other states do not provide compensation for out-of-state victims, is certainly no reason for us to follow their example.

Also, Mr. Speaker, in the past eight years, out of more than 900 cases, only some 30-odd cases have dealt with non-residents. So, if for no other reason than the few out-of-staters involved, I see no reason why we should change - even slightly - the image of Hawaii's warm and caring aloha spirit.

For these reasons, I urge the members of this House to vote 'no' on H.B. No. 307, HD 2.

Thank you."

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

"Mr. Speaker, the purpose of this bill was to amend our criminal injuries compensation law and to provide for the awarding of compensation only to a person or victim who is a resident of the State or happens to be a resident of a state which provides similar compensation to residents of Hawaii. In other words, we are engaging in the rawest type of reciprocation.

The bill would exclude compensation to residents of four states which have similar laws but restrict benefits to their residents only. It would also exclude compensation to residents of twenty-seven other states.

Now, Mr. Speaker, we are a member of the union. We are the 50th state. They added an extra star. We are proud of the fact that we are a part of this union. We are not contiguous, very true, but this type of legislation is, in my opinion, something that would invite somebody to say the aloha spirit, where is it? It certainly evaporated. It's no longer there.

So, I would urge all of my colleagues to please vote 'no' so that we do not destroy the aloha spirit which has always been the symbol of Hawaii."

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

"The previous speaker was correct in saying that this is reciprocal legislation; that is exactly correct.

Mr. Speaker, it is my belief that

electd representatives of the states involved, the twenty-seven states that were not mentioned, except to the class, have made a decision as to their own residents - that they don't feel that as far as their state legislature is concerned, that criminal injury compensation is just and valid.

And, Mr. Speaker, I think that we should allow them to live with the benefit of their decisions. And, in fact, what I hope this bill would do would be to encourage those twenty-seven states to pass similar legislation so that Hawaii residents who are injured in their states will receive compensation.

Mr. Speaker, the aloha spirit is fine to throw up when it suits the purposes, but, Mr. Speaker, the aloha spirit is not one way.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 307, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL INJURIES COMPENSATION LAW", having been read throughout, passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Abercrombie, Ajifu, Carroll, Evans, Ikeda, Kamalii, Medeiros, Narvaes, Poepoe and Sutton voting no.

Stand. Com. Rep. No. 653 on H.B. No. 1285, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1285, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE LAW OF THE SEA INSTITUTE", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Abercrombie voting no.

Stand. Com. Rep. No. 654 on H.B. No. 650, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 650, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AQUARIUM REVOLVING FUND", having been

read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 655 on H.B. No. 136, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 136, HD 2, entitled: "A BILL FOR AN ACT RELATING TO IMMIGRANTS", having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Carroll and Ikeda voting no.

Stand. Com. Rep. No. 656 on H.B. No. 952, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 952, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE YOUNG FARMERS PROGRAM", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 657 on H.B. No. 634 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, Stand. Com. Rep. No. 657 and H.B. No. 634 were recommitted to the Committee on Finance because the companion Senate Bill is over in the House.

Stand. Com. Rep. No. 659 on H.B. No. 1097, HD 1 (Deferred from March 14, 1977):

Representative Garcia moved that the report of the majority of the Committee be adopted and that H.B. No. 1097, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Campbell, speaking in favor of the bill "with some reservations", stated:

"The purpose of the bill is to expand the medical care and services available to minors, without parental consent, to include family planning servcies.

It is my hope, Mr. Speaker, that the intent of this bill can be accomplished



without doing damage to the family.

Thank you."

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

"Mr. Speaker, we have a basic concept, particularly appropriate to the United States of America, that a family is a unit - father, mother and children. The parental concept that we have has proven to be the most successful of any nation in the world.

Those nations that take children at the age of 2, separate them from their families, place them in institutions and try to find which are the finest intellects and only educate them, have never seemed to get a standard of living similar to ours. Therefore, the family is a basic unit.

The man who is president of the United States today, James Carter, enunciates this theme most eloquently. And, as proven, in his own case, that he allows his daughter Amy to come to dinner when he has State banquets. Of course, she reads books while she's at the table, but his whole concept of allowing the child to become an integral part of the family.

Now, we want to engraft on that a basic rupture; a rupture where we will say that parental consent is not required, while we institute a type of very mature training in the field of family planning, which is against tradition. Our traditions have served us well, Mr. Speaker. Let us preserve it. Let us not put legislation of this nature on the books. I would urge all my colleagues to please vote against it."

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

"Mr. Speaker, there is an urgent need for us to pass this bill. I have some statistics and I would just like to, briefly, with the indulgence of this body, go through them quickly.

Mr. Speaker, according to testimony presented by both the Department of Social Services and Housing and the Department of Health, approximately 30% of women between the ages of 14 and 17, both in the State and nationally, are sexually active. According to studies by the School of Public Health, 87% of pregnancies in women under 20 years of age

are unplanned; in Hawaii, this resulted in approximately 313 elective abortions and 853 unplanned pregnancies among girls under the age of 18.

The consequences of these statistics, as repeatedly articulated by those who work with minors, include an infant mortality rate almost six times higher among unwed mothers under 20 who had no prenatal care than the Statewide rate; the fact that in one year 72% of reported fetal deaths were attributable to elective abortions to pregnant girls under 20 years of age; inadequate means of support for minor mothers and their infants, leading to 28% of these mothers depending on a social agency for support; lack of education and job opportunities which cause financial problems to get progressively worse as time goes on; and other problems which have a statistically high correlation to premature parenthood, including child abuse, behavioral problems among the offspring, and divorce.

Although I'm sure we all agree that, ideally, young people should be able to seek guidance from their families in dealing with problems relating to sexuality, if we are to be honest we must also admit that in reality, many parents and teenagers feel uncomfortable discussing sex-related problems and experiences. Because of generational differences in attitudes regarding acceptable sexual behavior, the sexual problems of the young often go unresolved. The effect of the present law is to punish sexually active minors who are unable to talk freely with their parents by denying them the opportunity to prevent conception.

In passing this bill, Hawaii will follow the lead set by 26 states and the District of Columbia, all of which have affirmed the right of young people to consent to their own contraceptive care. Passage of this bill also conforms to the direction taken by recent U.S. Supreme Court and Federal Court decisions concerning minors' rights to reproductive medical care.

In concluding, I would like to emphasize that this bill has neither the power to unite a divided family, nor to divide one in which a trusting relationship has been built. What H.B. No. 1097, HD 1, can do is to provide for the immediate medical care of our teenagers; the rest is up to Hawaii's parents and their children.

For the above-mentioned reasons, I urge you to vote in favor of this bill."

Representative Uwaine then rose and asked:

"Mr. Speaker, will my colleague from the 12th District yield to a question?"

Representative Takamura replied in the affirmative and Representative Uwaine asked:

"Does this bill before us apply to an abortion?"

Representative Takamura replied:

"This bill applies to services provided by planned parenthood and there would be some abortion counseling involved."

Representative Sutton, upon being recognized, stated:

"I wish to make a truism and quote a cliché, and it has no application to either of the two previous speakers, and I also have received an A+ in statistics myself, and in Mr. Suwa's Finance Committee I have often used the term 'weighted average in correlation'; but, Mr. Speaker, statistics lie and liars use statistics."

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

"Mr. Speaker, as my learned colleague from Nuuanu had mentioned the family unit, I guess we, as parents, and I'm a father of two boys, we tend to view outside help and, in many cases oftentimes would never know how to sit down with our children and counsel them, Mr. Speaker, I'm just happy that we do, as legislators, look at our young people and take them into consideration and not their parents."

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

"I feel that Representative Takamura has covered many of the major points, but I would like to reiterate several statistics for the benefit of the representative from the 15th district. These statistics are from the Department of Health and they relate the number of actual pregnancies that took place over a four-year period of time at various high schools: at McKinley there were 1,300; at Farrington there were 1,280; and at Roosevelt there were over 700.

Mr. Speaker, statistics don't lie."

Representative Sutton, on a point of personal privilege, stated:

"I hope he is not accusing me for being responsible for them."

The Chair remarked:

"At your age and condition, I doubt it very much."

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

"I would like to ask the chairman if he would answer a question. The question is in section 577a, financial responsibility: the bill provides for where a minor consents to the provision of medical care and services shall thereby assume financial responsibility for the cost of such medical care and services. The question is, in the event that the minor is incapable to pay, who is responsible for the financial obligation?"

Representative Garcia answered, stating:

"Mr. Speaker, in a situation in which a minor is not able to pay for the services, the physician who provided the service will have to absorb the cost."

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and H.B. No. 1097, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS", having been read throughout, passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Ajifu, Evans, Kiyabu, Medeiros, Poepoe, Sutton, Uechi and Ueoka voting no.

Stand. Com. Rep. No. 660 on H.B. No. 776, HD 1 (Deferred from March 14, 1977):

Representative Garcia moved that the report of the Committee be adopted and that H.B. No. 776, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Carroll, speaking against the bill, stated:

"This bill is arbitrary and unreasonable on its face.

Under this bill, a penalty may be imposed for the removal, disturbance, or disposal of a corpse if the action occurs without the concurrent authority of three officials - the coroner or his appointed deputy, and the police officer

in charge and the coroner's physician.

Consider, Mr. Speaker, a situation where all three mandatory permissions are not quickly received; a corpse could be left in a public place for hours. For example, a violent death may occur in a classroom, in the middle of a highway, or in any other public place. If this bill is enacted, a person disturbing the body in any manner would be subject to penalty, even if that person could show that the three mandatory permissions could not be quickly had for one reason or another.

Mr. Speaker, this bill discourages a citizen from attempting to move or help what he believes to be an injured party who is merely unconscious. Under this bill, a good samaritan would be criminally liable for transporting an injured party to a hospital if death, in fact, occurred prior to removal to the hospital.

This bill would require laymen to hold knowledge which can be gained only after medical training, in fact, even doctors, and we address this issue later in the evening, cannot always agree on what constitutes 'death'. A good samaritan wishing to move what appears to be a seriously injured person would be criminally liable if he wrongly determined that the injured party is alive. How is the good samaritan to know that death has occurred?

This bill would penalize any movement, no matter how small. No special circumstances are to be considered, and I find that this unreasonable removal of a corpse to a short distance away may be required; removal of a body from a freeway may be required by specific circumstances, just to give an example.

Mr. Speaker, this bill, make no mistake about it, is what I call ad hominem legislation. It is addressed to a particular problem that has to do with a religious sect in the community. And, the bill is poorly written; it is very unlikely unconstitutional; it does not go to the effect which it hopes to achieve.

I would suggest that this matter be filed and worked over and brought out again next session in a proper format. I think that the basic intent behind this legislation is probably good, but the way this is put together is a pitiful attempt to accomplish something; it's not going to do it

and I certainly would hate to see us pass this measure out.

I urge all members to vote 'no'."

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

"Mr. Speaker, I rise with a certain degree of reluctance because I respect the comments made by my colleague across the aisle. But, I would like to remind the other legislators that I personally brought two of these bills relating to bodies to the floor of this House almost five days ago. These amendments that were made have been on deck now over the weekend and all of us became aware of the various amendments that were made to this bill.

Representative Carroll had, at one time, mentioned to me some of the problems he had with this particular legislation, but he never went into detail with them, Mr. Speaker. He never gave me the opportunity to respond either in Committee . . . . ."

Representative Carroll, on a point of order, stated:

"Mr. Speaker, I think the question to be addressed are the merits of this bill and not the personal actions of individual members of this body."

The Chair then stated:

"Representative Carroll, your point is well taken. Representative Garcia."

Representative Garcia stated:

"Mr. Speaker, I think I made my point.

What I would like to go back to is the bill itself. What I would like to also point out is that most of this bill is currently in the statutes right now. The only change that the Judiciary Committee has made to this particular piece of legislation is to add a penalty provision so that it can be enforced; that's the only change that has been made by the Judiciary Committee.

If the representative feels that this is unconstitutional, then I would suggest that he come back during the next session of the Legislature and propose several changes to this particular statute, and not to come in at the last minute like this.

Thank you."

Representative Carroll, on a point

of personal privilege, stated:

"Mr. Speaker, if I were chairman of the Judiciary, I would do exactly that. Thank you."

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

"I feel that the commentary that has taken place requires me to speak in favor."

The reason I rise to speak, Mr. Speaker, is I shared some of the same concerns as Representative Carroll and I enunciated them to the chairman of Judiciary and the vice chairman of Judiciary, and I want to indicate that they did respond to the concerns, and that is why the violation, as opposed to the harsher penalty, appears. I think that they did try to respond, within context of the presentation.

What happened was this, and everyone may know it quite clearly. The bill originally came out including a jail term involved, and it is quite true that part of the reason for the bill to come forward has to do with religious principles.

The House may recall that I brought that to their attention on Second Reading and I do want to indicate very clearly that the chairman and vice chairman were most responsive in this respect, and it has been reduced to a violation.

Under the circumstances, taking into the public welfare side of it and the possibility of death by violence, they may have legitimate concern of the authorities in terms of the police, etc.

I think that if there is a question of religious belief, it has to be taken up at the time that that manifests itself, as opposed to the circumstances changing radically inside the present law itself.

The chairman, I think, is quite correct when he says what has been added here is only the idea of putting in a violation which, I think, amounts to less than a petty misdemeanor. It is a violation because they (the chairman and the vice chairman) do not want to see someone go to jail over this circumstance, but rather that the community be protected. The rest of the language, as I understand it, is not touched in any way, shape or form within the present

statute; so that must be addressed at some other time if there's reason to do so.

I hope I am correct in this, and if I am, I urge passage of this bill."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 776, HD 1, entitled: "A BILL FOR AN ACT TO AMEND SECTION 841-12 HAWAII REVISED STATUTES RELATING TO THE REMOVAL OF BODIES", having been read throughout, passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Carroll, Evans, Ikeda, Kamalii and Sutton voting no.

At 10:44 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:45 o'clock p.m., the Chair stated:

"If there is no objection, the Chair, at this time, would like to take up Supplement #2."

#### STANDING COMMITTEE REPORTS

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 715) recommending that H.B. No. 226, as amended in HD 2, pass Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, Stand. Com. Rep. No. 715 and H.B. No. 226, HD 2, were recommitted to the Committee on Consumer Protection and Commerce because the companion Senate Bill had arrived.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 716) recommending that H.B. No. 978, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 978, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative D. Yamada, for the

Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 717) recommending that H.B. No. 1166, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1166, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 718) recommending that H.B. No. 1284, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1284, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 719) recommending that H.B. No. 1182, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1182, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 720) recommending that H.B. No. 678, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative

Cobb and carried, the report of the Committee was adopted and H.B. No. 678, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTRACTORS RECOVERY FUND", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 721) recommending that H.B. No. 498 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 498, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 722) recommending that H.B. No. 1013, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1013, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITY DEPOSITS IN THE LANDLORD TENANT CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 723) recommending that H.B. No. 1690, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 1690, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN AGRICULTURE PROTECTION PROGRAM", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 724) recommending that H.B. No. 1711 pass Second Reading and be placed on the calendar

for Third Reading.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 1711, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS AND INCREASED UTILIZATION OF THE METRIC SYSTEM", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 978, HD 1; 1166, HD 1; 1284, HD 1; 1182, HD 1; 678, HD 1; 498; 1013, HD 1; 1690, HD 1; and 1711 were made available to the members of the House at 5:00 o'clock p.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 725) recommending that H.B. No. 1436, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1436, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 726) recommending that H.B. No. 132, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamine, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 132, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1436, HD 1, and 132, HD 1, were made available to the members of the House at 8:30 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented

a report (Stand. Com. Rep. No. 727) recommending that H.B. No. 941, as amended in HD 2, pass Third Reading.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 728) recommending that H.B. No. 967, HD 1, pass Third Reading.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 729) recommending that H.B. No. 1505, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 727 to 729, on H.B. Nos. 941, HD 2; 967, HD 1; and 1505, HD 1; was deferred until tomorrow, March 16, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 941, HD 2; 967, HD 1; and 1505, HD 1, were made available to the members of the House at 8:30 o'clock p.m.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 730) recommending that H.B. No. 1604 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 1604, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 731) recommending that H.B. No. 894 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 894, entitled: "A BILL FOR AN ACT RELATING TO A STAGGERED SYSTEM OF MOTOR VEHICLE REGISTRATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 732) recommending



that H.B. No. 1175 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1175, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 733) recommending that H.B. No. 1531, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1531, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ASSESSMENT OF REAL PROPERTY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 734) recommending that H.B. No. 992 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 992, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 735) recommending that H.B. No. 8, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 8, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ECONOMIC DEVELOPMENT BONDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1977.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1604; 894; 1175; 1531, HD 1; 992; and 8, HD 1, were made available to the members of the House at 8:30 o'clock p.m.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 736) recommending that H.B. No. 878, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 737) recommending that H.B. No. 1375, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 738) recommending that H.B. No. 1347, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 736 to 738 on H.B. Nos. 878, HD 2; 1375, HD 2; and 1347, HD 2, was deferred until tomorrow, March 16, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 878, HD 2; 1375, HD 2; and 1347, HD 2, were made available to the members of the House at 8:30 o'clock p.m.

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 661 on H.B. No. 805, HD 2 (Deferred from March 14, 1977):

Representative Garcia moved that the report of the Committee be adopted and that H.B. No. 805, HD 2, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, House Bill No. 805, HD 1, was very unfair to the men in this State because it discriminated against fathers.

I must commend the Chairman of the Judiciary Committee for recommitting the bill and fixing that inequity.

I would also like to note that we also fight for the men's rights as well as the women's.

Thank you."

The motion was put by the Chair

and carried and the report of the Committee was adopted and H.B. No. 805, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PARENTAGE ACT", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 666 on H.B. No. 828, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 828, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FARM LOAN PROGRAM", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 668 on H.B. No. 91, HD 2 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 91, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"The purpose that we have in mind here, Mr. Speaker, is medical, social and legal, and to give the rape victims, who go through a very traumatic experience, some type of training service that's readily available twenty-four hours a day, seven days a week.

As you know, the Kapiolani Hospital is presently providing this on the island of Oahu and is doing an excellent job.

George Yuen told us he wants to keep that and that we have received national recognition for the way a sympathetic service is given to rape victims.

Now, I feel that we have made an excellent start here; but, Mr. Speaker, we have not achieved any of this in the same degree of adequacy on the neighbor islands, so I think that's a goal for us in the next session."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 91, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH

AND APPROPRIATING FUNDS THEREFOR", having been read throughout, passed Third Reading by a vote of 51 ayes.

At this time, Representative Abercrombie rose on a point of personal privilege and stated:

"I wish to refer to a matter I brought to the House's attention the other night, which I think reflects immediately on the bill which just passed."

The Chair ruled Representative Abercrombie "out of order, at this time."

Stand. Com. Rep. No. 669 on H.B. No. 98, HD 1 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 98, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Campbell, speaking in favor of the bill, "with some reservations", stated:

"The purpose of this bill is to provide tax exemptions to persons age 60 and over on the purchases of prescription drugs.

Mr. Speaker, we are talking about people who are in a privileged group in our population. They are on fixed income, and it is my hope that this tax exemption can be expanded next year to include over the counter drugs as well as prescription drugs.

Thank you."

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

"Mr. Speaker, I wish to comment on House Bill No. 98, HD 1.

I am pleased to see that more and more members of this honorable body are beginning to see the merit in removing certain taxes from the burden on our constituents.

This bill, which would exempt citizens over the age of 60 from paying the general excise tax on prescription drugs, is a major first step forward toward enlightened leadership in the State of Hawaii.

It has long been a Republican goal that the four percent excise tax on food and drugs should be removed from our statutes.

It is only fitting that this first step, House Bill No. 98, HD 1, begin by easing the tax burden of the elderly, whose fixed incomes will have little other chance of relief.

I see passage of this measure as a positive, progressive step forward, and I urge my fellow members of the House to support this bill.

Thank you, Mr. Speaker."

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

"Mr. Speaker, I will have a conflict on April 5th."

The Chair remarked:

"When April 5th arrives, we'll decide. Proceed."

Representative Sutton continued, stating:

"Mr. Speaker, I think you remember in the last war they used to tell about too little and too late. I feel that those are applicable to this bill; it should not be limited to prescription drugs; it should have included all drugs - prescription or otherwise.

Furthermore, it should have been extended to food and I only hope this body, in its infinite wisdom, will extend it so that we do not have people, who are on fixed incomes, suffering inflation, having to pay a tax to sustain an economy which they have long since not become a part of because they are retired.

Therefore, Mr. Speaker, I feel that we should make a study to find out how we can, immediately, and I do hope we can have an interim committee and you would appoint people, and if you would consider me in your appointment.

Thank you."

Representative Abercrombie then asked:

"Mr. Speaker, will the previous speaker yield to a question?"

Representative Sutton replied in the affirmative, so Representative Abercrombie asked:

"Was the war you were referring to the Spanish-American War?"

Representative Sutton answered:

"Mr. Speaker, I think I remember the Maine."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 98, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION AND THE ELDERLY", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 670 on H.B. No. 1061, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the majority of the Committee was adopted and H.B. No. 1061, HD 1, entitled: "A BILL FOR AN ACT RELATING TO QUIET TITLE ACTIONS", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

Stand. Com. Rep. No. 671 on H.B. No. 505, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 672 on H.B. No. 1523, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1523, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII MEDICAL LIBRARY, OAHU", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 673 on H.B. No. 1012, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1012, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION

TO PROVIDE A GRANT-IN-AID TO THE BISHOP MUSEUM", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 674 on H.B. No. 66, HD 2 (Deferred from March 14, 1977)

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 66, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SECURITY FACILITIES AT THE HAWAII YOUTH CORRECTIONAL FACILITY", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 675 on H.B. No. 1001, HD 1 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 1001, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Carroll then rose and, upon being recognized, stated:

"I would like to note that I think this is one of the most forward-looking bills. My compliments to all."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 1001, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIKEWAYS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 676 on H.B. No. 592 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 592, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM INCOME TAX", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 677 on H.B. No. 197, HD 1 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 197,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 678 on H.B. No. 160, HD 1 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 160, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cayetano.

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

"Mr. Speaker, I realize it is getting late. My presentation, perhaps, may be an inconvenience, in terms of time, for many of my colleagues, but that inconvenience will not be as great in comparison to the inconvenience that this measure would have if this measure passes."

Representative Cayetano, on a point of order, stated:

"Mr. Speaker, last week you made mention of a speaker speaking twice and making the same remarks on the bill, and, as I recall, the present speaker inserted some remarks into the Journal; I'm wondering if they're exactly the same remarks?"

The Chair replied:

"We'll have to hear the speech before the Chair rules. Representative Peters, proceed."

Representative Peters continued, stating:

"Thank you, Mr. Speaker."

Maybe I should proceed by way of saying, Mabuhay.

Mr. Speaker, I am very serious when I say I rise to speak against House Bill No. 160. I know that the issue of a general aviation airport for Oahu has been a long standing one here in the Legislature. I also know that many of my colleagues here feel that it needs to be resolved once and for all. But I, for one, would like to remind my colleagues that our job here is not to make a decision only for the sake of making a decision. Our job here is to carefully analyze and examine the background of the many issues before us, particularly those of long standing.

Mr. Speaker, I would like to take a few minutes to point out some of the facts in this particular issue and I say that devoid of political implications. My colleagues on the House Committee on Energy and Transportation are familiar with my objections to this bill, especially my dear Mabuhay partner, the Chairman, but I would like to note some of the facts as I see it for the other members of the House.

First of all, there seems to be some glaring shortcomings on what is called the Oahu General Aviation Master Planning Study, commonly referred to as the Kentron Study. But, let me point out that it begins with some assumptions, which I don't agree with. We have to look at those assumptions before making that decision.

This study assumes that Oahu needs a general aviation site. Mr. Speaker, at no time was the alternative of no new airport facility considered. They say that a general aviation airport will relieve the 'congestion' at Honolulu International Airport. By the admission of general aviators themselves, this 'congestion' constitutes an inconvenience of delays and are 'not intolerable or significant'.

I would like the record to note that the 'congestion' is a result of inopportune scheduling. General aviation operations, strange as it may seem, coincide with peak operations of the larger commercial carriers. In two words, Mr. Speaker, these two words can best sum up that problem, 'poor planning'. General aviation operators and student pilots should not and do not expect to fly at peak traffic times for such purposes as instruction, proficiency and recreation.

Furthermore, Mr. Speaker, I would also like to note that the Kentron Study did not cover or not receive all the input from general aviation businesses operating, and not all of them had a chance to respond to the Kentron questionnaire. And of those that did, none are willing to relocate their present operations away from Honolulu International Airport to another site. In fact, many said that they would not use the new facility. I can understand this, since some operators have too much invested in their present operations and many cannot economically maintain two separate offices. Furthermore, their fifteen year leases at Honolulu International Airport

have expired, and renewals are presently being negotiated with the Department of Transportation. Now, I ask you, what is the sense of our considering relocation when leases at Honolulu International are being renewed? Sounds crazy to me.

General aviation operators themselves have suggested that the air traffic flow of Honolulu International can be redesigned to allow the safe operation of small planes, and have stated a preference for staying where they are. It seems to me that the designation of a separate airfield at Honolulu International would be a more practical and, I might add, a cheaper solution.

House Bill 160 proposes that Barber's Point Naval Air Station be a general aviation site, but the Navy will not recommend joint use of military and civilian aircraft. In fact, the entire proposal is contingent upon an agreement with the Navy and recent experiences have shown us how 'agreeable' the United States Defense Department can be in Hawaii.

Mr. Speaker, E. Alvey Wright has said that the Navy will never go along with the plan. He said, 'by choosing Barber's Point, we are in effect saying that we have no general aviation airport'. This proposal is contingent upon the support of the administration, contingent upon the efforts of our Congressional delegation, contingent upon funding and contingent upon the Navy.

Mr. Speaker, we are not here to vote on contingencies. My point is a very simple one. We have not given the issue our full and our best analysis, we have not sufficiently examined other alternatives, including the use of Ford Island. Not many of you may know that Ford Island is presently being used for general aviation operations with permission from the Navy on a six-month to six-month lease basis. It is already in use, it seems satisfactory, and is more centrally located than Barber's Point. Why can't we focus our efforts on Ford Island? Why can't the Transportation Committee generate as much enthusiasm for Ford Island as it has for Barber's Point?

Mr. Speaker, the proponents of a general aviation airport must still factually demonstrate to all of us that the need for relocation to Barber's Point will clearly outweigh the many other critical problems facing the people of our State. And, I do believe that we have higher priorities to face, given our limited resources in terms of land.

Until we can honestly say that the location of a general aviation airport is the most important issue we need to resolve; until we can honestly say that we've given all of the alternatives full examination, I must urge my colleagues to vote 'no' on this bill.

Thank you and Mabuhay."

Representative Cayetano then rose to "speak in favor and in rebuttal to some of the remarks made by the previous speaker", stating:

"Let me say that the Committee on Energy and Transportation, for the past two years of which I have been privileged to chair, has wrestled with this problem long and hard. We've held many hearings on it. We've heard testimonies from numerous community groups and government agencies.

After hearing all of that evidence, Mr. Speaker, there is very little doubt in my mind that there is a need, and there is little doubt in my mind that this is a problem that we have to come to grips with because one day there may be a terrible accident at the Honolulu International Airport and all of us will be very, very sorry that we did not come to grips with this problem.

If one agrees, Mr. Speaker, that there is a need, then I think one cannot fault the choice of Barber's Point for the general aviation airport. In reviewing the Kentron Study, we find that Barber's Point is the lowest in development cost, only \$4 million, compared to \$11 million to \$12 million for the other top five sites.

In terms of safety, which is the primary reason given for the development and construction of another general aviation airport, Barber's Point rated #1 in the Kentron Study.

In terms of land use, Barber's Point was also rated very high.

We heard testimony at the hearings that the location of a general aviation airport in the leeward area would have an impact on sugar land. The Oahu Sugar Plantation came in to testify on that point. The Kentron Study indicates that Barber's Point, of all the five top sites, all located in the leeward area, would have the least impact on sugar land. I remember sitting through hearings, listening to speeches made by my

brother from Waianae about the need to protect our lands; the need to protect our aina, as he says. I agree with him. This is what we've tried to do.

As far as the general aviation pilots not leaving Honolulu International Airport for some other facility, let me say that testimony given at the hearings by the Department of Transportation indicated that economic disincentives will force them to move. Our landing fees right now at Honolulu International Airport for general aviation are ridiculously low. The Kentron Study pointed out that they only pay 50¢ per landing; a fee which is unheard of; a fee which does not even cover the administration cost of collecting.

In response to the comments made with respect to the feelings of the Navy, let me say this, the previous speaker fought very, very hard and argued very hard for the return of Kahoolawe to the State. The military has made up its mind on Kahoolawe. If we listen to everything the military says, then the military is going to get everything it wants. We moved this bill. We selected Barber's Point with the idea that the State administration get behind this project, because politically, and very frankly, it was the most feasible, the most receptive to the constituents, to the people, and we were told by our Congressional delegation that if our State administration got behind a particular site they would get behind that site.

I remind my colleagues that Senator Inouye sits on the Appropriations Committee, one of the most powerful men in Congress, who will attempt to use or ask his influence in getting the Navy to see the wisdom of our selection.

So, with all kidding aside, because I think some of the remarks made previously were made in jest, if one considers that there is a need, then there's no question that Barber's Point is the best site.

With those remarks, Mr. Speaker, I say Mabuhay to the previous speaker and thank you very much."

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

"As long as the Mabuhays are being passed out, Mr. Speaker, it pains me to speak against the opinion of the Chairman of the Energy and Transportation Committee because he has been scrupulously fair almost all the time



about the hearings and the way they have been conducted."

Representative Cayetano interrupted, stating:

"Not as much as it pains me."

Representative Abercrombie continued, stating:

"I don't think there's any major issue facing this State which has received as much public input, with as much patience involved, as has been involved in this issue. And having stated that, I will now proceed to tear the chairman up.

The point here is, and I think Representative Peters has made it clear, that one must decide initially whether one thinks an additional general aviation airport is needed. This is the crux of the matter. If one accepts that it is needed, then the arguments of the chairman are very difficult to refute, if not impossible to refute. However, there were those of us on the committee who felt that a case had not been established for the need for a general aviation airport and the only reason I am getting up to mention this is that I, too, have waded through the Kentron Study and I cannot conclude that a general aviation airport is needed.

The reason that I am speaking at this point is that the most serious thing that has been stated so far by the chairman, over and above cost and other factors, is safety, and I think it would be very unfortunate if, in the judgment of the members here, they should vote aye on the basis that if they did not they would be held responsible should some accident occur. I do not think that that is a fair argument inasmuch as I believe that accidents where airplanes or automobiles or any situation occurs where men and women and machines are involved and the movement and passage of the machine is at high rates of speed that there are bound to be accidents.

The question is whether or not the circumstances in this context in which this activity takes place is adequately supervised and whether adequate responsibility is being taken.

The Kentron Study makes very clear, at least in my judgment, that the reef runway coming into play very shortly, will relieve a

good deal of the traffic congestion, with proper supervision, and all that would be involved is not traffic congestion in the air but time on the ground, and all that has to take place, as far as I'm concerned and I believe as far as Representative Peters is concerned, is adequate provision for on the ground patience in the scheduling of take-offs and landings, and we will have solved a good deal of the problems as revolves around general aviation.

I, too, have spent some time talking to the people who do the air taxi business, as opposed to pleasure flying, and I think they did prefer to remain at the airport, the present International Airport.

So, with those things in mind, I am afraid, as I say, I must ask that the members vote against the chairman's decision in this particular instance."

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

"First of all, Mr. Speaker, I think there's no question that we do need at least one general aviation airport. I think the main thrust of the Kentron Study was to find a site, and the last time I looked at it, number one was not Barber's Point; I think it was Bellows or Kunia; some other place.

Mr. Speaker, this has been a political football and nobody wants a general aviation field in their particular vicinity, and I think probably that is the way life goes. But, I think with the amount of use that is involved with these aircraft below 12,500 lbs, they are here to stay - we're not gonna blow them up and they're not gonna go away; they are going to continue to fly. And if we put them at Barber's Point, we are going to be mixing them with these aircraft which fly at speeds of 70, 80, 90, 100 and 105 knots with aircraft that are coming in anywhere from 250 to 350 knots and it is that mix of the high speed jet or the high performance jet with the low flying aircraft that can cause the type of hazard that the Chairman of the Energy and Transportation Committee is concerned with, and likely so.

I think the question of land use should not be the primary factor here and I think, on the basis of land use alone, we could pick Kahoolawe or some other place to put the general aviation airport. But they are not obviously practical."

Representative Peters, on a point of order, stated:

"I don't think the speaker's remarks regarding Kahoolawe is funny, okay, and I mean that."

Representative Carroll continued, stating:

"Mr. Speaker, I didn't make the remarks to be funny. I made it to point out the obvious fact that the idea of a general aviation airport is to put the place where the aircraft and the pilots that are flying them can use it, and also to remove them from the basic traffic pattern of the International Airport at the entry point for all of the instrument traffic coming in right over Barber's Point. That's where the major fix is, and I think that to do this is going to add to it and compound the problem rather than solve it."

I think we have much good information from the Department of Transportation. If we follow the original recommendations that were made, we wouldn't be having this debate tonight. And if I offended anyone with my comment about Kahoolawe, it was unintentional and it was not made in jest."

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

"First, I believe that the issue of whether or not we need to build an airport was discussed and resolved by this body a number of years ago and is presently contained in the budget, in the CIP budget where there is an appropriation specifically for the building of a general aviation airport on the island of Oahu."

Secondly, I think with regards to the previous speaker's comments, as was pointed out, I think the first concern that the committee had, and one of the major concerns, was that of safety. According to the Kentron report, I think there were thousands of dollars spent and I think we should give credit to the fact that these people, not just because they were well paid, and I think these people were, in the judgment of the committee members, did know their business, in the opinion of the people who made the report, Barber's Point ranked first in air safety; and I think this is a primary consideration for the reason why we selected Barber's Point as the site for the general aviation airport."

For those reasons, I would like to urge this body to vote 'yes' on this bill."

Representative Cayetano then rose in rebuttal, stating:

"First, let me say that the Kentron Study rated the Waipio site as #1 of all; second was Barber's Point; third was Kunia A; fourth was Kunia B; then there was a site in Ewa."

Let me also point this out, with respect to the previous speaker's remarks about joint use, it's already happening throughout this State - at Honolulu International Airport they have joint use there now."

And as far as putting the airport where pilots can use them as far as land use not being a consideration, this has been the problem with legislative bodies who really do not understand or think about how transportation can have an impact on other factors of our society. Land use is extremely important; more important to me than convenience to pilots."

The general aviation segment of our population is a very, very small one who, incidentally, are not carrying their fair share of the burden of supporting the airports."

So, with those remarks, Mr. Speaker, I again urge my colleagues to vote for this bill."

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

"Mr. Speaker, I just want to point out that the Ewa Beach area is slated to become a second city, and all indications are that residential developments are going to take place in that area in the future. For this reason, I believe that placing an airport in that location would be endangering the community."

I personally feel that an airport should be located in an area isolated as much as possible from residential and commercial activities, and I believe that Representative Peters' position that further studies should be made is well taken."

For that reason, I will vote against this measure."

Representative Peters, upon being recognized, stated:

"Mr. Speaker, I had occasion, in my previous job, to hire consultants, and let me tell you, if I'm paying out

the money and I want certain things done, I am going to set the guidelines and set the tone for certain things to be accomplished according to the purpose and goals that I establish; that's basically what I'm talking about here.

At no time was the alternative of no new airport facility considered, and I emphasize that, no time. You talk about land use; you talk about cost; you talk about safety; all of these categories. If we didn't go with the general aviation airport as an alternative and using the Chairman of Energy and Transportation's criteria in these three areas: development of cost, safety and land use; if we didn't go with a general aviation airport, they wouldn't rank #1. In development of cost, it wouldn't cost us a darn thing.

In terms of land use, it will be #1. Number one. And that is what I am emphasizing here. I may have gone through my speech rather quickly and perhaps I didn't emphasize certain points and perhaps those points fell on deaf ears and I am very, very serious about this, very serious.

There is no need for another general aviation airport. In regards to the Chairman's remarks as to the relationship of the State with the Navy, yes, there may have been some shortcomings. But, we're using Ford Island right now. Why can't we continue to use it?

We talk about traffic controls, traffic congestion. I've emphasized it before, Mr. Speaker, Ford Island is far more centrally located than Barber's Point.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 160, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL AVIATION", having been read throughout, passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Abercrombie, Aki, Campbell, Carroll, Kunimura, Narvaes, Peters and Sutton voting no.

At 11:33 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.

Stand. Com. Rep. No. 682 on H.B. No. 777, HD 1 (Deferred from March 14, 1977):

Representative Garcia moved that the report of the Committee be adopted and that H.B. No. 777, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, I rise to speak against the bill because there's several serious flaws on the face of the bill. The language of the bill is extremely vague.

Under this bill, the most casual bystander faces possible criminal sanction if he fails to report what later proves to be a death. Who would be criminally liable? The passing motorist? The pedestrian? Any of these could be held under this bill. Hospital personnel, during the first 24 hours, could be held liable under this bill. There's no requirements that specific knowledge be held by the one charged.

Now, as we are all aware, laws suffering from vagueness are commonly held to be unconstitutional. This bill places an unreasonable burden on our citizens as it creates a substantial affirmative duty. It is one thing to provide for constructive notice of the law where a bill, where the law forbids specific activity, it's another thing when the law creates a legal duty of affirmative conduct. Such a provision subjects citizens to too great a burden and too high a standard of impeded knowledge of the law.

We have examples on the floor of this House where we are supposedly knowledgeable of the law and we don't even know the basic provisions of our penal code. This bill impinges upon the constitutional rights against self-incrimination. If passed, the bill will allow criminal sanctions to be brought against anyone who fails to report knowledge of a death, believing that such a report could incriminate him.

In my opinion, a court may find this bill, should it become law, unconstitutional as a violation of the 5th amendment rights. The bill, if enacted, could impinge upon previously established statutory privileges, relationships such as doctor-patient, attorney-client, priest-penitent, etc.

Mr. Speaker, again, as with 776, the basic purpose of the bill is good, but the way this thing is written is very poorly done and it should be recommitted, reworked and passed out later on in a proper form.

I urge all to vote 'no'."

Representative Garcia then rose and stated:

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

I would again like to suggest the same arguments that I made earlier. If he feels that this particular statute has some constitutional questions, then I would suggest that he introduce a bill to correct that. This particular measure only . . . ."

Representative Carroll, on a point of order, stated:

"The discussion is on the merits of the bill and not what I think, feel, reason or anything else and I ask that the speaker stick to the point."

Representative Garcia then stated:

"Mr. Speaker, all this bill does is add a penalty provision to an already existing law relating to the reporting of death. At present, section 841-3, which requires an informing of the coroner of persons dying under circumstances defined within the section, has no penalty provision under which to enforce it. Any person who is under reasonable circumstances to report the death, is required to do so.

As in any situation, cases will arise which may be disputable. These cases then will fall under the jurisdiction of the courts and the prosecuting attorneys to make that determination.

For these reasons, I urge my colleagues to vote 'yes'."

Representative Cobb, on a point of parliamentary privilege, asked:

"Mr. Speaker, while interpreting the constitutionality of an earlier bill, I was interrupted by a point of order; yet, while a previous speaker, making a similar interpretation relative to the constitutionality of another bill, was not interrupted.

Therefore, Mr. Speaker, we have

a case of inconsistency and I would like the ruling of the Chair relative to when a member of this House is making an interpretation of the constitutionality of a measure if that is in fact germane to the measure and is permitted to debate."

The Chair answered:

"The Chair so rules."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 777, HD 1, entitled: "A BILL FOR AN ACT TO AMEND SECTION 841-3 HAWAII REVISED STATUTES, RELATING TO THE REPORTING OF DEATHS", having been read throughout, passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Ajifu, Carroll, Ikeda, Kamalii, Narvaes, Sutton and Ueoka voting no.

Stand. Com. Rep. No. 693 on H.B. No. 683, HD 1 (Deferred from March 14, 1977):

On motion by Representative Cayetano, seconded by Representative Takamura and carried, Stand. Com. Rep. No. 693 and H.B. No. 683, HD 1, were recommitted to the Committee on Energy and Transportation because the companion Senate Bill has arrived.

Stand. Com. Rep. No. 695 on H.B. No. 332, HD 2 (Deferred from March 14, 1977):

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 332, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Cobb voting no.

Stand. Com. Rep. No. 697 on H.B. No. 250, HD 1 (Deferred from March 14, 1977):

By unanimous consent, action was deferred for one day.

At 11:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:46 o'clock p.m.

Stand. Com. Rep. No. 701 on H.B. No. 126, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 126, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN AND MARINE RESOURCES", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 202 had passed Third Reading at 7:04 o'clock p.m.; 482 and 925 at 7:05 o'clock p.m.; 976 at 7:09 o'clock p.m.; 107 and 1373 at 7:22 o'clock p.m.; 1129 at 7:26 o'clock p.m.; 1355 at 7:27 o'clock p.m.; 1685 and 486 at 7:28 o'clock p.m.; 1171 and 82 at 7:30 o'clock p.m.; 854 and 1098 at 7:37 o'clock p.m.; 1003 and 630 at 7:38 o'clock p.m.; 77 and 105 at 7:39 o'clock p.m.; 1713 at 7:40 o'clock p.m.; 1693, 106 and 78 at 7:41 o'clock p.m.; 137 and 65 at 7:48 o'clock p.m.; 5 and 68 at 7:49 o'clock p.m.; 1504 and 113 at 7:50 o'clock p.m.; 28 and 129 at 7:56 o'clock p.m.; 420 at 8:15 o'clock p.m.; 962 and 861 at 8:16 o'clock p.m.; 100 and 102 at 8:17 o'clock p.m.; 138, 562, 808 and 1215 at 8:34 o'clock p.m.; 559, 512, 632 and 819 at 8:35 o'clock p.m.; 491, 715 and 1205 at 8:36 o'clock p.m.; 1132, 1357 and 154 at 8:37 o'clock p.m.;

1459 and 733 at 8:38 o'clock p.m.; 408, 1354 and 1398 at 8:39 o'clock p.m.; 1162, 1243 and 1086 at 8:40 o'clock p.m.; 481 at 8:41 o'clock p.m.; 456 and 1297 at 8:53 o'clock p.m.; 514 at 9:34 o'clock p.m.; 1491, 973 and 423 at 10:05 o'clock p.m.; 96 and 1075 at 10:06 o'clock p.m.; 95 at 10:07 o'clock p.m.; 433 at 10:20 o'clock p.m.; 307, 1285 and 650 at 10:25 o'clock p.m.; 136 and 952 at 10:26 o'clock p.m.; 1097 at 10:37 o'clock p.m.; 776 at 10:44 o'clock p.m.; 805 at 10:54 o'clock p.m.; 828 at 10:55 o'clock p.m.; 91 at 10:56 o'clock p.m.; 98 and 1061 at 11:00 o'clock p.m.; 505 and 1523 at 11:01 o'clock p.m.; 1012 and 66 at 11:02 o'clock p.m.; 1001, 592 and 197 at 11:03 o'clock p.m.; 160 at 11:33 o'clock p.m.; 777 and 332 at 11:44 o'clock p.m.; and 126 at 11:47 o'clock p.m.

The Chair, at this time, stated:

"If there is no objection, the Chair, at this time, will defer to the next legislative day all bills and other matters before this House. So ordered."

#### ADJOURNMENT

At 11:48 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned until 12:05 o'clock a.m. tomorrow, Wednesday, March 16, 1977.