

TWENTY-SIXTH DAY

Thursday, February 23, 1978

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Alan Mark of the Waianae United Methodist Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Aki, Blair, Caldito, Garcia, Ikeda, Machida, Nakamura, Segawa, Takamura and K. Yamada, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Twenty-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 Twenty-Fifth Day was approved.

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 33) transmitting Senate Concurrent Resolution No. 28, SD 1, requesting President Carter and the Congress to provide Hawaii its rightful share of the U.S. Department of Energy's proposed budget for the strategic petroleum reserve, was read by the Clerk and was placed on file.

By unanimous consent, further action on S.C.R. No. 28, SD 1, was deferred until tomorrow, February 24, 1978.

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

Representative Sutton introduced Mrs. Ah Kewn Hew who is the Community Improvement and Development Director of the Maui Economic Opportunity, Inc.

Representative Lunasco introduced 25 student council members from Kaala Elementary School. They were accompanied by their teacher, Mrs. Roslyn Creacy, and a parent, Mrs. Amy Murayama.

Representative Yuen introduced several students from the Waimanalo Seagull Lab School. They were accompanied by their teachers, Mr. Bill Jenkins

and Ms. Sue Ann Lauer.

The Chair then directed the Clerk to note the presence of Representatives Abercrombie, Blair, Garcia, Ikeda, Takamura 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 considering certain resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 344 to 346) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 344) expressing support for Engineering Expo '78 at the University of Hawaii, Manoa Campus, and commending those responsible for the success of the Engineering Expo project was jointly offered by Representatives Takamura, Ushijima, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Dods, Fong, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kunimura, Lunasco, Machida, Medeiros, Mina, Morioka, Naito, Nakamura, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Toguchi, Uechi, Ueoka, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Takamura, seconded by Representative Ushijima and carried, H.R. No. 344 was adopted.

Representative Takamura proceeded to introduce the guests, stating:

"Mr. Speaker, as the resolution states, this is Engineering Week and the University of Hawaii has put on quite a good program. I think we are fortunate today to have with us some special guests to help us recognize this."

Representative Takamura presented the robot, "Me-too De-too", who is the younger brother of "R-too D-too" of the movie, "Star Wars".

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

"When Representative Takamura said he was going to introduce a robot, Representative Kamalii stood right up, and I wondered whether that

was the robot."

Representative Kamalii responded:

"I hope that gives you some indication."

The Chair remarked:

"The Chair's observation is that when Representative Takamura mentioned that, there was only one Representative who stood up", and directed Representative Takamura to proceed.

Representative Takamura then introduced the following to the members of the House: Dr. Paul Yuen, Acting Dean of the University of Hawaii, School of Engineering; Mr. Curtis Zenigami, President of the Engineer's Council; and Mr. Curtis Fukushima, Chairman of the Inter-Island Subcommittee.

Leis were presented to the honorees by Representatives Naito, Stanley and Evans. Representative Kamalii presented a lei to "Me-too De-too", and certified copies of the resolution were presented by Representative Takamura.

Representative Takamura then said:

"Mr. Speaker, I would just like to thank you and the other members of the body for the fine reception you have given our guests today, and we hope everyone will take the time to participate in Engineering Week.

Thank you."

Representative Garcia then rose on a point of observation and remarked:

"I know the Republicans have a very difficult time recruiting members, but this is ridiculous."

Representative Kamalii replied:

"Mr. Speaker, when the Republicans say we have an open door policy, we mean it."

A resolution (H.R. No. 345) commending the purpose and projects of the 'Ahahui 'Olelo Hawai'i was jointly offered by Representatives Kamalii, Ajifu, Aki, Blair, Caldito, Campbell, Cayetano, Dods, Fong, Ikeda, Inaba, Kunimura, Lunasco, Medeiros, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Ueoka and Yuen.

On motion by Representative Kamalii, seconded by Representative Poepoe and carried, H.R. No. 345 was adopted.

Representative Kamalii then rose and stated:

"E ka luna ho'omalu o ka hale, ke noi aku nei au e ho'oholo 'ia keia 'oleloho'oholo.

The resolution says it all. Because of the 'Ahahui, now all of us who live in the islands and call ourselves Hawaiians, without regard for ethnic backgrounds, will know and hold a part of the language. It cannot die if it belongs to all of us.

The 'luna' for the bus project is Kauano Wilson. Kaua is 7/8 Hawaiian and a graduate student at the University. She has also taught Hawaiian.

The 'pelekikena' or president of the 'Ahahui is her husband, Bill Wilson. Pila is on leave from his job as a Hawaiian translator at the Archives to complete his Masters Degree. He has also taught Hawaiian, and he is 100 percent haole.

So, for those who have insisted that inter-marriage has been the source of the weakening of the Hawaiian, may I say that it has also been, and is, the strength of the Hawaiian."

Representative Kamalii then introduced Bill 'Pila' Wilson, president of 'Ahahui, and his wife Kauano 'Kaua' Wilson.

Leis were presented to Mr. and Mrs. Wilson by Representatives Evans and Peters, and a certified copy of the resolution was presented to Mr. Wilson by Representative Kamalii.

A resolution (H.R. No. 346) recognizing the week of February 24 through March 3, 1978, as "Big Brothers Week" was jointly offered by Representatives Cobb, Aki, Carroll, Cayetano, Evans, Garcia, Ikeda, Kamalii, Kihano, Kiyabu, Larsen, Machida, Mina, Mizuguchi, Morioka, Naito, Peters, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka and Ushijima.

On motion by Representative Cobb, seconded by Representative Larsen and carried, H.R. No. 346 was adopted.

Representative Cobb proceeded to introduce the honorees, stating:

"Mr. Speaker, here with us today are two members of Big Brothers of Hawaii that I would like to introduce from the floor. I might add that the more I see of the organization, the more I work with the people involved

in it, and the more impressed I have been with the quality of care I have seen so far. It is really a beautiful sight to see - fatherless boys to receive this kind of personal assistance on an entirely voluntary basis."

Representative Cobb then introduced Ms. Charlotte Miyashiro, Public Relations Director of Big Brothers of Hawaii, and Mr. Richard Lau, a member of the Board of Directors of Big Brothers of Hawaii, and a "Big Brother" himself.

Representatives Cobb and Larsen then presented the honorees with certified copies of the resolution.

At 11:55 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of extending personal greetings to the guests.

Upon reconvening at 11:59 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Aki, Caldito, Nakamura and Segawa.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 329, 331 and 333 to 340) and concurrent resolutions (H.C.R. Nos. 69 and 70) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
329	Committee on Energy and Transportation
331	Jointly to the Committees on Ecology and Environment and Energy and Transportation
333	Committee on State General Planning
334	Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Culture and the Arts, then to the Committee on Finance
335	Committee on Education, then to the Committee on Finance
336	Committee on Energy and Transportation
337	Committee on Higher Education

338 Committee on Ocean and Marine Resources, then to the Committee on Finance

339 Jointly to the Committees on Tourism and State General Planning

340 Committee on Ecology and Environment

H.C.R. Nos.

69 Jointly to the Committees on Ecology and Environment and Energy and Transportation

70 Committee on Ecology and Environment

COMMITTEE REASSIGNMENT

The following House bills were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2634-78	Committee on Finance
2916-78	Committee on Finance

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 115-78) informing the House that House Resolution Nos. 330 to 343, House Concurrent Resolution Nos. 69 and 70, and Standing Committee Report Nos. 116-78 to 141-78, have been printed and distributed.

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

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 116-78) recommending that H.B. No. 2416-78, 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, Stand. Com. Rep. No. 116-78 and H.B. No. 2416-78, HD 1, were recommitted to the Committee on Agriculture.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 117-78) recommending that H.B. No. 1910-78 pass Second Reading

and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 1910-78, entitled: "A BILL FOR AN ACT RELATING TO TAX INCENTIVES FOR ENERGY CONSERVATION", passed Second Reading and was referred to the Committee on Finance.

Representatives Takamine and Stanley, for the Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 118-78) recommending that H.B. No. 2509-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative Stanley and carried, the joint report of the Committees was adopted and H.B. No. 2509-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 119-78) recommending that H.B. No. 2727-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 2727-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES PAID FROM CERTAIN FEDERAL FUNDS AND AMENDING CHAPTER 88, HAWAII REVISED STATUTES", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 120-78) recommending that H.B. No. 1992-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 1992-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXEMPTION OF PROPERTY USED IN CONNECTION WITH AQUACULTURE FROM TAXATION", passed Second Reading and was referred

to the Committee on Finance.

Representatives Kawakami and Uechi, for the Committees on Water, Land Use, Development and Hawaiian Homes and Agriculture, presented a joint report (Stand. Com. Rep. No. 121-78) recommending that H.B. No. 2318-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Uechi and carried, the joint report of the Committees was adopted and H.B. No. 2318-78, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE LOANS", passed Second Reading and was referred to the Committee on Finance.

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 122-78) recommending that H.R. No. 113 be referred to the Committee on Energy and Transportation.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.R. No. 113, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON BUS POLLUTION", was referred to the Committee on Energy and Transportation.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 123-78) recommending that H.R. No. 67 be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Dods and carried, the report of the Committee was adopted and H.R. No. 67, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO AMEND THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT", was referred to the Committee on Finance.

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 124-78) recommending that H.B. No. 2249-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.B. No. 2249-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", passed Second Reading and was referred to the Committee on Finance.

Representative Naito, for the majority

of the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 125-78) recommending that H.R. No. 61, as amended in HD 1, be referred to the Committee on Employment Opportunities and Labor Relations.

On motion by Representative Naito, seconded by Representative Garcia and carried, the report of the majority of the Committee was adopted and H.R. No. 61, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY OF PROVIDING UNEMPLOYMENT AND DISABILITY BENEFITS TO FORMER PRISON INMATES", was referred to the Committee on Employment Opportunities and Labor Relations, with Representatives Carroll, Cobb, Dods, Evans, Ikeda, Kiyabu, Kunimura, Larsen, Medeiros, Mizuguchi, Narvaes, Sutton and Ueoka voting no.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 126-78) recommending that H.B. No. 2193-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 2193-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MASTER PLAN ON HAWAIIAN FISHERIES DEVELOPMENT", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 127-78) recommending that H.R. No. 114 be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 114, entitled: "HOUSE RESOLUTION RELATING TO THE MARKETING OF HAWAIIAN FISHERIES PRODUCTS", was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 128-78) recommending that H.R. No. 116 be referred to

the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 116, entitled: "HOUSE RESOLUTION RELATING TO HYPOBARIC CONTAINERS FOR FISH", was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 129-78) recommending that H.R. No. 117 be referred to the Committee on Energy and Transportation.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 117, entitled: "HOUSE RESOLUTION REQUESTING BOATING INDUSTRY REVIEW OF WATER TRANSPORTATION PLANS", was referred to the Committee on Energy and Transportation.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 130-78) recommending that H.R. No. 120 be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 120, entitled: "HOUSE RESOLUTION RELATING TO COMMERCIAL FISHING VESSEL FINANCING", was referred to the Committee on Finance.

Representatives Kawakami and Toguchi, for the Committees on Water, Land Use, Development and Hawaiian Homes and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 131-78) recommending that H.R. No. 122 be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Toguchi and carried, the joint report of the Committees was adopted and H.R. No. 122, entitled: "HOUSE RESOLUTION REQUESTING A STATE FISHERIES DEVELOPMENT MASTER PLAN STUDY", was referred to the Committee on Finance.

Representatives Kawakami and Toguchi, for the Committees on Water, Land Use, Development and Hawaiian Homes and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 132-78) recommending that H.R. No. 121 be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Toguchi and carried, the joint report of the Committees was adopted and H.R. No. 121, entitled: "HOUSE RESOLUTION RELATING TO THE CONCURRENT TESTING OF CULTURED AND NEARSHORE BAITFISH", was referred to the Committee on Finance.

Representatives Ushijima and Mizuguchi, for the majority of the Committees on Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 133-78) recommending that H.B. No. 2018-78 pass Second Reading and be referred to the Committee on Finance.

Representative Ushijima moved that the report of the majority of the Committee be adopted and H.B. No. 2018-78 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Mizuguchi.

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

"Mr. Speaker, I had the opportunity yesterday evening to speak with the Majority Leader. As you know, Mr. Speaker, the Majority Leader is a good deal taller than both yourself and myself, so the discussion took place, and inasmuch as it was one in which he was trying to offer me good advice, it ended up with him putting his arm around my shoulder and in a very friendly fashion indicating how I might make my responses on the floor here in terms of making a speech. It might be useful and make his life a lot easier.

Therefore, Mr. Speaker, in speaking against this bill, I would like to refer the members of the body to the Committee Report, page 1, and then on page 2, to my name where it says, 'I do not concur'.

Thank you very much, Mr. Speaker."

The Chair remarked:

"We all hope and presume and assume that this will be the normal procedure to be practiced by the previous speaker."

Representative Kondo then rose and stated:

"Mr. Speaker, I just want to thank Representative Abercrombie for listening to me at least once. Thank you."

Representative Sutton then rose and remarked:

"Mr. Speaker, just so you won't extend those conclusions to others."

The Chair replied:

"I believe we all know where you are at."

The motion was put by the Chair and carried, and the joint report of the majority of the Committees was adopted and H.B. No. 2018-78, entitled: "A BILL FOR AN ACT RELATING TO A PILOT PROJECT FOR A CAREER OPPORTUNITIES PROGRAM AND MAKING AN APPROPRIATION THEREFOR", passed Second Reading and was referred to the Committee on Finance, with Representative Abercrombie voting no.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 134-78) recommending that H.B. No. 2329-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2329-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE EDUCATIONAL SERVICES TO LIMITED ENGLISH SPEAKING STUDENTS", passed Second Reading and was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 135-78) recommending that H.B. No. 2384-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Mizuguchi moved that the report of the Committee be adopted and H.B. No. 2384-78, HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Abercrombie then rose and stated:

"Mr. Speaker, I would like to speak in favor of this motion - Stand. Com. Rep. No. 135-78, title of the bill: 'A Bill for an Act Making an Appropriation for a Children's Librarian Position at the Waianae Library, Oahu.'"

I refer the members to the purpose of the bill providing for the establishment of one children's librarian position. The Committee finds that there is no permanent full-time children's librarian at the Waianae Community Library. This position existed prior to 1972;

however, due to attrition, the position became vacant and has since become subject to the State's austerity program. In other words, Mr. Speaker, the Committee is recognizing that where community need has been established, that the austerity program, especially in respect of librarians and positions at the library, is something that should be addressed by the Legislature.

It indicates, as well, that the Department of Education has, in fact, established a federally-funded temporary children's librarian position for the Waianae Library and will be filling the position in April, so the Committee has authorized the Department of Education to establish this federally-funded position.

I think the Committee has made a wise move here, and I am glad that the Department of Education now recognizes that circumstances arise in respect of librarians that cannot all be anticipated on a six-year schedule, whether in terms of buildings, or in terms of positions. As a result of that, I was trying to take advantage of such opportunities as come their way so that the people of this State may benefit.

I am very happy to vote for this measure and urge its passage, as I know it will be reflected in the future when we have discussions of other communities and whether they may be able to have librarians and positions for their libraries, not based on a rigid scale as predetermined in the Department of Education itself, but rather, based on community cooperation and need, and explanations to the Legislature, and cooperation between communities in order to try to achieve something of a public benefit for all of us.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2384-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CHILDREN'S LIBRARIAN POSITION AT THE WAIANAE LIBRARY, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 136-78) recommending that H.B. No. 2714-78 pass Second Reading and be referred to the Committee on Finance.

Representative Blair moved that the report of the Committee be adopted and H.B. No. 2714-78 pass Second

Reading and be referred to the Committee on Finance, seconded by Representative Campbell.

Representative Blair then rose and stated:

"Mr. Speaker, I would just like to report to my colleagues, in support of this measure, that it was entirely a painless process."

Representative Abercrombie was recognized and he stated:

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

Mr. Speaker, I note the title of the bill - 'A Bill for an Act Relating to the Lapsing of Capital Improvement Funds for the 14th Representative District.'

The purpose of this bill is to lapse unencumbered capital improvement appropriations for the 14th Representative District deemed nonessential and which have not otherwise been lapsed by law.

I think the key word here is 'nonessential.' From my point of view, after some experience here in the Legislature, what is nonessential is for districts that have CIP which include projects which will be under the spending authority of executive agencies which already have their CIP budget. I do not know if such is the case in this particular bill, but as a matter of principle, I now support it. As far as I am concerned, I will not support any capital improvement projects for the Department of Education or the University of Hawaii, or other such agencies, who try to take advantage of the CIP project allotment for the people of the 13th district. They have their own CIP, their own priorities, and I don't see why they should cockroach into the district CIP of the 13th district.

Thank you."

Representative Stanley then rose and stated:

"Mr. Speaker, as co-introducer of the bill, I would like to point out one of the advantages that Representative Blair and I found in taking this approach. It's amazing how many people paid attention to this bill and proceeded to check to see whether these funds were actually going to lapse at all or not, and I would recommend this approach to my colleagues."

The motion was put by the Chair

and carried, and the report of the Committee was adopted and H.B. No. 2714-78, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS FOR THE 14TH REPRESENTATIVE DISTRICT", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 137-78) recommending that H.B. No. 2064-78 pass Second Reading and 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.B. No. 2064-78, entitled: "A BILL FOR AN ACT RELATING TO WOMEN", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 138-78) recommending that H.B. No. 2289-78, as amended in HD 1, pass Second Reading and 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.B. No. 2289-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE WAIANAE CULTURE AND ARTS SOCIETY", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 139-78) recommending that H.B. No. 2348-78, as amended in HD 1, pass Second Reading and 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.B. No. 2348-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 140-78) recommending that H.B. No. 2489-78 pass Second Reading and 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.B. No. 2489-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STATUE OF KALAKAUA", passed Second Reading and was referred to the Committee on Finance.

Representatives Takamine and Stanley, for the majority of the Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 141-78) recommending that H.B. No. 1893-78 pass Second Reading and be referred to the Committee on Finance.

Representative Takamine moved that the joint report of the majority of the Committees be adopted and H.B. No. 1893-78 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Stanley.

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

"Mr. Speaker, I wish to urge my colleagues to vote against this. We have court decisions that define residency. We have United States Supreme Court decisions that define residency. And here, we're trying to say that certain activities generally attributable to residence such as filing a Hawaii resident income tax, registering for voting, obtaining a driver's license, opening checking and savings accounts in a financial institution in Hawaii, or purchasing real estate, membership in churches and other organizations, are evidence. The only evidence that is really acceptable is the intent.

Mr. Speaker, when you and I took our bar examination, you know what we did. We went to several states and established residency there so we could get the bar under our belt while we still had a lot of law in our knowledge and were fresh out of law school. . ."

The Chair interrupted:

"The Chair would appreciate, Representative Sutton, if you would refer to individuals on a singular basis and not include the Chair."

Representative Sutton continued his remarks, stating:

"The Chair was not guilty then. But this is what I did. I passed the bar in New York; I passed the bar in New Mexico; and I did this by establishing residence by these various things

you. . . they're just a means of a type that do not have any concept of real residence.

The big concept is intent to reside. And intent to reside is evidence of many more things than this. And all of a sudden, we put in a definition into our statute which is not the law, and as a matter of actual record, is not the common law, not the Supreme Court decisions, and we're just asking for trouble. We did the same thing last session and Judge King declared it unconstitutional. Now, we're going right down that same primrose path and getting a type of definition that does not follow the common law, does not follow the statutory law, and does not follow the adjudicated law of the Supreme Court.

I would urge my colleagues to vote no."

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

Upon reconvening at 12:37 o'clock p.m., Representative Kamalii asked for a roll call vote on this measure.

The Chair then stated:

"Representative Abercrombie, I believe you rose, wanting to be recognized to speak on this particular measure."

Representative Abercrombie replied:

"I thought you would recognize other individuals."

The Chair said:

"The rest of the members are prepared to vote."

Representative Abercrombie then stated:

"I see. Well, thank you for the courtesy, Mr. Speaker.

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

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

"Mr. Speaker and members, if you refer to page two, you will see how I didn't concur with this bill. I've never written a nonconcurrency to a bill in this fashion in the time that I've been here. I did not write this

lightly. I'm going to repeat it: 'Are you kidding? This is sickening. I not only do not concur, I will blast this un-American piece of trash with everything I have.' I think that's a fair summation of what I feel and think about this bill.

It is my conviction that if we pass this bill, we would have set a course just as we did last year. That was only the opening. We were warned last year by members on this floor what the consequences would be with the passage of the residency bill as it was known then. We were warned by members on this floor who are attorneys. We were warned by members on this floor who were not attorneys but had strong convictions about it over and above such legal implications, that they may have understood them to be by the moral implications of what we were doing. The instant that residency bill came into court, it was thrown out. The language of the Federal Judge - a person born and raised in these islands - was such that he indicated, excuse me, the judgment indicated, coming from the Judge, that it was virtually impossible for him to understand how such a bill could have passed in the first place, necessitating a court hearing. If we want to continue to have these kinds of court hearings, if we want to continue to raise the fears, the anxieties to exacerbate racism, to exacerbate class division, ethnic division, accusations - public and private - we can continue to pass bills such as this.

Every politician has a right under the Constitution of the United States and the free speech clauses to present himself or herself to the public as he or she wishes. The public can accept it or not. But no politician is under an obligation, when it comes to the passage of laws, to aid and abet a political campaign. If there are politicians in the State who want to make use of our social and economic problems as they exist at this moment and use them in a vicious and underhanded way, a way which undermines the Constitution, which undermines our unwritten and, in certain instances, written resolve in this State, to live together as brothers and sisters, regardless of our origin, regardless of the kind of parents we had, or where we came from, if anyone wants to aid and abet such a political campaign, that is their pleasure. However, we need not contribute to it. I think it is an unfortunate device. . ."

Representative Yuen rose on a point

of order and stated:

"If you read the bill carefully, there is no reference to any particular race. The only phrase that is used in the bill is residence."

Representative Abercrombie continued, stating:

"Quite right."

The Chair then stated:

"Representative Abercrombie, will you proceed with that in mind?"

Representative Abercrombie continued, stating:

"Yes, I'm glad my good friend, the Majority Floor Leader, raised that point. It affirms exactly what I'm saying. You need not refer to the race to pick the word 'resident.' That way, when you get the shaft, you'll never be able to really complain.

Let's face the facts of life. We know how the Chinese were treated in San Francisco. We had a little lesson on that last night in one of our committee meetings - State General Planning. The word 'Chinese' was never put in the San Francisco ordinance that was passed, but everybody knows to whom it referred.

What I'm driving at here is that when we pass this kind of bill, we are not merely speaking about State funded temporary emergency employment program. That may be in the Committee Report; that may be the euphemism or may be the belief. I understand that. Obviously, we have an economic problem. Obviously, we have an unemployment problem. Do we solve the unemployment problem by creating more difficult conditions of employment by trying to split the working class of people in this country? And the working class in this country now is not confined to the old political rhetoric or the proletariat bourgeoisie - the upper classes. Everyone knows the economic circumstances now - every reputable economist in the country. I will be happy to listen to anyone on this floor who cares to dispute it. Every reputable economist in this country, and many internationally, are indicating that in an industrial society, we are fast approaching the time in which there is an overclass and an underclass; the underclass consisting, in many respects, of the people who might, at one time, thought themselves to be under

the aegis of the phrase, 'middle class, white collar.' White collar, blue collar, or the like, are finding themselves up against the economic wall. They find that the old formulas do not work any longer for them. They find that they are all alike in terms of the economic stress that they are under, and they can no longer differentiate themselves by the fact of what kind of collar they happen to wear. And so, they must unite as citizens to try to alleviate their condition.

This bill speaks of unemployed individuals. It may be that with every good motive, individuals on this floor may seek to vote, or seek to secure the vote of others in favor of this bill. But when the law passes, it will pass in respect of unemployed individuals. And that is the definition that will be in the law book, and that is the definition as my friend, the Majority Floor Leader, has pointed out by indirection, if not otherwise. That is what we are really voting on here today. We're not voting on the SCET program. We're not voting on the temporary emergency employment program. That is merely the vehicle on which this particular demon will ride. That's the important thing to remember.

The unemployed individual who is a resident of the State of Hawaii - my files are replete in my office with people, including people who have been born and raised in these islands - who are no longer considered residents of these islands by the University of Hawaii. They must fight the bureaucrats at the University of Hawaii as to whether, in fact, they are residents. These are people who have, under one instance, the same exact proof, if you will, of residency as someone else, and yet, a bureaucrat at the University decides, no they're not residents. They have appealed procedures. There are referees. There are other sets of bureaucrats to whom they can apply. This is in the United States of America now. I'm not reading from a Franz Kafka novel. I'm talking about the United States of America. I'm talking about the State of Hawaii. We need never say other than the word 'residence', but everybody knows what it's going to mean. The Constitution of the United States gives us our right. Then why was it necessary over and over again, for example, to pass the Civil Rights Law in 1964 even though, presumably, everybody had the right to vote? Why is it necessary that we even discuss a Shield Act, for example, if we have the right of free speech? Why is it necessary to do these things? Because the history of the Constitution has

shown that we have had to confirm and affirm again and again in law those basic rights, those precepts, those principles as embodied in the Constitution. Martin Luther King said at one time, 'The law cannot make a man love me, but the law can prevent a man from lynching me.'

We're talking about opportunity. We're not talking about guarantee. We're talking about opportunity. The same opportunity we would wish if one of us went to the mainland for whatever circumstances - family move, we wish to further our education, a job opportunity that came our way. Wouldn't we want to have the opportunity on the mainland, or elsewhere, to engage in productive work? To be eligible on the basis of who we are as individuals - not where we came from, not what we look like, not who our parents were?

This is really the issue in this bill. Who is a resident of the State of Hawaii?

Why, when we face the social and economic problems as we do and have now, do we focus on something that can only tear and divide it? Something that can only divert public attention from those real issues? The State General Planning Policy Committee right now is wrestling with the whole approach. How do we coordinate our land resources? Our water resources? How do we appropriate, if you will, those resources to our best benefit?

We have moved on to Finance today, my friends, numerous bills from the Agriculture Committee in particular, just to name one, which attempt to set the future here for us, to give us guidelines. We have had testimony in the Higher Education Committee, people coming from places like Montana in order to participate in our oceanographic research program, who intend to make their lives here, contribute here.

What if, as a result of the end of Federal funding in some particular program, after they've come here for a semester of graduate research, let's say, and have worked part-time, or any other circumstance, they find themselves without a job for the summer. Are we to say, I'm sorry, you're not a resident. You're not eligible for this. We don't want you. We don't care about you. You can't come in, stay out.

Irish and dogs need not apply. Chinese and dogs need not apply. No niggers allowed. This is a nigger bill!"

Representative Peters interrupted on a point of order and stated:

"I think that point has to be emphasized again. Residency is devoid of technical implications for the speaker to dwell on that issue. As far as I'm concerned, he's a racist, because he's calling me one too."

The Chair replied:

"Point is well taken, Representative Peters."

Representative Abercrombie then stated:

"We now have proof of what I'm talking about. . ."

The Chair interrupted, stating:

"Representative Abercrombie, will you please confine your remarks, without any reference to connotations that may. . ."

Representative Abercrombie interrupted:

"Every single word. . .every single word I said today. . ."

The Chair asked:

"Will you let me finish?"

Representative Abercrombie replied:

"I understood what you said. You said to confine my remarks."

The Chair then directed Representative Abercrombie to "proceed on that basis."

Representative Abercrombie continued his remarks, stating:

"Every single word I said today was confined to the bill. Over and over again, I have said what this bill does, and yet, another Representative has arisen and called me a racist. Me, individually, when I never referred to anyone, and you told him that his point was well taken. Do you see what's happening here right now? The very discussion we're having right now is proof positive - proof positive. . ."

The Chair interrupted, stating:

"Representative Abercrombie, the Chair sustains Representative Peters point of order in reference. . ."

Representative Abercrombie interrupted and remarked:

"That I'm a racist."

The Chair said:

"Not so."

Representative Abercrombie continued his remarks, stating:

"You go through the twisted legal difficulties on that Chair right now and try to deny what you said. . ."

The Chair then stated:

"Will you proceed, Representative Abercrombie, within the rules of the parliamentary procedure on debate."

Representative Abercrombie said:

"Point out where I've avoided or denied to you, or any member of this House, the parliamentary rules on debate. You have no right to say anything like that to me."

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

"Mr. Speaker, I think that you have ruled that you have accepted the recommendation by the prior speaker, the Representative from Waianae. And if the speaker who has the floor now disagrees with you. . .disagrees with the decision of the Chair - that's according to our parliamentary rules of this House."

The Chair stated:

"No need for that at this point", and directed Representative Abercrombie to "proceed."

Representative Abercrombie continued, stating:

"I will confine myself as I have in my entire remarks to the bill, contrary to what has happened. It'll be on the record; it's all recorded."

The Majority Floor Leader has once again offered me an opportunity and has displayed for one and all and the public here - you see how you can make the rules work for you? What just got said didn't get said.

Now, Henry and I are good friends. Now, you're going to tell me to stop; that we're not supposed to refer to another person? You're going to tell me I got out of line just because I called Henry, Henry?"

The Chair replied:

"I believe the parliamentary rules expressly states that on debates, the usage of third persons should be followed if at all possible. With that in mind, will you proceed?"

Representative Abercrombie asked:

"Would you consider a resident a third person?"

The Chair answered:

"I'm not here to debate and argue with you, Representative Abercrombie. Will you proceed?"

Representative Abercrombie continued, stating:

"Well, that's debatable. The Representative from Waianae and I are good friends. The very fact that the Representative from Waianae feels compelled to rise and make a point of order about my discussion of this bill and its implication is proof that even people who care for one another very deeply, who have divisions of opinion on what may or may not be good judgment in respect of a bill, can be brought to such an emotional circumstance by virtue of this residency kind of thing - this constitutional question - to have someone rise and say things that they don't mean. This is being tape recorded. I know very well that what was said was not meant about me personally. I know very well that at the conclusion of this debate that the Representative from Waianae and I will continue to do our best to operate in the interest of the people of this State, regardless of what decisions we may have in our own minds and judgments as to what is in the best interest of the people of this State."

But the very existence of bills such as this, as has been amply demonstrated in the few minutes that we've had this fallacy, will take place, not in circumstances where people have the kind of power that we do. You think it is the members on this floor who will suffer from this? It will be the person who has no power, no recourse but to the government to whom those taxes are paid to protect us. We are supposed to be protecting the people of the United States."

At this point, the Chair interrupted and said:

"Representative Abercrombie, the Chair would like to remind you that you have exceeded your ten minutes."

Representative Cayetano rose and yielded his time to Representative Abercrombie.

Representative Abercrombie thanked Representative Cayetano and continued his remarks, stating:

"I shall not take the time of this body much longer. The reason I am standing and speaking at length today is because I respect this body. You're all duly elected here. We all have our own opinions; I understand that. We all have our own motivations. I'm not questioning the motivations here. I'm saying whether or not these motivations are going to be utilized, and this is all in order, Mr. Speaker. I've heard it said to me many times, especially when I was a green horn in here. 'Be careful when you pass the bill because when you do, the language in it may have implications far beyond what you think it does. Be very careful if you say, 'shall' or 'may'. Be very careful when you define categories of things, because you may find that the categories you thought was going to apply to suddenly applies to a different category that you never thought of.' That was the advice given to me, and I think it is good advice, and it is difficult advice to follow. I understand that.

I don't stand here in some kind of position to be able to indicate that I have some special insight into this situation. On the contrary, what I am trying to say is that my instincts tell me - my political instincts, my intellectual instincts, that is to say, my thinking process - of what the outcome might be, that this is danger; a plague of danger that the very basis upon which this State is constituted, the very basis upon which this State is constituted, the very basis upon which most of us live here, seek to come here to make their home, that is to say, one and all are welcome, can be undermined by such a bill.

We will define an unemployed individual as someone who is a resident of this State and the State will make that decision. The faceless bureaucracy will make that decision. We will have a circumstance, perhaps indirect, not by design, but by default. We would have taken one more step toward the administrative chaos that will constitute American facism if, in fact, it comes to this country. There is no party boundary. This is not a

partisan issue. This is something fundamental to the constitutional process and our conception of each other.

I am asking really - take the time to think on this bill as to whether you really sincerely believe that in its passage, we will, in fact, aid and assist, not only the people of this State, but keep our commitment and keep our faith with the Constitution and with all the other people in this country who contribute to our economy; who leave their dollars with us; who leave their hopes with us in many instances, and I say that quite sincerely, too.

The Chairman of the Tourism Committee and I have had our odds, but there is no differentiation as to why we are discussing what we are discussing because people bring their hopes here. They think that when they come to Hawaii, they are coming to a very, very special experience, and that is why, in the midst of recessions and depressions and everything else, we have pretty much managed to stay on our feet. That is why we have the kinds of debate back and forth that we've had, because we're concerned about this special place. But let's not. . .let's not pass a bill like this and others like it and give the opportunity.

With this, I suppose I close, and in my plea, and I say it publicly to my brother there, that in my plea, that we not take a chance on doing anything less than the best that we can to preserve this special place called Hawaii. It has given me my chance. Without this chance, without my dream being fulfilled here, where would I be?

The reason I speak as passionately as I do is not because I'm against the unemployed person in this State. I've been unemployed in this State. I've had to go to the mainland to get a job because I couldn't get a job here in 1964 with my degree, when I was turned away by the State bureaucracy here - the Department of Social Services and Housing. I had six bucks to my name and sleeping on my brother's couch, sick, up in Marin County, when I got an offer of a job. I had to go there to use the skills that I had acquired here at the University of Hawaii, which had been good enough to give me in 1959, a graduate degree in sociology. I made eighteen hundred bucks my first year here in the State of Hawaii, and I saved money. I introduced on the floor of this House, Solomon Loo, the first friend I had here, and his family adopted me, for all intents

and purposes. Sure, I've got an emotional feeling about this thing. I couldn't get a job; I had to go someplace else, but I always thought that's just temporary because I'm coming back home. This is my home. These islands have given me everything. These islands are. . . they're my home, and I had to come here from someplace else. The Polynesians themselves came here from someplace else. These islands were pushed up by nature, with nothing here - no one on it. It's our culture. And in many respects, the culture of the Polynesian people; their attitudes which have shaped everything here, and we're trying to combine that now on a modern circumstances of Western industrialism, multi-cultural society.

All I'm asking is, let us sustain all the promise that is here. Let us cultivate it. Let us encourage it. Let us make known to the world that, regardless, we are the people who welcome all. This is, in fact, the land of golden people and of opportunity."

Representative Takamine then rose and stated:

"Mr. Speaker, I rise to speak in favor of H.B. No. 1893-78, 'A Bill for an Act Relating to Unemployment.'

The purpose of this bill is to amend Act 151, Session Laws of Hawaii 1975, as amended, by further defining an unemployed individual to mean an individual 'who is a resident of the State of Hawaii.'

Your Committees are not against the employment of recent in-migrants. However, your Committees agree with the testimony presented that State-funded, temporary emergency employment programs, such as the State program for the unemployed, should be reserved for the long term unemployed Hawaii residents.

Such programs were designed to expand the training and hiring programs established under the Federal Comprehensive Employment and Training Act, so called CETA, in order to help the disadvantaged, the ex-offenders, Vietnam victims, unemployed and the underemployed heads of households and needy youths.

Let me again stress that these subsidies are to be used for those enrollees who are not now covered by CETA, and therefore, come from State tax revenues which we feel

should be used for our own taxpayers.

This bill is one of the legislative proposals that comprise the 'Governor's Legislative Package for Selective Growth Management', which aims toward stemming a too rapid population growth while stimulating economic growth. This can only be done by discouraging in-migration and immigration. We simply are not able to accommodate every person who wishes to live here. We must first provide for our own; that is, the residents of the State of Hawaii.

While the durational residency requirements for certain types of public sector jobs have been questioned by the courts, other criteria have been held to be constitutional. It has been held by the courts that 'to create residence, actual bodily presence in the county or place, combined with freely exercised intention of remaining there permanently, or for an indefinite time, at least, are necessary.' Therefore, residency requirements themselves are not in question; it is simply the criteria used that must be scrutinized.

Testimony received by your Committees to assess the residency status of the unemployed job seeker include activities such as filing Hawaii resident income tax returns, registering and voting in Hawaii, obtaining a Hawaii driver's license, opening checking and savings accounts in Hawaii financial institutions, purchasing real estate in Hawaii, and membership in churches and other organizations in Hawaii.

May I add that it is not non-resident job discrimination that is the real issue here. It is the future of Hawaii and its people that is of primary concern. How, and will we be able to provide decent jobs and an environment conducive to economic and aesthetic growth, is the real question. I believe this bill to be one more step towards the solving of these problems.

Therefore, we strongly urge the passage of H.B. No. 1893-78, on Second Reading, and be referred to the Committee on Finance.

Thank you."

Representative Peters was recognized by the Chair and he stated:

"Thank you, Mr. Speaker.

I guess we went through this exercise once before, last year sometime, and I have a very difficult time accepting some of the observations made on this

particular measure. By the way, I'm speaking on behalf of this measure.

Back in 1975, Mr. Speaker, we members of the Legislature, did our homework. Look at the Federal system - the Federal government had recognized the fact that this country is faced with a very, very high unemployment rate. As a consequence, they initiated what we call the CETA program, designed to meet the needs - unemployment needs - of the residents of this country. And when we looked at that, Mr. Speaker, although this process is tampered with a touch of social consciousness, this, perhaps, tampered a little bit more with a touch of practicality as well.

When we reach out for moneys from the Federal government, we recognize its participatory arrangement that those moneys could not satisfy all of the unemployment problems in this State, and as a consequence, we introduced and passed a measure which finally ended up and was called Act 151. And I want to read this to you, Mr. Speaker: 'Section 1. Purpose. Recognizing the hardships caused by unemployment, the Legislature enacted Act 151, Session Laws of Hawaii 1975.'

Most of us were here at the time. It's established on a temporary basis, and there's some emphasis there - temporary basis - the State program for the unemployed. This program was intended to provide employment opportunities to meet the labor force needs of Hawaii's residents, and that's in the law right now. They didn't say California's residents, New York's residents, the other states' residents. It says, Hawaii residents, and if I recall, Mr. Speaker, every one of us voted in behalf of this measure; granted, you know, under Section 2 of this bill that the Act is to be amended in hopes of defining the unemployed individual which basically means an individual who is a resident of the State of Hawaii and who is without a job, is able, is available for, and is seeking full-time employment.

Mr. Speaker, brother Neil and I have differences on this floor quite often. Maybe I shouldn't refer to him as brother Neil, but that's how I feel. I always call him brother Neil. I have a lot of aloha for him. We differ, but we always walk away as friends. I'm very disturbed, Mr. Speaker, you know, of some of the remarks made here today, and I've read the bill. You show

me. . . show me where there are any ethnic implications for someone to charge that this particular measure is filled with racist action. And as a supporter of this measure, I took it personally. Maybe I shouldn't have.

The Committee in their Committee Report, is kind of loose in their definition of a resident - very, very broad. I'm not knocking them for that. Testimony before your Committee has indicated that residency criteria must be reasonably designed to assess the residency status of the unemployed job seeker, and may include activities generally attributable to Hawaii residents, such as filing Hawaii resident income tax return, registering and voting in Hawaii, obtaining Hawaii driver's license, opening checking and savings account in Hawaii financial institutions, purchasing real estate in Hawaii, or probably have been a member in churches and other organizations in Hawaii.

We're not talking about a two year requirement or whatever it was the last time - no. All we're saying is that if you are a resident, then obviously, you know these definitions here, or these activities here, or criteria, if you will, is very easy to me. Personally, I think it's too loose. But if that's the recommendation in the spirit of aloha, and I get a little turned off, too, Mr. Speaker, you know, talking about the general plan. You know, we talked about this aloha spirit and what have you. Mr. Speaker, for Hawaiians, it's not a word that you loosely toss around. It's a way of life. We live it day in and day out. And I don't have to stand here and talk about those kinds of things.

Hawaii, as brother Neil has indicated, is a very special place. The aloha and love that we've shared with one another in this process is obviously shared amongst most of our. . . or all of our constituents - guests or residents alike - because we are for real. All we are saying here is that we are recommending nine million dollars to be earmarked for the unemployment problem that exists in this State, Mr. Speaker. In this State, not in any other state, but this State. And why can't we earmark monies for those purposes to satisfy the needs of residents - people who reside here? People who pay taxes here, especially those who are unemployed? Give them first consideration.

We talked about the American government - Uncle Sam - right? Well, Uncle Sam, Mr. Speaker, back in 1893, by way

of his ambassador, participated in an illegal act which called for the overthrow of the sovereign government of Hawaii. You don't see Hawaiians taking it out on anybody else because we give. That's our nature. We gave and gave and gave.

All I am saying is that, in this particular case, these monies come to us by way of the residents of this State. We are responsible. We are accountable, and that's basically what the Constitution talks about. The Legislature is tabbed with the responsibility of (1) making laws; (2) making the appropriation for monies for certain activities to be implemented. And this is one of the activities that has to be implemented in order for us to attempt, if anything, to satisfy the unemployment needs of our residents in this State - period! Devoid of ethnical implications.

Thank you very much."

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

"Thank you, Mr. Speaker. I think it might be helpful for the members on the floor this morning to review a little bit about residency here.

I would like to point to the Hawaii Revised Statutes, particularly Section 78-1B, and I would like to read that section into the record: 'All employees in the service of the government of the State or in the service of any county or municipal subdivision of the State shall be residents of the State and a citizen, national or permanent resident alien of the United States.'

In fact, we have the residency requirement in the statutes right now and we are applying this to people who apply for civil service positions. The bill before us carries forth that intention by saying that we should adopt the same kind of guidelines to apply for State unemployed programs.

I would also like to enter into the record information in response to the request from the Department of Personnel Services to the Attorney General about guidelines to determine residency for the purpose of accepting applications. I would like to quote: 'We offer the following guidelines to determine the resident status of a job applicant: (1) Establishment in a domicile within the State a permanent residence or habitation; (2) Physical presence and habitation in the State for other than a temporary or transitory purpose; (3) No permanent domicile or place of abode in another state

nor place of residence in another state; (4) Residence not lost unless an individual becomes a resident of another state with absence to the military service, or while a student is in an educational institution; (5) Intention to permanently reside may be indicated by such factors as purchase or rental of homes, personal property located in the State (example: automobile license in the State, furniture, clothes, qualification as residents for tax purposes).

Furthermore, I would like to point out that the comprehensive employment program, the CETA program, as we refer to right here, has a residency provision also, and I would like to read that into the record: 'The purpose of participating in a public service employment program under Title 1 of the Act, participation is permitted for persons who: (1) reside, as defined in paragraph C, in this section, anywhere within the geographical area covered by the comprehensive manpower plan.' The definition reads as follows: 'For the purpose of defining residents in paragraph C of this section, the term residence shall mean an individual's permanent dwelling place or home, both at the time an individual applies and is selected for participation in the public service employment program under Title One of the Act.'

In determining whether a particular place is an individual's dwelling place or home, the intention of the individual is the key element. Maintenance of an address is not necessary per se, as maintenance of a dwelling place or home.

I wish to bring these various criteria, laws, and Federal regulations to the attention of my members so that they will understand that the concept of residency is not new, is not out of context, is not something that is being born out of the sky to foster a particular campaign or someone's particular point of view. But these are policies that have been implemented in other areas. They apply to Federal programs, and these programs that we have in this State should not be an exception to these requirements for residency.

Furthermore, Mr. Speaker, as the previous speaker from Waianae has stated, it is to the intent that we must look at the creation of the State unemployment program. It was designed to supplement CETA to provide for the people of Hawaii, and it seems that we are being consistent with that purpose when we add these lines as we are proposing in this bill.

I would like to remind my members that our purpose here is to try to the best of our ability to find solutions to problems that face us, to shape the kind of Hawaii that we all shall live in and that will offer opportunities to the people who come after us.

With that in mind, and not the sense that we are violating a constitutional provision or something that has not been practiced in other states, that is not practiced here at present, but I would ask the members to reflect very carefully that this bill is consistent with our State policy and the goals and purposes of this program, and I urge all members to vote aye."

Representative Cobb, on a point of information, asked:

"I preface my remark and my question by stating that if we were ready to vote earlier, I was ready to vote against it after some of the discussions. It has now caused some questions in my mind. Ironically, the longer the debate proceeds, the more unsettled I become, and if that may be the inhibiting factor as far as free debate on the floor, and so I make that observation only with some reservation. But to either chairmen, I would like to address the inquiry as to whether or not there has been any recent court decisions, or Federal administrative rulings that, in effect, state that a sovereign state can impose some form of residency requirements when only State funds are involved, and if so, what is the state of that position?"

Representative Stanley answered:

"In response to the question, to my knowledge about State funded employment programs in other states, I cannot answer yes. I would like to say that residency requirements and preference has been upheld in Alaska and that is on appeal to the Supreme Court."

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

"Mr. Speaker, we went through these exercises as has been indicated last year. The very nature of this measure is to inhibit certain persons who would be asking for assistance which is, at least, in the nature of welfare assistance. We predicted members on both sides of the House last year, and I believe the year before, that this type of a measure would not stand constitutional muster, and I think those are the exact words that we used and, indeed, it did not.

Everyone here, very likely, is concerned about growth. Most of us are in favor of the concept of slowing our growth and, certainly, we're concerned about the person who is paying the tab for all of the various programs that we have instituted in this State.

Now, in our exercise in this regard, this very legitimate concern, we cannot disregard the Federal laws which bind this great nation together. We cannot sever ourselves unless we're ready to engage in a civil war. And the only one that I know of was apparently unsuccessful.

Now, I see a compelling need for the direction that this proposal takes. But the need is not set forth in the Committee Report, in the bill, or in the justification sheet. The justification sheet mentions no figures, no statistics, nothing to satisfy the guidelines that have been set forth clearly by the Federal District Court. None of this is included in any document that's before us at this time, so I believe that this bill amounts to a shibai, or a false front. It says that we are going to do something, but I think it is clear that we are not. What we are doing if we pass this measure into law, is to position the taxpayers of this State, once again, to be sued by any person who feels that he has been discriminated against by this particular law.

Now, instead of paying the certain unemployed persons who would end up constituting a class, I believe we are going to be paying attorneys and those who are clever enough to see the defect in the law and take advantage of it. The provision in the Committee Report indicates that the State program for the unemployed is going to be administered by the Department of Labor and Industrial Relations and they will be responsible for establishing the residency criteria. I think this is an extremely slipshod way of going about achieving what may well be considered a noble goal.

Based on these remarks and based on the remarks that I made on similar measures last year, I would urge that all vote against this measure."

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

"Mr. Speaker, there has been several speakers who have referred to being warned by attorneys, and I feel that I am somehow responsible. In any

case, after the debate last year, there were some that approached me and called me the greatest constitutional attorney around and now I am convinced that I am, Mr. Speaker. In any case, the scars of last year, I think, are still fresh, but I think that was a different battle. It was a different war, Mr. Speaker.

Last year, we were concerned with a durational residency requirement. We said that individuals have to live here for at least a year before they can gain public employment. That's not the issue before us, Mr. Speaker. This is not a question of durational residency requirement. All it says is that an unemployed individual means an individual who is a resident of this State.

Residency, as most of you well know, can be determined in a number of ways, and I think the bill and the Committee Report specifies some of those that merely suggests. In any case, Mr. Speaker, I told this body last year that we have limited resources within the State and we ought to retain those resources for those of us who live here. And that is my firm conviction yet. But, Mr. Speaker, without the adoption of this bill, look at the possibilities that could exist. Should we permit individuals from New York or California, or New Mexico, as one of the previous speakers had mentioned, to apply for unemployment compensation or other benefits which this State provides although they don't live here?

As far as this bill, Mr. Speaker, that's the only distinction that I can see that the committees that were involved are trying to do - make a distinction. . ."

Representative Abercrombie interrupted on a point of order and stated:

"Mr. Speaker, unemployed individuals from other states do not collect unemployment compensation from the State of Hawaii. They collect it from the state that they're previously from - where their unemployment compensation came from."

Representative K. Yamada continued his remarks, stating:

"Mr. Speaker, I was simply referring to benefits which could become available with the adoption. . .without the adoption of the bill, such as that which is before this body. In any case, Mr. Speaker, that's just an example of the possible extremes that could happen without the adoption. . ."

Representative Abercrombie rose on a point of order and stated:

"You did not rule as to whether my point of order was well taken."

The Chair replied:

"Representative Abercrombie, I believe your point of order is not well taken because you'll have another opportunity to rebut some of the statements made as being in error, in your opinion."

Representative Abercrombie then said:

"You're saying that. . .I got you. In other words, I was right, but you don't want to say it now."

The Chair answered:

"Not necessarily so."

Representative K. Yamada concluded his remarks, stating:

"I just wanted to make a last point."

This bill does not prohibit others who've come into the State from engaging in productive work. It doesn't deal with the question of establishing residency. A person from California or other parts of the nation could come to Hawaii and establish residency and find gainful employment. It doesn't deal with a question of durational residency requirement.

Mr. Speaker, again, I feel that I touched off a war last year, but that was a different war. My opinion is that this bill is constitutional.

Thank you."

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

"Mr. Speaker, I would like to address the question to the Chairperson of the Public Employment and Government Operations Committee."

Directed by the Chair to "state your question", Representative Naito asked:

"Considering that the Committee Report on this bill mentions situations like voting in Hawaii, opening checking and savings accounts, owning real estate, etc., membership in churches, and so on, I would like to know if ex-felons would be covered by this particular measure. Would they be allowed to be employed? Would they have residency?"

Representative Stanley answered:

"Mr. Speaker, it is my opinion that an ex-felon who resides in the State would be eligible to apply for these SCET positions."

Representative Naito then said:

"In that case, Mr. Speaker, I would like to speak in favor of this bill very briefly."

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

"Mr. Speaker, the most unemployable and the most underemployed people in our State are ex-felons. This, in large part, accounts for the very high recidivism that we have in this State. We all suffer from that recidivism rate, as you are quite familiar with. We had this early on the agenda - a resolution about unemployment for ex-offenders which is also addressed to the recidivism rate.

I received a report from the American Bar Association which I think is pertinent to this bill. And this was in relationship to ex-felons' employment. Most come from poverty backgrounds where family resources are already insufficient to support non-contributing members. With dim job prospects and a weak financial base to release, their release all too often is confronted with the dilemma of whether or not to reverse the criminal activities as a means of survival.

Mr. Speaker, a large part of the problem that ex-offenders have is not the fact that they haven't been changed, but the fact that they have to compete on the market with people from various other elements in society, perhaps who don't have. . . perhaps, many of them who have less training. But, if this particular bill does address these people, this is exactly the kind of measure that we would need in the State because it would cut out some of that competition that these folks absolutely have to have.

I, therefore, urge all of my fellow members to vote in favor of it. Thank you."

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

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

kind of with reservation. If I may, with your permission, explain my reservation."

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

"Thank you. Is this microphone working? I cannot hear myself.

Well, Mr. Speaker, my reservation is based upon the Committee Report that put certain criteria to violate Hawaii resident income tax returns. There are people who do not work or have not had an opportunity to file the return, as yet, but with full intent and good intent to live in Hawaii.

Also, registering and voting. We have elections every two years. Two years - must one wait two years to clearly show their intent to live in Hawaii? Also, open their checking account. Some people don't even have a pot to, you know, how can they open checking accounts. They don't have the finances. Purchasing real estate. How many of you own real estate in this House? I mean, we're putting kind of crazy criteria - membership in churches - some people don't believe in God.

If the Chairmen of both committees would put for the record that these criteria, some of them, are pure hogwash and stupid, I might tend to change my support. Otherwise, I'll go kanalua all the way down.

Mr. Speaker, there are a few of us who still remember the sting of the bombs that fell December 7, 1941. The pilots who piloted those planes had the same kind of sounding surnames like some of us, had the same kind of slanted eyes like some of us. And it just happened that our parents came from the same country that they took off from. To put criteria to show intent other than just the intent to live in Hawaii - to prove that you want to be a resident - and anything beyond that is unreasonable, because I remember to be accepted and to be classified as an American, some of us had to go to Keawe Corps every weekend to cut keawe. What the hell cutting keawe has to do with one's patriotism? We had to petition the President of the United States to please accept us in the armed forces. Maybe, to some of you, it sounds kind of funny now, but it wasn't funny then.

To put these kinds of criteria over and beyond one's real intent, sincere and honest intent, is pure hogwash. Who are we to set standards that one's

intent must be shown by other than intent. Something like, you know, having a checking account. We're putting the kind of criteria that has dollars and cents.

I think we're all equal - basically equal. We may not be equal in material things, but we are equal in God-given things. And as long. . ."

Representative Larsen interrupted on a point of information and the Chair said:

"Representative Larsen, when one is debating the issue, point of information is out of order."

Representative Larsen then rose on a point of order, and directed by the Chair to "state your point", Representative Larsen asked:

"I was maybe mistaken, but I thought the Representative from Kauai was speaking in favor of the bill. Is that correct?"

The Chair replied:

"That is correct, with some reservation, I understand."

Representative Larsen then thanked the Chair.

Representative Kunimura continued his remarks, stating:

"My friend and recent transferee, you'll someday understand my madness.

But anyway, Mr. Speaker, this bill in itself, without the Committee Report, I support, because I believe that we should have some reasonable criteria like residents. We don't have enough bread, and I hope we had enough bread. I hope we were like Venezuela. Then, we would have ten billion dollars in surplus cash to invest in a bank in New York. But we don't. Therefore, Mr. Speaker, I would like to have some explanation from either of the Chairmen of the committees if the intent is just, you know, stupid explanation, or if you're going to, you know, because sometimes the court, if there is an ambiguity, may look to the Committee Report and then decide to come down with their decision. And I'd like to point out, if I may, Mr. Speaker. . ."

The Chair said:

"The Chair recognizes you for the purpose of rising on a point

of information at this time. Will you yield, Representative Stanley, to the question?"

Representative Stanley replied in the affirmative and responded, stating:

"In response, I'd like to say that the Committee Report leaves various alternatives by which a person can come to determine residency. I would like to enter for the record very clearly that these are not exclusive and, perhaps, if I could cite the CETA regulations, I could make it more clear to the members on this floor. I could read this again for the Representative. I think this would illustrate the intent of this last paragraph."

Representative Kunimura stated:

"I heard it the first time. I understand her. But on the Committee Report, may I, Mr. Speaker. . .it does not mention intent but mentions all these other hogwash. Then, it leaves a great question in my mind if intent has been left out purposely or not."

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

"If neither of the two previous speakers standing would object, I would like to ask that the word 'intent' be inserted into the record of the House and be made a part of the Committee Report."

Representative Abercrombie then rose on a point of order and the Chair said:

"May we take one point of order at a time. I believe, Representative Cobb, you are not rising on a point of order. You are making a parliamentary request here."

Representative Cobb then rose on a "point of parliamentary privilege, Mr. Speaker, relative to the intent of the Committee Report."

Representative Abercrombie rose on a point of order and asked:

"Does my point of order take precedence over his point of parliamentary procedure. . . privilege after you ruled me. . ."

The Chair interrupted:

"Representative Abercrombie, you're rising on a point of order on Representative Cobb's recognition. State your point."

Representative Abercrombie replied:

"I think you stated it. Thank you."

The Chair then said:

"Representative Cobb, the Chair will not recognize you on that point at this time. The Chair will recognize you at a future time.

Representative Kunimura, are you satisfied with the answer?"

Representative Kunimura replied:

"I haven't had the answer yet from the lady representative."

Representative Stanley then asked:

"Mr. Speaker, may I try to answer him again?"

Receiving an affirmative answer from the Chair, Representative Stanley stated:

"I'd like to try to answer by reading into the record this language. . ."

Representative Kunimura interrupted and stated:

"Mr. Speaker, I'm only interested now in the Committee Report because the Committee Report is before this House, and we're not voting to adopt the Committee Report attached with the bill. Now, no intent to reside appears on the Committee Report. If that appears on the Committee Report or on the record, that's okay with me."

Representative Stanley answered:

"That is what I'd like to read in for the record."

The Chair directed Representative Stanley to "proceed", and Representative Kunimura stated:

"Point of order, Mr. Speaker. I still have the floor. If she wants to, she may do that later. Isn't that right?"

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

"My point of order is, and I expect it's in relation to Mr. Kunimura's question, we're not voting on the Journal. We're voting on the bill before us as embodied in the Committee Report and the bill. We're not voting on the Journal."

The Chair responded, stating:

"As I understand, Representative Stanley is attempting to answer the question raised by Representative Kunimura. In so doing, she is attempting to insert her answer into the record to the satisfaction of Representative Kunimura. The Chair will allow that and in the event that Representative Kunimura is not satisfied, he may proceed to further question Representative Stanley. May we proceed on that basis?"

Representative Abercrombie then stated:

"No, I want. . . Mr. Speaker, you didn't understand my point of order then. I understood the representative, the Chairman of the Committee, to state that it would be explained by way of reading into the Journal. Now, that's not what I can see. That's not what we're voting on. The answer is either in direct relationship or it is not."

The Chair remarked:

"Whichever way she answers, her answers will be recorded into the Journal."

Representative Abercrombie responded, stating:

"That's right. Now, my point of order is that I understand the answer twice now. That's the reason Representative Kunimura has the question. He's talking about the Committee Report; not by way of what goes into the Journal. He wants an answer to the Committee Report. . ."

The Chair interrupted, stating:

"Representative Stanley is attempting to answer the question. The Chair will allow her to proceed."

Representative Kunimura then rose and stated:

"Mr. Speaker, I have stated. . . may I? I do not want to have her read from the paragraph. That is not acceptable to me because this is what we're voting on and if she feels that intent to reside is also part of this Committee Report, then I said I will accept. You know. . . intent. That's all. I'm not interested in what the hell they're saying in the paragraph. I hope you understand what I'm trying to say."

And, furthermore, I hope you're

not judging me for all these interruptions, you know, because my ten minutes is gone already. I request a short recess, Mr. Speaker."

At 1:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:51 o'clock p.m., the Chair recognized Representative Kunimura on a point of information.

The Chair asked Representative Stanley if she would yield to the question, to which she replied in the affirmative.

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

"Mr. Speaker, the answer is yes. Intent to reside in the State is important and should always be considered."

Representative Kunimura asked:

"How about the Chairman of the Labor and Employment Committee?"

Representative Takamine replied:

"Mr. Speaker, I concur."

Representative Kunimura then thanked the Chair.

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

"Will the Chair then indicate that intent to reside is now incorporated into the Committee Report and is reflected on the vote on this bill? I want to make sure now."

The Chair replied:

"I believe the answer is reflected into the Journal for the purposes of explaining or answering certain questions posed by the representative from Kauai in determining how he should vote on this measure."

Representative Abercrombie then said:

"Yes, but I'm not asking about the representative from Kauai. I'm asking a point of information for my benefit. He's had his benefit. Now I'm asking for my benefit. Now, does the answer mean that intent to reside is now reflected in some magic manner in the report and thus into the law? That's all

I want to know. Is that what they're saying?"

The Chair replied:

"It's reflected in the Journal and is part of the debate for the passage of this bill on Second Reading and referral to the Committee on Finance."

Representative Abercrombie then asked:

"Will the Chairmen yield to a question. Both of them."

The Chair then said:

"The Chair recognizes you at this time for the purpose of point of information to the Chairmen of both committees. State your point of information."

Representative Abercrombie inquired:

"I want to know whether both Chairmen have now stated that this bill and the Committee Report now reflect, by means of the Journal, that intent to reside is a category which may be referred to by an unemployed individual as proof of the fact that that unemployed individual is now a resident of the State."

The Chair asked:

"Representative Stanley, will you yield?"

Representative Stanley replied:

"Yes, Mr. Speaker, I will. The answer is yes."

Representative Abercrombie then said:

"Wait, I haven't heard from the other one."

Representative Takamine answered:

"Mr. Speaker, I concur."

Representative Abercrombie then said:

"I have a further point of information to request, then, of both Chairmen."

The Chair replied:

"The Chair will recognize you for another point of information."

Representative Abercrombie inquired:

"I want to ask them - is it now the intent of this bill, and now the intent of the report, again by means of the Journal, so I expect this is by way of reference to the Finance Committee. We're passing it on to the Finance Committee, are we not?"

The Chair replied:

"The motion is to pass this bill on Second Reading and be referred to your Committee on Finance."

Representative Abercrombie inquired:

"When it comes to the Finance Committee, I understand now, that this means that the words and the intent of both the Chairmen of these committees is the phrase, 'intent to reside', will become a part of the lexicon of the Department of Labor and Industrial Relations, and that will be reflected in the bill?"

The Chair asked:

"Representative Stanley, will you yield?"

Representative Kondo then rose and asked for a short recess whereupon the Chair declared a recess at 1:53 o'clock p.m., subject to the call of the Chair.

Upon reconvening at 2:00 o'clock p.m., the Chair stated:

"The Chair is of the opinion that there is some confusion and misunderstanding on the question and the answer" and asked:

Representative Abercrombie, will you state the question again?"

Representative Abercrombie then said:

"Mr. Speaker, I note that there are Committee hearings this afternoon. I'm perfectly willing to have the recess take place so that the Committee hearings can go on. The question is important and there may be other members who wish to speak on the bill and so on. I have no desire to prevent the Committee hearings from going on. We can recess."

The Chair requested:

"Will you restate your question?"

Representative Abercrombie answered:

"Well, wait a minute. Why the

hell should I restate the question. I already had the answers given. I'm not going to restate the question."

The Chair proceeded to ask, "Representative Stanley, will you. . ."

Representative Abercrombie interrupted and stated:

"If you're trying to amend my point of information, I'll make a point of order instead."

The Chair asked Representative Abercrombie to "state your point", whereupon Representative Abercrombie replied:

"Well, you recognized Representative Stanley. I'll withdraw for the moment."

The Chair recognized Representative Stanley and she asked:

"Mr. Speaker, may I request the previous speaker to restate the question so that I can clearly understand it and give a proper answer?"

The Chair recognized Representative Abercrombie and he asked:

"Is it my understanding then that the previous answer was improper? I'm quite serious about this. The speaker is asking me to restate it as apparently the speaker thinks that the question was not clear, and the statement was, so I can get a proper answer. Now, I want to know whether the answer, therefore, was an improper answer or added in too hastily?"

The Chair replied:

"The Chair is not of the opinion to rule on whether the answer was improper or not. The Chairman of the Committee on Public Employment and Government Operations wishes you to restate the question, and it's my opinion that the Chairman is attempting to clarify her answer if she understands your question."

Representative Abercrombie asked:

"Alright. Then, does that apply to Chairman Takamine as well? Does he wish me to restate it?"

The Chair answered:

"The Chair has not recognized Representative Takamine nor has he made that request. Will you proceed."

Representative Abercrombie stated:

"Therefore, I want to be clear before I proceed. Therefore, if I restated for Chairman Stanley and she gives me an answer, the answer given to me by Representative Takamine will then stand. Is that correct?"

The Chair answered:

"Not necessarily so. We haven't heard from Representative Takamine and he's not recognized at this point. Will you proceed."

Representative Abercrombie stated:

"Alright. In my understanding, the question, Mr. Chairman, revolves around my understanding of the commentary that has been made, especially in respect of Representative Kunimura's remarks. I believe his remarks referred to hogwash. My presumption is about the . . . no, not my presumption, my clear understanding, I should say, of the hogwash is that the phrase may include activities generally attributable to Hawaii residents such as filing Hawaii resident income tax, registering and voting in Hawaii, obtaining Hawaii driver's license, opening a checking and savings accounts in Hawaiian financial institutions, purchasing real estate in Hawaii, and membership in churches and other organizations. It is my understanding of the answer to Representative Kunimura's questions as to whether there could be an addition to the hogwash; namely, that intent to reside was the intent of this bill and reflected, therefore, in the Committee Report, and that the Chairman would recommend this should it pass from this body on to Finance.

The answer both times was 'yes' and my question was then - am I to understand that it is the Chairman's intent to amend the Committee Report on its face and send it to the Finance Committee reflecting the phrase, 'intent to reside'; that is to say, the resident, an unemployed individual, who is a resident of the State of Hawaii, and the criteria being that he or she states an intent to reside, and that would be a criteria which would have to be established as one of the residency criteria by the Department of Labor and Industrial Relations. The answer I received was 'yes' from both Chairmen."

Representative Stanley then asked:

"Mr. Speaker, with your permission, may I try to restate the question for you, and will you correct me if I understood incorrectly so I can state it correctly?"

Directed by the Chair to "proceed",

Representative Stanley asked:

"Mr. Speaker, as I understand, the question directed to me is whether we are amending a Committee Report. Or, is the question: Are we trying to clarify what the Committee Report is trying to convey as criteria for residency?"

Representative Abercrombie remarked:

"I'll be glad to help you with that if you want."

The Chair replied:

"It is the Chair's opinion that the question was asking whether your answer is amending the Committee Report for the House. Am I correct?"

Representative Abercrombie responded, stating:

"Yes. I'm not talking about trying to clarify reports. It is due, you know, to try."

Representative Stanley replied:

"Mr. Speaker, my answer is no; we are not amending a Committee Report."

Representative Abercrombie said:

"I'd like to ask the same question of the other Chairman who answered 'yes'."

Asked by the Chair if he would yield, Representative Takamine answered:

"Yes. I concur."

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

"Is the position of the two Chairmen, in your opinion, now, in respect to the answer to the Chairman. . . excuse me, Representative Kunimura's question concerning the hogwash about intent to reside mean that that no longer is a part of what is intended to be inferred, or otherwise, in this Committee Report?"

Representative Kondo, on a point of order, stated:

"Mr. Speaker, I think the Committee Report just tries to give some example of what may be included so, in this case, the intent may also be included."

Representative Abercrombie responded, stating:

"Mr. Speaker, that wasn't my question. My question was, an answer was given to Representative Kunimura concerning the phrase, 'intent to reside'. The answer was 'yes'. I asked what the meaning of it was. Upon asking what the meaning of it was, the answer became 'no'.

In my mind, now, we have two answers - one to Representative Kunimura and one to me about the phrase, 'intent to reside'. That's why I'm asking the question. Does that mean that the answer to Representative Kunimura is now inoperative?"

The Chair replied:

"I believe the answer clarifies both your question and Representative Kunimura's question."

Representative Abercrombie, on a point of order, stated:

"Excuse me, Mr. Speaker, I didn't ask for clarification. I asked whether or not the answer given to Representative Kunimura that intent to reside was now to become part of the Committee Report by inference in the Journal - some magic - and, therefore, to be referred to Finance under those conditions and whether that answer has been altered."

The Chair replied:

"The Chair's belief is that Representative Stanley's answer is clear, that in answer to your question and Representative Kunimura's question, that the answer did not amend the Committee Report."

Representative Abercrombie then asked:

"Then, is it your ruling that the assurances given to Representative Kunimura by the two Chairmen concerning the intent to reside, in reflection of and in connection with the hogwash that he spoke of, does not for any real purpose, other than verbal or rhetorical, exist when this vote is taken on this bill and in connection with this Committee Report?"

The Chair answered:

"What has been expressed by all members who spoke on this particular bill will be taken into consideration by each member when he or she votes on this measure. I am not in a position to rule how one should interpret such answers."

Representative Abercrombie remarked:

"Okay, I'll accept that schizophrenic situation."

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

"I would ask, Mr. Speaker, for either of the Chairmen of the Committees to answer whether or not the . . . either of the Chairmen's answers in the affirmative, having been reflected in the Journal; that is, with respect to the statement of the intention of an applicant to reside being sufficient indicia to satisfy the requirements for residency as set forth in this bill is, in effect, legislative intent for those of us who would vote for this bill, as reflected in the Journal?"

At this point, Representative Kunimura asked for a recess, and the Chair declared a recess at 2:12 o'clock p.m., subject to the call of the Chair.

Upon reconvening at 2:17 o'clock p.m., the Chair stated:

"The Chair is of the opinion that sufficient debate has been had. . ."

Representative Carroll then rose and stated:

"I rose on a point of information and I was. . ."

Directed by the Chair to "state your point", Representative Carroll said:

"It's already been stated for the record, Mr. Speaker."

The Chair then said:

"There's a lot of presumption and assumption here", and asked Representative Stanley if she would yield, to which Representative Stanley replied: "No."

Representative Carroll then stated:

"Mr. Speaker, I asked the question of the Chair and I also asked it of, excuse me, of both Chairpersons as well as of the Speaker, and I take it that if there is no answer forthcoming, that silence is assent to the statement that this earlier statement in the affirmative of the Chairmen of the Committees is that intention to reside, having been made by an individual, is sufficient indicia to satisfy the requirements of the bill, and that voting for the measure before the House being the referral of House Bill No. 1893-78 to Finance, that the Chairman's answer in the affirmative, so reflected in the

Journal, is indicative of legislative intent with respect to this measure."

The Chair asked:

"Any further discussion?"

Representative Carroll said:

"That wasn't my discussion. That was simply a statement."

The Chair then said:

"It's been recorded in the Journal."

Representative Carroll stated:

"We still don't have the answer."

The Chair remarked:

"That is correct. You have made your point on the point of how you interpret the action on the floor, and it has been recorded in the Journal."

Representative Carroll, on a point of order, stated:

"Mr. Speaker, I did not. . . my point is not that I am making a statement as to how I feel about it. I'm simply asking the question of whether or not my understanding is correct."

The Chair replied, stating:

"The Chair will not rule as to whether your understanding is correct or incorrect. It will be reflected in the Journal for those who will handle the bill in the Finance Committee to reflect upon."

Representative Carroll then thanked the Chair.

Representative Abercrombie, on a point of order, stated:

"We have not had an answer from the Chairman of the Employment Opportunities and Labor Relations Committee as to whether he would answer the previous speaker's question."

The Chair replied:

"Representative Carroll is satisfied with or, at least, accepted that the Chairman of the Committee on Public Employment and Government Operations did not wish to answer. He did not pose the question to Representative Takamine."

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

"Excuse me, I have the point of order on that. No. . . okay, the tape recording back there will reflect that the question went to you and to both chairmen. I can assure you of that. I'm not trying to blow one by you."

Representative Carroll, on a point of information, asked:

"Mr. Speaker, is it my understanding of my statement that I did not receive an answer to my question and I accept the fact that the Chair. . . the Chairmen of either Committee, nor the Speaker, is willing to give me one at this time?"

The Chair answered: "That is correct."

Representative Abercrombie, on a point of order, stated:

"I've never heard the representative unless I missed it in the general conversation going back and forth. I haven't heard the Chairman of the Committee on Employment Opportunities and Labor Relations stand up and say no, he won't answer the question."

Representative Takamine then rose and said:

"Mr. Speaker, I will not yield."

Representative Abercrombie then rose to rebut arguments made in favor of the bill.

At this point, Representative Nakamura rose on a point of order and made the following motion:

"I think we've had enough of this parliamentary mickey mouse. I move for the previous question."

Representative Abercrombie then rose on a point of personal privilege and the Chair stated:

"Just a second, just a second. Don't get excited. The Chair will request Representative Nakamura to withdraw the point of order, that the rules provide that a person will have a right to speak on a measure two times. Shall we proceed on that basis?"

The Chair recognized Representative Abercrombie and he stated:

"Maybe, in the course of parliamentary debate, feelings get stretched. I was under the impression that that was what the debate was supposed to be about. I understand there's a bill not to have our law school graduates take the bar exam. Maybe all of us

should take a look, perhaps read the rules every couple of weeks or so, unless, of course, they get in your own way.

Mr. Speaker, the reason I rise to rebut the statements made is that it is on the record. They are trying to influence people on this floor, whether they come from the mouth or not. The statements have been made. They require rebuttal. They will, in fact, be made so long as we still have a democracy in this House and obey the rules.

Mr. Speaker, the point has been made, raises have been stated concerning the unemployed individual who's a resident of this State. One speaker rose and said that's all it says. The speaker indicated it merely suggests and then the speaker concluded his remarks by referring to those of us who live here. Now, I'm under the impression, unless someone is residing in a mortuary, that they are living; unless they have been certified by the coroner as dead, that they are living. This part of the contradiction that is in this bill. All that it says. . . merely suggests all that it says. This is one of these. That's right. It's all that it says. That gives us every opportunity for abuse that's possible. It gives every bureaucrat who wants to do somebody the opportunity to do it. I believe for those who live here - we're all living here - they all ought to have a chance.

And the point has been made, Mr. Speaker, in respect of the hogwash at the bottom - people who pay taxes. Mr. Speaker, I think this is one of the points that I want to emphasize the most as we go to vote on this bill. The second somebody spends dollar one in this State, they are paying taxes, unemployed or not. If they come here seeking to make a living with the intent to reside, the intent to reside doesn't mean that you know what you're going to do for the rest of your life forever. It's your intent. The second that person comes and says, I intend to reside here and pays dollar one, they are paying State taxes; they are paying our salary. Therefore, they are involved in providing State funds. The second anyone spends a dollar, they are involved in providing the funds for the State-funded temporary emergency employment program. That's what we're directing our attention to.

My concerns are that we do not

lose sight of what we try to accomplish in the unemployment area. And as this follows, we do not want to create laws which give the opportunity for abuse. Consciously, we don't want to do that. I think this bill creates law that gives the opportunity for abuse. That's all. I am convinced that our people are not only capable people, deserving people. I am convinced that the people in state government and in other areas of private employment are going to take every measure and every step possible to see that the people living in this State have every opportunity available to them. What we do not want to create is a circumstance in which once we leave these chambers, once it moves over on to the executive side, into the administrative side, that we may, in fact, create the opportunity for abuse of the very people we're seeking to serve. So, I reiterate and conclude: every person who lives here is a resident because that person from the moment they spend dollar one is contributing to the taxes, the tax funds, the revenue funds, of this State and that we, therefore, owe them a duty to do the very best we can to provide employment if they are unemployed.

My position is that unemployed individuals are people who live in this State. As simple as that. They live here. That's what an unemployed individual is. And that's the person who ought to get the chance based on his or her qualifications, or based on what we are able to provide in government for training, etc. to see that they're capable of moving on to other jobs. This may be, perhaps in the debate, has. . . I've not sufficiently spent time on it myself, and Representative Peters brought it to my attention a long time back in his rejoinder. It's State funded temporary emergency employment program. We're talking about people who are having the roughest time. For anybody living here, having a rough time, they deserve the break."

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

"Mr. Speaker, I hadn't intended to speak on it. But, you know, after I sat almost two and a half hours through a lot of this mumble jumble, it kind of makes me laugh. We're all hung up on the word 'intent'.

You know, I've been in here eight years and been in with legislators. You know, many times, I knew that they intended to do, but if it wasn't written down, many times, the intent was gone. I don't see anything wrong

in putting requirements. It might seem kind of stupid, as my colleague from Kauai mentioned. In fact, a hell of a lot of things we do over here is stupid. You know, we always talk about protecting our taxpayers. That, too, is a farce after today. I've sat, as I said, for two and a half hours of debate that was uncalled for.

You know, the State SCET Program was set up several years ago, not to take care of the people from the mainland. It was set up basically for our people in our State. I can guarantee you, or all of you here, nobody from New York voted for you, and nobody probably sent money to you. It was our taxpayers in our State, in our district, so who are we really kidding?

Are we trying to take care of the taxpayers and our people, or are we trying to take care of the United States? Let's get down to doing the work."

Representative Toguchi then rose and stated:

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

One of the reservations that I had was clearly voiced by the Representative from Kauai. This is regarding the criteria suggested by the Committee Report.

Mr. Speaker, my second reservation revolves around paragraph five of the Committee Report which leaves the responsibility for establishing the residency criteria to the individual State agency.

Mr. Speaker, several prior speakers compared this bill to last year's residency requirement bill. I voted against last year's bill. Today, I'll vote for this bill because we are talking about a different bill. The thrust is different, like the great constitutional lawyer from Hilo said, and I agree with him. This is a different bill. We're not talking about duration.

Now, Mr. Speaker, I say with reservations, because I do have some concerns about the Committee Report, and I'm hoping that with this bill then being referred to the Finance Committee, that a clear intent will come out of the Finance Committee through their Committee Report. And this is why I have some reservations, but I urge all

my colleagues, at this time, to vote for this bill.

Thank you."

Roll call having been requested, the Chair requested a show of hands, and upon failure of a sufficient number in accordance with the Rules of the House, ruled that the demand failed.

The motion was put by the Chair and carried, and the joint report of the majority of the Committees was adopted and H.B. No. 1893-78, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT", passed Second Reading and was referred to the Committee on Finance, with Representatives Abercrombie, Campbell, Carroll, Evans, Ikeda, Larsen, Medeiros and Sutton voting no.

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

The House of Representatives reconvened at 2:37 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 347 to 350) and concurrent resolution (H.C.R. No. 71) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 347) congratulating the National Future Farmers of America on its 50th Anniversary was jointly offered by Representatives Ajifu, Abercrombie, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Ajifu, seconded by Representative Uechi and carried, H.R. No. 347 was adopted.

A resolution (H.R. No. 348) congratulating Conrad Itchener of Niu Valley Intermediate School for being awarded the 1978 Gold Key Award for Art was jointly offered by Representatives Ikeda, Ajifu, Blair, Caldito, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Inaba, Kamalii, Kiyabu, Larsen, Medeiros, Narvaes, Say, Segawa, Sutton, Takamura, Ueoka, Uwaine and K. Yamada.

On motion by Representative Ikeda, seconded by Representative Dods and carried, H.R. No. 348 was adopted.

A resolution (H.R. No. 349) congratulating Thomas Graham of Kalani High School for being nominated for the 1978 Hallmark Award for Art was jointly offered by Representatives Ikeda, Ajifu, Blair, Caldito, Carroll, Cobb, Dods, Evans, Inaba, Kamalii, Kiyabu, Larsen, Medeiros, Narvaes, Segawa, Sutton, Takamura, Ueoka, Uwayne and D. Yamada.

On motion by Representative Ikeda, seconded by Representative Dods and carried, H.R. No. 349 was adopted.

A resolution (H.R. No. 350) congratulating Kyong-Nan Choi, Tracy Grayson, Lori Ikuta and Wesley Nomura of Kalani High School for receiving the 1978 Gold Key Award for Art was jointly offered by Representatives Ikeda, Ajifu, Blair, Caldito, Carroll, Cobb, Dods, Evans, Fong, Inaba, Kamalii, Kiyabu, Larsen, Medeiros, Narvaes, Segawa, Sutton, Takamura, Ueoka, Uwayne and D. Yamada.

On motion by Representative Ikeda, seconded by Representative Dods and carried, H.R. No. 350 was adopted.

A concurrent resolution (H.C.R. No. 71) recognizing the week of February 24 through March 3, 1978, as "Big Brothers Week" was jointly offered by Representatives Cobb, Aki, Carroll, Cayetano, Evans, Garcia, Ikeda, Kamalii, Kihano, Kiyabu, Larsen, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Peters, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka and Ushijima.

On motion by Representative Cobb, seconded by Representative Larsen and carried, H.C.R. No. 71 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 351 to 355) and concurrent resolutions (H.C.R. Nos. 72 to 75) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, February 24, 1978:

A resolution (H.R. No. 351) requesting the Governor to release funds for improvements in the Kalihi Valley area was offered by Representative Mina.

A resolution (H.R. No. 352) requesting the U.S. Army Corps of Engineers to expedite a study on flood elevation for Moiliili, McCully, Waikiki, and certain areas of Manoa was jointly

offered by Representatives Uwayne and Takamura.

A resolution (H.R. No. 353) requesting the Department of Planning and Economic Development to prepare a report on the economic impact on the State of Hawaii of deposit-and-return legislation was jointly offered by Representatives Larsen, Blair, Caldito, Cobb, Dods, Kawakami, Lunasco, Morioka, Naito, Peters, Shito and Takamine.

A resolution (H.R. No. 354) requesting the Board of Public Accountancy to address questions relating to the additional educational requirement which CPA applicants must possess commencing in 1979 was jointly offered by Representatives Uwayne, D. Yamada, Aki, Blair, Fong, Garcia, Ikeda, Larsen, Medeiros, Naito, Nakamura, Segawa, Sutton, Suwa, Uechi, Ueoka and K. Yamada.

A resolution (H.R. No. 355) requesting establishment of guidelines relating to release of clinical information to insurers was offered by Representative Evans.

A concurrent resolution (H.C.R. No. 72) requesting the Department of Planning and Economic Development to prepare a report on the economic impact on the State of Hawaii of deposit-and-return legislation was jointly offered by Representatives Larsen, Blair, Caldito, Cobb, Dods, Kawakami, Lunasco, Morioka, Naito, Peters, Shito and Takamine.

A concurrent resolution (H.C.R. No. 73) concerning the achievement of quality education in Hawaii and the establishment of an interim committee and timetable therefor was offered by Representative Campbell.

A concurrent resolution (H.C.R. No. 74) concerning the reduction of the cost of living and unemployment and the establishment of an interim committee and timetable therefor was offered by Representative Campbell.

A concurrent resolution (H.C.R. No. 75) concerning the reduction in crime and organized crime and the establishment of an interim committee and timetable therefor was offered by Representative Campbell.

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 were taken:

H.B. No. 2141-78, HD 1:

On motion by Representative Cayetano, seconded by Representative Takamura and carried, H.B. No. 2141-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CONSERVATION IN COOLING PROCESS EQUIPMENT", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 1912-78, HD 1:

On motion by Representative Cayetano, seconded by Representative Takamura and carried, H.B. No. 1912-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS MATERIALS TRANSPORTED UPON HIGHWAYS", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that H.B. No. 2141-78 had passed Third Reading at 2:40 o'clock p.m. and H.B. No. 1912-78 had passed Third Reading at 2:41 o'clock p.m.

At 2:42 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

At this time, Representative Ajifu rose and made the following motion:

"Mr. Speaker, I move to recall Senate Bill No. 184, Senate Draft 1, from the Judiciary Committee, and that is to be referred to the Committee of the Whole for a public hearing."

The motion was seconded by Representative Kamalii.

At 2:51 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 3:12 o'clock p.m., Representative Ajifu rose and asked:

"Mr. Speaker, may I be permitted to withdraw that motion and restate the motion again, please?"

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

Representative Peters then rose on a point of order and asked:

"Can we have a vote on that? Is that a motion?"

The Chair replied:

"No, he will be restating his motion. I believe, at times, the Minority Leader is programmed like the robot."

Representative Ajifu restated his motion, as follows:

"Mr. Speaker, I move to recall Senate Bill No. 184, Senate Draft 1, from the Judiciary Committee."

The motion was seconded by Representative Kamalii.

Representative Ajifu then rose to speak in favor of the motion, stating:

"Mr. Speaker, last year, the Chairman of the Judiciary Committee decided not to hold hearings on Senate Bill No. 184, relating to capital crime. He was quoted as saying that it's something we can consider at the next session. This is the next session. The bill is still resting in the Judiciary Committee. No hearings have been scheduled. Reliable polls indicate that many of my constituents, and many of yours, favor capital punishment of certain crimes.

If we are to be responsive and responsible to the people who elected us to represent them, we must give their wishes our full, careful and honest consideration. Keeping this bill in committee without even a public hearing is neither responsive nor responsible. It lends credence to the cynics who predict that this being an election year, we will tiptoe around any really controversial issue. They claim we will slip bills under the rug, icebox them, and maybe run the clock out - anything to avoid confronting a sensitive matter. Our critics contend that we are afraid to stand up in public and be counted less we offend one side or the other, and by offending, possibly lose votes. We are accused of being interested primarily in getting ourselves re-elected. We're doing what we were elected to do running a poor second.

I urge Senate Bill No. 184 be recalled from the Judiciary Committee and brought back here to be considered by us as a Committee of the Whole and that only by doing that, we can satisfy our constituents, confound our critics, and do a job we were elected to do.

Thank you, Mr. Speaker."

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

"Mr. Speaker, I only wish it was a majority motion. But, personally, I don't give a damn where the motion comes from, as long as it's a good motion.

I have always supported the right and the sacred privilege of committee chairmen to hold bills where, in some cases, it was necessary. I don't expect the committee chairmen to report out every bill that is referred to the committee, but the chairmen should use this sacred power almost to dispense that with great judicious care. Bills that have a wide range of public opinion, pro and con, at least a public hearing should be called for.

This is my sixteenth year, Mr. Speaker, and new people coming in want new ideas. They wanted openness; they have openness. They wanted prior concurrence; now, we have prior concurrence. But it seems like, to me, being a resident, a part-time resident for 60 years now - almost - that this is a case of 'have becoming have nots' and the 'have nots becoming haves.' All of a sudden, we don't need the input by the public - 'public be damned' kind of attitude. And I'm awfully tired, Mr. Speaker, that we had better start putting our votes where our mouth is, because everybody's going back and telling their constituents, I was for it, you know, I was for it. But, damn it, if you're for it, vote for it! If you're against it, speak up, stand up, because this bill, of all the bills in the Legislature, has been here almost a year now - okay? And I'm tired of hearing scuttlebutts around the place.

Committee members, majority, don't want the public hearing. . ."

At this point, Representative Carroll interrupted on a point of order and said:

"I'd like to know if the speaker is speaking for or against the motion."

The Chair replied:

"He's speaking for the motion, as I recall."

Representative Kunimura then stated:

"Mr. Speaker, I hope the gentleman from Waikiki would clean his ears. I'm getting tired of being harassed. . ."

Representative Carroll then rose on a point of order and proceeded to say, "Mr. Speaker. . ." when Representative Kunimura shouted:

"Oh, shut up! Damn it! I made a statement here that I was speaking for the motion!"

Representative Suwa then rose and asked for a recess, and at 3:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 3:24 o'clock p.m., the Chair recognized Representative Kunimura and he stated:

"This is one time, Mr. Speaker, that I'm not going to apologize for using such strong words, because I felt that I was being harassed today. Okay? And I serve notice that I'm not going to take any more harassment from this House when I'm speaking. I think I clearly stated, before I said anything else, I was speaking for the motion, and I was sad because it wasn't a majority motion. How much more clearer can I put it?

But, anyway, I'll make it short because the damn recess took the steam out of me. But I want all of you to know today's the day we're going to have to stretch our conscience. Okay? Today's the day not to be a politician. You're going to either have to sink or swim today.

And I want to share with you something. I was chuckling all morning when I saw all the cameras out here. I'm pretty sure many of you didn't realize what the significance was, but I knew right along that Mr. Ajifu wasn't going to tell anymore, okay, that it was coming and a big bang. But, anyway, I thank you. Okay? I thank the Minority Leader and the Minority Floor Leader for trying to, at least, bring some sense to this political body. At least, for once, we're going to have to piss or get off the pot."

Representative Carroll, on a point of order, then remarked:

"I'll accept the Representative from Kauai's remark as a defacto apology."

The Chair then recognized Representative Kamalii and she stated:

"Mr. Speaker, I also rise to speak in support of this motion."

Representative Kunimura then rose and said:

"Speaker. . ."

Representative Kamalii said:

"Wait a minute, I thought you said speak up."

Representative Kunimura then said:

"It's not a defacto apology. Hey, you want to step outside?"

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

Upon reconvening at 3:27 o'clock p.m., the Chair recognized Representative Kamalii who yielded to Representative Kunimura who then, on a point of personal privilege, stated:

"I feel offended, Mr. Speaker, because I. . .you know, I think you've proven today that you have some grudge against me because when statements are made like that, you let it pass. Okay?"

The Chair replied:

"I have no grudge against any particular individual in this House."

Representative Kunimura then said:

"Well, you didn't call him out of order. I said, I was not, you know, I was not going to apologize. Okay? Defacto or otherwise, and you allow it to stand in on the record?"

The Chair directed Representative Kamalii to "proceed" and she stated:

"Thank you, Mr. Speaker. In spite of all the laughs and chuckles that have taken place, this is a very serious motion, and I again state that I rise to speak in favor of this motion.

We, in this country, believe that government has the moral obligation to be responsive to its citizens. In our State of Hawaii, this responsibility is in our hands. As an elected official, I fully realize the problem we face in dealing with controversial subjects like capital punishment during an election year. But I also believe that we have a job to do, and a responsibility to the public to get down to work. Until we deal with this issue in the Committee of the Whole, it will not go away. It may die in committee, but it will return to us on the campaign trail. It'll come back again next session, and it will be returned again and again until it is finally resolved. I say, deal with it now, and preserve the integrity and credibility of this body.

Independent studies have shown that the majority of our citizens consider crime our number one problem. Many people are afraid to walk the streets. The public has little faith in our judicial system or the judges that preside over our courts. The people are losing faith in our justice. These are facts that should spare the soul of everyone in this chamber.

The public is frustrated and the dissatisfaction works to dissolve the very thread that bounds our society. We have a public mandate to consider this legislation; consideration that can only be effective and complete if given by the Committee of the Whole. I'm not saying to pass this bill if it does not have merit. If it needs corrections and improvements, then let's make them. If it dies on the floor for lack of votes, so be it. But, as members of the House of Representatives, it is our job to consider this legislation.

Therefore, Mr. Speaker, and fellow representatives, I ask for your kokua."

Representative Sutton then rose and stated:

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

Mr. Speaker, the Constitution of the State of Hawaii which is the ultimate will of the people of this State, has the following language that any bill that has been referred to a committee may be recalled from that committee twenty days after referral if one-third of the members to which the House is entitled vote in favor of the recall. Our own House Rules, Mr. Speaker, has the same provision on 34-1. Furthermore, under 34-2, our House Rules state that no parliamentary rule or procedure may supersede the constitutional

right of recall of a bill from the committee.

Mr. Speaker, we have had a previous session where this bill was bottled up, never allowed to see the light of day; never allowed to have a public hearing; never allowed to have the public participation.

Now, Mr. Speaker, the time is at hand, and I ask my colleagues, voted by the people, for the people, and of the people, that they do their mandate.

Thank you."

Representative Campbell then rose to speak against the motion, with reservation, stating:

"Mr. Speaker, I would like to make it clear that I'm in sympathy with the apparent intent of this motion, because I feel strongly that every measure introduced in this body should be heard by this House. And to take a position to the contrary, in my judgment, would be in opposition to openness in government.

The only reason I oppose this motion, and I know there will be disagreements with this, that the only reason I oppose the motion is because I feel that the Judiciary Committee should be given some additional time to have public hearings so that, as a member of this body, I can make a decision which is based on exhaustive testimony pro and con.

This is just the 26th day, and I think there's time. The purpose of the committee structure is to accomplish this objective, and that objective is to explore the issues in ways that we can't do it on this floor. Therefore, Mr. Speaker, I shall vote against the motion, and I urge my colleagues to do the same.

Thank you."

Representative Yuen then rose to speak against the motion, stating:

"Mr. Speaker, the issue before us has no relevance to the substance of the matter of the Senate bill in question. The question before us is, should we or should we not permit recall of this particular bill, or any other bill. I oppose this motion because, in my opinion, it creates a bad precedence.

I support treatment of all bills through our present committee system.

The committee system has worked effectively. If any member supports this measure, or any other measure, he should consult with the committee members.

For the above reasons, Mr. Speaker, I urge all of my members to vote against the motion."

Representative Kunimura then rose and stated:

"Today, I have seen everything - almost the coming of the Lord. Not an ordinary layman making such utterances, Mr. Speaker, but an officer of the court, a member of the Hawaii Bar Association. I presume that the Constitution of the State of Hawaii is for naught. What are we talking about? Aren't we abiding by the Constitution? Aren't the people here held together by a common Constitution? And this is one of the provisions I have never seen, and during the proceedings of the 1968 Constitutional Convention which I was a member of, when this issue, whether we should place this back, it was no argument that this was a good provision. This was the safety valve so that nobody - not an individual nor a committee, not even a House - can hold anything. This is the way the people who wrote the Constitution back in 1950, and again in 1968, and ratified by an overwhelming majority of the people of this State. This is one of the provisions to give some guarantee to the people and we are telling. . . today, we are saying that the people can go to hell. Is this the way we are to act here? I can accept that if I said it because 'I'm just a meat cutter by profession, and remember, I said meat cutter, not butcher. But I can be a terrible butcher, too.

But, let us, you know, let us talk sense here. Okay? Let us not play with words, with fancy nice phrases. This is a gut level motion. This is the only guarantee that the people of Hawaii are going to find out how many are men and women and how many are plain politicians. This is the way they're going to judge and at least give them that opportunity. Give them that opportunity to have this bill heard and at that time, we can decide, and there would be no crime if the majority of the committee or the majority of this House says we're against it because we reserve that right under the Constitution of the State of Hawaii. But, to bottle it up in the committee without public hearing is a clear violation of the intent, the spirit of the Constitution."

Representative Kamalii then rose and stated:

"I'm surprised at the Majority Floor Leader's remarks. For this very reason, we are asking for the recall of this bill. For him to say that we will be setting a precedence -may I ask the honorable representative to turn to page 26 of our House Rules? It specifically states that we are in our rights to recall this bill. I also believe in the committee system. But I also resent any committee chairman to bottle up a bill until the 59th day of the session, or for one year. I have asked Representative Garcia if he was going to hold a hearing on his bills."

Representative D. Yamada, on a point of order, interrupted and said:

"I think the speaker is getting kind of off the track. I wish she would just stick to the subject as to whether we should have a recall or not."

Representative Kamalii continued her remarks, stating:

"Mr. Speaker, I'm right on track and there's no train going on this track either."

The Chair then directed Representative Kamalii to "proceed with that in mind for the reasons why the motion to recall the bill should be supported."

Representative Kamalii continued, stating:

"I will. If the committee system worked, we wouldn't have to use this measure of recall, Mr. Speaker. But, obviously, it's not working. But after the vote is taken and the chairman then says he's having a committee hearing, super."

Representative Cobb then rose and stated:

"Mr. Speaker, without interfering with the constitutional right of recall which is provided for in 34.2 of our rules, I'd like to make a couple of parliamentary observations.

One, that if the bill remains in committee, and the referral that we gave it last year was to the Judiciary Committee first and then to the Finance Committee, it would have to have a public hearing either in the Judiciary Committee or the matter would be transmitted to the Finance Committee, and for that reason, I think there is somewhat of a time press. I say that in response to one of the earlier remarks made.

The second point, I think, is even more fundamental and that is the motion before us today, and the debate that's taking place on the floor does not get into the merits or demerits of the bill. That is precluded, and I think properly so."

The Chair asked:

"Representative Cobb, did you rise on. . .?"

Representative Cobb replied:

"I'm making the point of parliamentary privilege in the form of an observation relative to the motion before us and not interfering with the parliamentary right of recall; namely, that the motion before us today is not whether a person favors the bill or opposes the bill, but rather, whether a person, in voting, favors a public hearing or does not, because if the motion is. . ."

Representative Abercrombie, on a point of order, stated:

"Mr. Speaker, if I just heard what I heard, I think that's out of order. I don't think we're voting at all as to whether a person wants a public hearing or not. I may have misunderstood the previous speaker."

The Chair responded, stating:

"That is correct. The Chair believes, Representative Cobb, that the motion of recall merely brings the bill in question on to the floor of this House to become the property of this House. At that point, the House, as a body, can decide then or at a future date, what it should do with the particular measure."

Representative Cobb stated:

"Thank you, Mr. Speaker.

May I amend my remark to state that without either the motion being carried or a decision by the committee and its chairman to have a hearing, there would not be the opportunity for it here.

Thank you."

Representative Abercrombie was recognized and he stated:

"Thank you, Mr. Speaker. You have indulged with me so far today. Perhaps, you will a bit longer.

Mr. Speaker, I'm well aware of Rule 34.1. Again, I think I have as

much, not necessarily, right. . . I have no more right than anybody else, but I think I have more practice than anybody else on the floor. I have seniority rights on attempting the. . . what used to be known as to yank a bill, having never been able to yank a bill was more like a little pusher or something of that nature. I know what it's about, and we're speaking about the procedure here. As I understand the procedure, if one-third of the members to which the House is entitled to, vote in favor of the recall. . . I was not able to get that one. I attempted to do this for whatever the reasons involved. It doesn't say in the rules that the members have to give their reasons, nor need they be accountable under the terms of that rule.

However, I would like to remind this House that the reason I'm speaking right now is because if it's a procedural question which affects the chairman of the committee and his conduct, I will not sit silent when the activity of the chairman of the Judiciary Committee has been brought into question and allow him to be maligned over the procedures that he is utilizing.

I would like to remind the members, I stood on this floor on the 42nd day last year, and we had a convening of the whole House on this bill. I stood up then and said, 'Let's have the hearing right now. Let's not get into some kind of business. We are going to place the Judiciary Chairman in a box and everybody then starts going through their numbers and we wait for an election year to see who we want to kick.' And I think I got voted down about 50 to 1.

Now, I'm going to read from that Journal. I happen to have it right here in front of me. This is directly related to some of the remarks that have been made on this floor. I don't think I need to say who they are because I'm going to show from the Journal, last year, that there were no objections to this procedure whatsoever. And to bring them up now, regardless of the individual beliefs of the various representatives here, who are all my friends, constitutes the political move which is not suitable as far as I am concerned, in respect to the Judiciary Chairman.

I believe that the Speaker assumed the rostrum and said, 'Can we take this in an orderly fashion?' The Speaker may recall that. He's had to say that more than once today.

In fact, I hope there's no killing here today. We may have to have a capital punishment bill.

Mr. Speaker, I rose and spoke at some length, and I urged that we not pass this bill. I stated then that considerable debate has taken place on Senate Bill No. 184 in the Senate and a very unusual methodology was used to bring this bill forward - one that I, myself, had attempted in the past in relation to a tourist tax. So I indicated that we could vote right now, and I asked the members, right now, to vote: 'Therefore, Mr. Speaker, I would ask that we do not pass this bill on First Reading, and I would like a roll call vote.'

Well, people stood up in this room then and went on to tell me all about how democracy is supposed to operate. And, as a matter of fact, some of the language which was not disputed by anyone on this floor, unless someone wants to say that the Journal is incorrect, states: 'Mr. Speaker, this House is structured with a sense of openness, fair play, with a sense to open the avenues for public input. And if we are going to allow bills to be killed on this floor without even giving the committee an opportunity to hear and call for a public hearing if the Chairman of the committee so desires, then we are going 180 degrees to the right, and this is going to be dangerous.'

Further, Mr. Speaker, points were made on this floor and not disputed by anyone as the Journal does not reflect any negative comments in voting on First Reading that we are, in effect, upholding the process and the rules in this House in saying decisions are made in the committee and brought before the floor of the House for vote rather than the other way around. The motion was made by the Majority Floor Leader to pass this bill last year. It was seconded by the minority. The Journal reflects: 'The motion was put to a vote by the Chair and Senate Bill No. 184, Senate draft 1, passed First Reading by title and further action was deferred until later in the calendar.'

I indicated at length, and out of respect for the Majority Leader's situation today, and I will not re-read my remark at that time, that this was likely to happen, and that if we wanted to have a vote and be honest so that this did not become a partisan issue, so we did not put or try to put each other in a kind of moral box in an election year, let's deal with it right then. I was voted down in this House. I should

say that I was voted down; that the idea was voted down in this House.

Therefore, I will vote 'no' on this motion, not because I do not favor any one's constitutional rights, not because I do not favor our rule; I did not vote on the Constitution, but I accept it. I did vote on the rules and I accept them. I have won by the rules and I have lost by the rules. I've done that today on this floor as far as that's concerned. But we had our opportunity and we knew what was involved, and if we're talking about being honest, let's try to remember we knew exactly what the situation was when the Senate bill was sent over. So, I will vote 'no' on the basis that we had our Committee as a Whole, and we had it when the bill came over. And we decided not to have one. And I'm not going to change my mind now because to do that opens the situation up of public abuse to the Chairman of the Judiciary Committee which is entirely and totally undeserved."

Representative Cayetano then rose and asked if the Representative from Manoa would yield to a question, to which Representative Abercrombie replied in the affirmative.

Representative Cayetano asked:

"Mr. Speaker, will you ask the Representative from Manoa to identify the minority member who seconded the motion?"

Representative Abercrombie replied:

"Yes, of course, it's in the Journal. I . . . you know, don't get mad at me now. Okay? Representative Yuen moved that Senate Bill No. 184, SD 1, pass First Reading by title and further action be deferred until later in the calendar, seconded by Representative Kamalii."

Representative Cayetano thanked the Chair.

Representative Medeiros then rose and stated:

"Mr. Speaker, I would like to clarify one thing at this point, and I would like to have it recorded in the Journal as to what I have to say.

Mr. Speaker, at that particular time, yes, I voted to pass this bill on to the committee for the simple reason that at that time, Mr. Speaker, there were 78 days left in the session which is the Ninth Legislative Session. Because of this, it was given to the

Chairman of the Judiciary Committee. . ."

Representative D. Yamada, on a point of order, stated:

"I believe that the issue before us right now is whether we recall the bill or not, and the speaker is not addressing his remarks to that."

The Chair said:

"Representative Medeiros, would you tie your remarks in as to why you are supporting the motion", and directed Representative Medeiros to "proceed".

Representative Medeiros proceeded, stating:

"Mr. Speaker, I am trying to clarify the fact as to why I had voted to pass this bill on the 42nd day of the First Session of the Ninth Legislative Session, and the reason why I did this, Mr. Speaker, was because we had ample time at that time. The Judiciary Committee Chairman had 78 days to have a public hearing on this, and the reason for the motion on the floor of the House today, Mr. Speaker, is because time is of the essence right now and we are running out of time.

I just wanted to clarify for the Journal my action that I took on the 42nd day of the First Session of the Ninth Legislative Session."

Representative Kunimura then rose and stated:

"Just a few words and they always said, 'The word to the wise is sufficient', and I have never seen anything more beautiful than the statements made by the most honorable member of this House from Manoa. His arguments were very strongly in support of this motion today, because had we taken his suggestion the day he tried to have it voted on this floor, we would have denied, first, public input. With no public hearing, many of us were in the dark, not as learned, but, at least, we had faith in the committee system, but when the committee system fails, the Constitution provides us this avenue, and it is the constitutional guarantee . . . at least one thing, we were fair. We gave the committee an opportunity, but time - how long must one have to consider something? It's almost a year. We could have

done something during last session. We could have done something after we convened, but time has run out, and now we must invoke the constitutional provisions and declare ourselves one way or the other."

Representative Peters then rose and stated:

"Yes, Mr. Speaker, we are talking about the merits or demerits of the measure. By the way, I am speaking against the motion."

As I understand it, we are not talking about the merits or demerits of the measure, realizing the process. To me, it's a shibai when you take it from one committee and bring it to another. If we have a process for allowing maximum amount of input from the members of the committee, and I commend Representative Garcia - brother Garcia - because he has a lot of guts. Other guys would perhaps say, hey, partner, let's deal with the questions. This is a hot potato - get it out. At least this man has taken a lot of heat. I commend him for it. But to take it from one committee to another, and this is a committee - to bring this to the Committee of the Whole - and expecting this Committee to deal with that question in a similar fashion, to me, that's a lot of shibai.

Thank you, Mr. Speaker."

Representative Kamalii, at this time, requested a roll call vote on the motion to recall.

The Chair then asked for a show of hands on whether or not to have a roll call vote, and ruled that a sufficient number called for a roll call vote, and stated:

"Roll call has been asked for. All those in favor of the motion will vote 'aye'. All those who oppose the motion will vote 'no'."

Representative Abercrombie, on a point of information, asked:

"Mr. Speaker, I find myself right in the same spot again. I know you are going to call my name first. Will you repeat that over again? The reason I ask that, Mr. Speaker, is that you can't imagine the amount of advice I'm getting right now."

The Chair stated:

"The motion before the House is to recall the Senate bill relating

to capital punishment. Those who vote 'aye' will be voting in favor of the motion. Those who vote 'no' will be voting against the motion."

Roll call having been requested, the motion to recall Senate Bill No. 184, SD 1, from the Judiciary Committee was put by the Chair and failed by a vote of 35 noes to 14 ayes, with Representatives Ajifu, Aki, Carroll, Cobb, Evans, Fong, Ikeda, Kamalii, Kunimura, Larsen, Medeiros, Narvaes, Poepoe and Sutton voting aye, and Representatives Baker and Takamine being excused.

At 3:59 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:03 o'clock p.m., Representative Kamalii was recognized on a point of information and she asked:

"Mr. Speaker, I wonder if you would please ask the Chairman of the Judiciary Committee when he intends to hold a hearing on Senate Bill No. 184, SD 1?"

Representative Garcia replied:

"Mr. Speaker, we have many more bills to consider. I haven't yet made a decision as to whether or not one of these bills would include this bill under consideration. I would like to remind the Minority Leader that the deadline for transmittal of both House bills and Senate bills is still quite far away, and until such time as I make a decision as to which bills will be heard, at that time, she will get her answer."

Representative Kamalii then said:

"I hold again, in my hand, a legislative timetable put out by the majority party and it says, 'Third Reading on all House bills, March 7', so I don't know how much time he has."

The Chair remarked:

"We are speaking of a Senate bill."

Representative Garcia stated:

"Mr. Speaker, my understanding is that today is February 23rd and not March 7th."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I have an announcement. I think I said previously in my discussion on the procedure of moving this bill

that I believe I was the only one. I have been corrected on that inasmuch as the Journal does not reflect the exact votes. Representative Uwaine also voted 'no' at that time.

My second announcement, before you hit away, is that just because I gave the Judiciary Chairman a few kind words today doesn't mean that if this routine goes on about the hearing - I want to put everybody on notice, too, as an announcement. You see, before you hear the beginning of the announcements that will come in on this capital punishment bill, you see here the beginning of the readings that will take place in relation to those announcements.

Now, we've had a long day. This is an announcement. You want to have a longer session, fine with me. I want to state, Mr. Speaker, and announce that I will take full advantage of every parliamentary avenue open to me under the rules on any bill that comes before us on this floor, and I know that you will support me on this along with the Majority Leader."

ADJOURNMENT

At 4:10 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, Friday, February 24, 1978.

TWENTY-SEVENTH DAY

Friday, February 24, 1978

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Terry Watanabe of Our Lady of Good Counsel Church, after which the Roll was called showing all members present with the exception of Representatives Baker and Takamine being excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Twenty-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 Twenty-Sixth Day was approved.

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 34) transmitting Senate Bill No. 1641-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE FACILITIES IDENTIFICATION AND REGULATIONS GENERALLY", which passed Third Reading in the Senate on February 23, 1978, was read by the Clerk and was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.B. No. 1641-78, SD 1, passed First Reading by title and further action was deferred until Monday, February 27, 1978.

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

Mr. and Mrs. R. C. Studley of Wenatchee, Washington, were introduced by Representative Sutton.

Thirty students from Kauluwela Elementary School were introduced by Representative Campbell. They were accompanied by their teacher, Ms. Angela Middleton, and Mrs. Ann White from Manchester, England.

Mrs. Pat Monteith, Representative Kiyabu's sister from San Francisco, and her sister-in-law, Julia Monteith from England, were introduced

by Representative Mizuguchi.

Representative Cobb introduced twenty-four first grade students from the Island Paradise Annex School, who were accompanied by their teacher, Mrs. Marcia Yamamoto.

Representative Naito introduced Mrs. Helen Griffin, president of the League of Women Voters, and some of the members who were seated in the gallery.

Forty-eight students from Aina Haina Elementary School were introduced by Representative Dods. They were accompanied by their teachers, Mrs. Ruth Watanabe and Mrs. Irene Imura, and parents, Mrs. Fay Bennet, Mrs. Feyerisen and Mrs. Alice Newton.

Jody and Frances Johnson from San Rafael, California, were introduced by Representative Evans. She also introduced her mother, Mrs. Marie Ernesto.

Mr. Kazuo Ikeda, a retired school principal, was introduced by Representative Aki.

Representative Peters introduced one hundred ten fifth grade students from Kaimiloa Elementary School. They were accompanied by their teachers, Mrs. Ng, Mrs. Ouya, Mrs. Ejima and Mrs. Matsumura.

Representative Say introduced a group of Central Intermediate School students.

At 11:14 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.

SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the rules were suspended to allow members to offer resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 356 to 359) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 356) commending and congratulating Hawaii Junior

Miss, Inc. and the winners of the 1978 Hawaii Junior Miss Pageant was jointly offered by Representatives Ikeda, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Garcia, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Morioka, Naito, Narvaes, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Ikeda, seconded by Representative Uechi and carried, H.R. No. 356 was adopted.

Representative Ikeda then rose and stated:

"Mr. Speaker, as a judge for the 1978 Junior Miss Pageant, I have to tell you that all forty-five girls who participated were truly outstanding and I was just thrilled to be given the honor of being a judge.

The selection was tremendously hard, but it gave me a really good feeling about the future and the fact that we do have these young women in Hawaii today of this calibre - brains, beauty and talent. You name it, they've got it."

She then proceeded to introduce the following: Lorna Page, 1978 Junior Miss; Wendy Kuwamoto, first runner-up; Martina Kamaka, second runner-up; Janine Chang, third runner-up; George Kodama, general chairman of the Hawaii Junior Miss, Inc.; and Mrs. Page, mother of Lorna; who were presented with leis by Representatives Garcia, Campbell, Poepoe, Say, Ajifu and Kamalii, respectively. Representative Uechi presented Lorna and Wendy with certified copies of resolutions which were passed during a previous session, while Representative Ikeda presented the honorees with copies of this resolution.

A resolution (H.R. No. 357) congratulating the Hawaii State Council on Child Abuse and Neglect was jointly offered by Representatives Campbell, Ajifu, Aki, Blair, Caldito, Carroll, Cayetano, Cobb, Dods, Evans, Ikeda, Inaba, Kihano, Kunimura, Larsen, Lunasco, Machida, Mina, Mizuguchi, Morioka, Naito, Narvaes, Peters, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Campbell, seconded by Representative Aki and carried, H.R. No. 357 was adopted.

Representative Campbell then rose and stated:

"Mr. Speaker and members of the House, my colleague and I, Representative Garcia, represent a district where there is an institution with bars and high walls and guards - it's the Hawaii prison. Many of the inmates of that facility were victims, at one time, of a disease. And that disease was child abuse and neglect. If we protect our children, there should be no fear for the future of our State.

Mr. Speaker, the group we honor today has committed themselves to the protection of our children, and for their outstanding services they are rendering to Hawaii's children, having them here today is our way of saying mahalo.

Mr. Speaker, in the gallery, I hope they are still here, are some members of the staff of the Hawaii Family Stress Center, and I hope Mr. Charles Watke, the project director, is with them, may I ask them to rise and be recognized."

Representative Campbell then proceeded to introduce the following members of the Hawaii State Council on Child Abuse and Neglect: Don Derby from Kauai; Judy Caprita, Molokai; Christine Landsworthy, Lanai; Pauline Ono, Kauai; Cathy Lowder, Hawaii; Sue Frances, Oahu; and Patti Lyon, chairman. Representatives Aki, Stanley, Segawa, Machida, Ueoka and Kunimura presented the above-mentioned with leis and members of the Committee on Youth and Elderly Affairs and neighbor island representatives presented them with certified copies of the resolution.

Representative Abercrombie then rose and asked:

"While the leis are being presented and the resolutions are being presented, may I make a personal comment in respect of Patti Lyons?"

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

"She is being honored today, as she is the director here. And may I say here that she is one of the finest people that it has been my fortune to meet in public service here in the State of Hawaii. I'm very pleased that she is being honored today."

A resolution (H.R. No. 358) congratulating Mrs. Cora Freitas on her selection as the Hawaii District nominee for teacher of the year was jointly offered by Representatives K. Yamada, Aki, Baker, Blair, Caldito, Campbell, Cayetano, Dods, Garcia, Inaba, Kihano, Kiyabu, Lunasco, Mina, Mizuguchi, Naito, Nakamura, Peters, Say, Segawa, Stanley, Suwa, Takamine, Takamura, Uechi, Ueoka, D. Yamada and Yuen.

On motion by Representative K. Yamada, seconded by Representative Segawa and carried, H.R. No. 358 was adopted.

Representative K. Yamada then introduced the honoree by stating:

"Mr. Speaker, noticing the great number of students and teachers in the gallery, it gives me great pleasure to bring to them and to this honorable body, the Hawaii District outstanding teacher of the year, Mrs. Cora Freitas."

At this time, Representative Segawa presented the honoree with a red carnation lei and Representative K. Yamada presented her with a certified copy of the resolution.

A resolution (H.R. No. 359) commending and honoring Farran F. Rossetti on his selection as the 1978 Truck Driver of the Year for Hawaii was jointly offered by Representatives Uechi, Wakatsuki, Abercrombie, Ajifu, Blair, Caldito, Cayetano, Cobb, Dods, Evans, Inaba, Kamalii, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Say, Segawa, Shito, Stanley, Sutton, Takamine, Takamura, Toguchi, Ueoka, Ushijima, D. Yamada and Yuen.

On motion by Representative Uechi, seconded by Representative Shito and carried, H.R. No. 359 was adopted.

Representative Uechi then stated:

"Mr. Speaker, it gives me great pleasure this morning to introduce Farran to the body here. Most of all, because Mr. Rossetti - I call him Mr. Rossetti since he's a big man today - as I said, most of all I am proud to present him to the body because Farran was my student many years ago at Radford High School. And with the other honorees that we have of the Junior Miss from our district, sometimes

I don't mind going back and teach with all those fine students that we have today. However, I would like to have Farran stand and be recognized."

Representative Uechi then went on and introduced the honoree's wife, Nina; Mr. Verne Trauntvein, vice president and general manager of Bekins Moving and Storage Company; and Mr. Parnell who is with the Trucker's Association.

A certified copy of the resolution was presented to Mr. Rossetti by Representative Uechi.

At 11:37 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, to permit the members of the House to extend "to our guests this morning our personal aloha."

Upon reconvening at 11:43 o'clock a.m., the following introductions were made:

Representative Ikeda introduced Mrs. Louise Ellingsworth.

Representative Peters introduced Mr. Stan Berry.

Representative Sutton introduced Mr. Stan Kennedy.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 351 to 355) and concurrent resolutions (H.C.R. Nos 72 to 75 and S.C.R. No. 28) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
351	Committee on Energy and Transportation, then to the Committee on Finance
352	Committee on Water, Land Use, Development and Hawaiian Homes
353	Jointly to the Committees on Ecology and Environment and Water, Land Use, Development and Hawaiian Homes, then to the Committee on Finance
354	Committee on Consumer Protection and Commerce, then to the Committee on Finance
355	Committee on Health, then jointly to the Committees on Consumer Protection and Commerce and Judiciary

H.C.R. Nos.

- 72 Jointly to the Committees on Ecology and Environment and Water, Land Use, Development and Hawaiian Homes, then to the Committee on Finance
- 73 Jointly to the Committees on Education and Higher Education, then to the Committee on Legislative Management
- 74 Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance, then to the Committee on Legislative Management
- 75 Committee on Judiciary, then to the Committee on Legislative Management

S.C.R. No.

- 28 Committee on Energy and Transportation

STANDING COMMITTEE REPORTS

Representative Suwa, at this time, rose and stated:

"Pertaining to the standing committee reports, Mr. Speaker, I think there is an SOP, or standing operating procedure, where a committee submits a committee report prior to 4:00 p.m., that if there is no error, it shall appear in the following day's calendar. I have sent down five committee reports which do not appear in this morning's calendar. I should be demanding that there should be an appendix to this calendar, but time is getting late, so I hope you kind of pay attention to that area, Mr. Speaker."

The Chair replied:

"It will be so noted. The Chair will follow up on the request."

Any others? If not, on this morning's calendar those who wish to record a 'no' vote on the passage of certain bills or resolutions, will you so note after the motion is made."

Representative Cobb then rose and stated:

"On a point of parliamentary privilege, I would like to request that if there is going to be extended discussion on a bill, that the motion or request be deferred to the end of the calendar

be permitted."

The Chair then stated:

"The Chair will allow that to be permitted."

Representative Sutton then rose and asked:

"Mr. Speaker, in that regard, then, could we have a deferral to the end of the calendar of Standing Committee Report No. 157-78, House Bill No. 2618-78?"

The Chair replied:

"We will take that matter up when it comes."

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 142-78) informing the House that House Resolution Nos. 344 to 355, House Concurrent Resolution Nos. 71 to 75, and House Standing Committee Report Nos. 143-78 to 185-78 have been printed and distributed.

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

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 143-78) recommending that H.B. No. 2165-78, as amended in HD 1, be referred to the Committee on Energy and Transportation.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2165-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURCHASE BY A PUBLIC UTILITY OF GEOTHERMAL ENERGY", was referred to the Committee on Energy and Transportation.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 144-78) recommending that H.B. No. 2191-78, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2191-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATION OF TAXES", was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 145-78) recommending that H.B. No. 2396-78, as amended in HD 1, be referred to the Committee on Employment Opportunities and Labor Relations.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2396-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP INSURANCE", was referred to the Committee on Employment Opportunities and Labor Relations.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 146-78) recommending that H.B. No. 2285-78, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2285-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR TAXATION", was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 147-78) recommending that H.B. No. 1870-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Housing.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1870-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE MORTGAGE INSTRUMENTS", passed Second Reading and was referred to the Committee on Housing.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 148-78) recommending that H.B. No. 1920-78 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. 1920-78, entitled: "A BILL FOR AN ACT RELATING TO BOARDS

AND COMMISSIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, February 27, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 149-78) recommending that H.B. No. 1915-78, 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. 1915-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REQUIREMENTS OF RETAIL INSTALLMENT CONTRACTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, February 27, 1978.

At 11:49 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:50 o'clock a.m.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 150-78) recommending that H.B. No. 2728-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 2728-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES", passed Second Reading and was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 151-78) recommending that H.R. No. 45, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 45, HD 1, entitled: "HOUSE RESOLUTION REQUESTING DEVELOPMENT OF A SYSTEM-WIDE ATHLETIC PLAN FOR UNIVERSITY OF HAWAII WOMEN", was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education, presented

a report (Stand. Com. Rep. No. 152-78) recommending that H.B. No. 2372-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.B. No. 2372-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WOMEN'S STUDIES", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 153-78) recommending that H.B. No. 1990-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 1990-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNENCUMBERED FUNDS FOR KAHUKU HOSPITAL", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 154-78) recommending that H.B. No. 2099-78 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. 2099-78, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL FISHING", passed Second Reading and was placed on the calendar for Third Reading on Monday, February 27, 1978.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 155-78) recommending that H.B. No. 1991-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 1991-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RADIOLOGY EQUIPMENT FOR KAHUKU HOSPITAL", passed Second

Reading and was referred to the Committee on Finance.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 156-78) recommending that H.B. No. 2891-78 pass Second Reading and be referred to the Committee on Public Employment and Government Operations.

On motion by Representative Shito, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.B. No. 2891-78, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Second Reading and was referred to the Committee on Public Employment and Government Operations, with Representative Evans voting no.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 157-78) recommending that H.B. No. 2618-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

By unanimous consent, action was deferred for one day.

Representative Machida, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 158-78) recommending that H.B. No. 1897-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Machida, seconded by Representative Dods and carried, the report of the Committee was adopted and H.B. No. 1897-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WAIKIKI IMPROVEMENTS", passed Second Reading and was referred to the Committee on Finance.

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. 159-78) recommending that H.B. No. 1904-78 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 Committees was adopted and H.B. No. 1904-78, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM LOT SIZE FOR AGRICULTURAL USE", passed Second Reading and was placed on the calendar for Third Reading on Monday, February 27, 1978.

Representative Machida, for the

majority of the Committee on Tourism, presented a report (Stand. Com. Rep. No. 160-78) recommending that H.B. No. 1822-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Machida, seconded by Representative Dods and carried, the report of the majority of the Committee was adopted and H.B. No. 1822-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 161-78) recommending that H.B. No. 3062-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 3062-78, entitled: "A BILL FOR AN ACT RELATING TO ACCESS ROAD TO KEAPUKA RECREATIONAL AREA, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representatives Kawakami and Say, for the Committees on Water, Land Use, Development and Hawaiian Homes and Culture and the Arts, presented a joint report (Stand. Com. Rep. No. 162-78) recommending that H.B. No. 2358-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Say and carried, the report of the Committees was adopted and H.B. No. 2358-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RESTORATION AND PRESERVATION OF HULIHEE PALACE AT KAILUA-KONA, HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 163-78) recommending that H.B. No. 2272-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee

was adopted and H.B. No. 2272-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION RELATING TO THE VEGETABLE RESEARCH PROGRAM AT THE KULA BRANCH STATION, COLLEGE OF TROPICAL AGRICULTURE, IN MAUI COUNTY", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 164-78) recommending that H.B. No. 2271-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2271-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KONA EXPERIMENT STATION, COLLEGE OF TROPICAL AGRICULTURE, UNIVERSITY OF HAWAII, KONA, HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Ushijima, for the majority of the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 165-78) recommending that H.B. No. 2918-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the majority of the Committee was adopted and H.B. No. 2918-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE LAW OF THE SEA INSTITUTE", passed Second Reading and was referred to the Committee on Finance, with Representative Abercrombie voting no.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 166-78) recommending that H.B. No. 2838-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.B. No. 2838-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR GENERAL REPAIRS OF THE COLLEGE HALL BUILDING OF THE UNIVERSITY OF HAWAII AT HILO, HILO HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Ushijima, for the

Committee on Higher Education, presented a report (Stand. Com. Rep. No. 167-78) recommending that H.B. No. 2277-78, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.B. No. 2277-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEVELOPMENT AND EXPANSION OF THE COLLEGE OF AGRICULTURE OF THE UNIVERSITY OF HAWAII-HILO", was referred to the Committee on Finance.

Representatives Say and Ushijima, for the Committees on Culture and the Arts and Higher Education, presented a joint report (Stand. Com. Rep. No. 168-78) recommending that H.B. No. 2481-78 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Say, seconded by Representative Ushijima and carried, the report of the Committees was adopted and H.B. No. 2481-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HAWAII PUBLIC TELEVISION", passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 169-78) recommending that H.B. No. 2595-78, as amended in HD 1, pass Second Reading and 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.B. No. 2595-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO THE HONOLULU THEATER FOR YOUTH, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 170-78) recommending that H.B. No. 3064-78, as amended in HD 1, pass Second Reading and 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.B. No. 3064-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MULTICULTURAL CENTER", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 171-78) recommending that H.B. No. 2692-78, as amended in HD 1, pass Second Reading and 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.B. No. 2692-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ENSEMBLE PLAYERS GUILD", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 172-78) recommending that H.B. No. 2644-78, as amended in HD 1, pass Second Reading and 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.B. No. 2644-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HONOLULU SYMPHONY", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 173-78) recommending that H.B. No. 2577-78, as amended in HD 1, pass Second Reading and 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.B. No. 2577-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE KALIHI-PALAMA CULTURE AND ARTS SOCIETY", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 174-78) recommending that H.B. No. 2511-78, as amended in HD 1, pass Second Reading and 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.B. No. 2511-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO THE BISHOP MUSEUM", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 175-78) recommending that H.B. No. 2538-78, as amended in HD 1, pass Second Reading and 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.B. No. 2538-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTINUATION OF THE 'RICE AND ROSES' SERIES ON PUBLIC TELEVISION", passed Second Reading and was referred to the Committee on Finance, with Representatives Evans and Sutton voting no.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 176-78) recommending that H.B. No. 2674-78, as amended in HD 1, pass Second Reading and 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.B. No. 2674-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE THEATRE FOR YOUTH FOR NEIGHBOR ISLAND PROGRAM", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 177-78) recommending that H.B. No. 2889-78, as amended in HD 1, pass Second Reading and 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.B. No. 2889-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII COUNCIL ON PORTUGUESE HERITAGE", passed Second Reading and was referred to the Committee on Finance.

Representatives Say and Ushijima,

for the Committees on Culture and the Arts and Higher Education, presented a joint report (Stand. Com. Rep. No. 178-78) recommending that H.B. No. 2670-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Abercrombie and carried, the report of the Committees was adopted and H.B. No. 2670-78, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC AND ASIAN AFFAIRS COUNCIL FOR THE STATE OF HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 179-78) recommending that H.B. No. 1914-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.B. No. 1914-78, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTING ITEMS PURCHASED FOR RESALE BY THE UNIVERSITY OF HAWAII BOOKSTORES FROM THE REQUIREMENTS OF PUBLIC ADVERTISEMENT FOR SEALED TENDERS", passed Second Reading and was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 180-78) recommending that H.B. No. 2184-78 pass Second Reading and be referred to the Committee on Finance.

By unanimous consent, action was deferred for one day.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 181-78) recommending that H.B. No. 2350-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2350-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HONOKAA-KOHALA ALTERNATIVE PROGRAM", passed Second Reading and was referred to the Committee on Finance.

Representative Mizuguchi, for

the Committee on Education, presented a report (Stand. Com. Rep. No. 182-78) recommending that H.R. No. 180 be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 180, entitled: "HOUSE RESOLUTION REQUESTING THE COMMITTEE ON EDUCATION TO REVIEW THE PROGRESS MADE BY THE DEPARTMENT OF EDUCATION TO PROVIDE FOR THE ACTIVE PARTICIPATION OF TEACHERS IN THOSE MANAGEMENT AREAS WHICH WOULD BE ENHANCED BY THEIR INVOLVEMENT", was adopted.

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. 183-78) recommending that H.B. No. 2417-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the Committees was adopted and H.B. No. 2417-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX EXEMPTIONS FOR HAWAIIAN AGRICULTURAL COOPERATIVE ASSOCIATIONS", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 184-78) recommending that H.B. No. 2022-78, as amended in HD 2, 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. 2022-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE", passed Second Reading and was placed on the calendar for Third Reading on Monday, February 27, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 185-78) recommending that H.B. No. 1963-78 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. 1963-78, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", passed Second Reading and was placed on the calendar for Third Reading on Monday, February 27, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1920-78; 1915-78, HD 1; 2099-78; 1904-78; 2022-78, HD 2; and 1963-78 were made available to the members of the House at 11:00 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 360 to 362) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 360) congratulating KYAC and its basketball champions was jointly offered by Representatives Yuen, Medeiros and Poepoe.

On motion by Representative Yuen, seconded by Representative Medeiros and carried, H.R. No. 360 was adopted.

A resolution (H.R. No. 361) congratulating the people of Waimanalo on their new library was offered by Representative Yuen.

On motion by Representative Yuen, seconded by Representative Peters and carried, H.R. No. 361 was adopted.

A resolution (H.R. No. 362) honoring and commending the University of Hawaii Cooperative Extension Service on its fiftieth anniversary was jointly offered by Representatives Ushijima, Uechi, Abercrombie, Ajifu, Aki, Campbell, Cayetano, Garcia, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Machida, Mizuguchi, Nakamura, Peters, Poepoe, Say, Segawa, Shito, Stanley, Suwa, Takamine, Toguchi, Ueoka and Yuen.

On motion by Representative Ushijima, seconded by Representative Uechi and carried, H.R. No. 362 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 363 to 365) were referred to the Committee on Legislative Management and further action was deferred until Monday, February 27, 1978:

A resolution (H.R. No. 363) relating

to the application by the Department of Hawaiian Home Lands to exchange lands with the Department of Land and Natural Resources for the establishment of agricultural parks for lessees of Hawaiian home lands was jointly offered by Representatives Morioka, Blair, Caldito, Dods, Garcia, Inaba, Kawakami, Kiyabu, Larsen, Machida, Mina, Stanley, Uechi, Ueoka, Uwaine and K. Yamada.

A resolution (H.R. No. 364) requesting the Federal Aviation Administration to reroute helicopter and other small aircraft flights and avoid direct flights over the Kaimuki community was jointly offered by Representatives Morioka, Caldito, Dods, Garcia,

Inaba, Kawakami, Kiyabu, Larsen, Machida, Mina, Say, Stanley, Suwa, Uechi, Ueoka, Uwaine and K. Yamada.

A resolution (H.R. No. 365) requesting a report on hotel reservations was jointly offered by Representatives Machida and Dods.

ADJOURNMENT

At 11:59 o'clock a.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 11:00 o'clock a.m. on Monday, February 27, 1978.

TWENTY-EIGHTH DAY

Monday, February 27, 1978

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Kenneth L. Heflin of the Kailua United Methodist Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Baker, Garcia, Kiyabu, Peters and Ushijima, who were excused.

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

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 35) returning House Concurrent Resolution No. 71, which was adopted by the Senate on February 24, 1978, was read by the Clerk and was placed on file.

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

Representative Evans introduced Mr. and Mrs. Heflin of Harland, Iowa, parents of Reverend Kenneth L. Heflin.

Representative Kihano introduced two gentlemen who "contributed a lot to the community in the Leeward area", Mr. Calvin Broyard and Mr. Joseph Keliikoa. Mr. Keliikoa is also the Commander of the State of Hawaii, Disabled American Veterans organization.

Representative Medeiros introduced 130 seventh grade students from Saint Anthony's School in Kailua. They were accompanied by their Social Studies teachers, Mr. Weaver, Mrs. Ginger McCarthy, Mrs. Jane Linfenmeyer, Mrs. Clem Morgan, and Sister Joyce, and parents, Mrs. Rohr, Mrs. Cross, Mrs. Sullivan, Mrs. Feron, and Mrs. Nascimento.

ORDER OF THE DAY

COMMITTEE REFERRAL

The following Senate Bill was disposed of as follows:

<u>S.B. No.</u>	<u>Referred to:</u>
1641	Committee on Health

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 363 to 365) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
363	Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Agriculture
364	Committee on Energy and Transportation
365	Committee on Tourism, then to the Committee on Legislative Management

COMMITTEE REASSIGNMENTS

The following House Bills was re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2814-78	Committee on Consumer Protection and Commerce
3046-78	Committee on Consumer Protection and Commerce
3049-78	Committee on Consumer Protection and Commerce
3060-78	Committee on Consumer Protection and Commerce

UNFINISHED BUSINESS

Stand. Com. Rep. No. 157-78 on H.B. No. 2618-78, HD 1 (Deferred from February 24, 1978):

Representative Kamalii 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. 180-78 on H.B. No. 2184-78 (Deferred from February 24, 1978):

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

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 186-78) informing the House that House Resolution Nos. 356 to 365 and Standing Committee Report Nos. 187-78 to 214-78, have been printed and distributed.

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

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 187-78) recommending that H.B. No. 1857-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 1857-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR-DRIVEN BICYCLES", passed Second Reading and was referred to the Committee on Judiciary.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 188-78) recommending that H.B. No. 1771-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 1771-78, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX CREDIT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, February 28, 1978.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 189-78) recommending that H.B. No. 2480-78, 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 Kunimura and carried, the report of the Committee was adopted and H.B. No. 2480-78, HD 1, 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, February 28, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1771-78 and 2480-78, HD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 190-78) recommending that H.B. No. 709, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 709, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE PUBLIC DEFENDER", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 191-78) recommending that H.B. No. 2161-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2161-78, HD 1, entitled: "A BILL FOR AN ACT APPROPRIATION FOR THE SUBSTANCE ABUSE PROGRAM", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 192-78) recommending that H.B. No. 2068-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2068-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUPPORT OF MENTAL HEALTH-RELATED PROGRAMS", passed Second Reading and was referred to the Committee on Finance.

Representatives Toguchi and Blair, for the majority of the Committees on Ocean and Marine Resources and Ecology and Environment, presented a joint report (Stand. Com. Rep. No. 193-78) recommending that H.B. No. 2452-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Toguchi, seconded by Representative Blair and carried, the report of the majority of the Committees was adopted and H.B. No. 2452-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY ON THE DISPOSAL OF TAILINGS FROM THE PROCESSING OF MANGANESE NODULES", passed Second Reading and was referred to the Committee on Finance, with Representative Carroll voting no.

Representative Toguchi, for the majority of the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 194-78) recommending that H.B. No. 1788-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Toguchi, seconded by Representative Morioka and carried, the report of the majority of the Committee was adopted and H.B. No. 1788-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MANGANESE NODULES", passed Second Reading and was referred to the Committee on Finance, with Representative Carroll voting no.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 195-78) recommending that H.B. No. 2319-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative K. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2319-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF WOMEN", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 196-78) recommending that H.B. No. 2276-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative K. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2276-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A DISTRICT COURT JUDGESHIP IN THE THIRD JUDICIAL CIRCUIT", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 197-78) recommending that H.B. No. 2311-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ueoka, seconded by Representative Kondo and carried, the report of the Committee was adopted and H.B. No. 2311-78, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 198-78) recommending that H.B. No. 2243-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative K. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2243-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 199-78) recommending that H.C.R. No. 39, as amended in HD 1, be referred to the Committee on Legislative Management.

Representative Uwaine then requested that his remarks be inserted into the Journal and the Chair, noting that there were no objections, so ordered.

Representative Uwaine's remarks are as follows:

"Mr. Speaker, the commitment of public funds requires that the State is assured that the purposes of the Legal Aid Society of Hawaii are being fulfilled in an efficient and fair manner, so that the intended beneficiaries of the public funds are not left at the mercy of the judicial system without appropriate counsel.

Mr. Speaker, recent media reports

indicate a number of allegations about the operations of the Legal Aid Society of Hawaii, and have, in fact, created considerable concern as to the efficacy of the organization in meeting its responsibilities.

Mr. Speaker, the obligation of the State to the poor, as well as to all of its people, requires an audit of the Legal Aid Society of Hawaii to assure that legal services for the poor in Hawaii are being provided as contemplated by the Legislature, and to shed light upon the charges made regarding such services."

On motion by Representative K. Yamada, seconded by Representative Cobb and carried, the report of the majority of the Committee was adopted and H.C.R. No. 39, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE LEGAL AID SOCIETY OF HAWAII", was referred to the Committee on Legislative Management, with Representative Naito voting no.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 200-78) recommending that H.R. No. 168, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative K. Yamada, seconded by Representative Cobb and carried, the report of the majority of the Committee was adopted and H.R. No. 168, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE LEGAL AID SOCIETY OF HAWAII", was referred to the Committee on Legislative Management, with Representative Naito voting no.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 201-78) recommending that H.B. No. 2251-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2251-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION FOR SCHOOL VANDALISM AND LOST BOOKS", passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 202-78) recommending that H.B. No. 2458-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2458-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHING CENTERS", passed Second Reading and was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 203-78) recommending that H.B. No. 2545-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2545-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS CONTRACTS", passed Second Reading and was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 204-78) recommending that H.B. No. 2460-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2460-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TENURE", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 205-78) recommending that H.B. No. 2366-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2366-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESERVING THE INTEGRITY OF THE FAMILY", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a

report (Stand. Com. Rep. No. 206-78) recommending that H.B. No. 2267-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2267-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATIONAL EXPENDITURE PLAN, MOLOKAI GENERAL HOSPITAL, MOLOKAI", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 207-78) recommending that H.B. No. 2439-78, as amended in HD 1, be referred to the Committee on Education.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2439-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS FOR A BI-LINGUAL/BI-CULTURAL PROGRAM", was referred to the Committee on Education.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 208-78) recommending that H.R. No. 206, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.R. No. 206, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROVISION OF RESIDENTIAL AND OTHER RELATED SERVICES IN THE COMMUNITY FOR THE DEVELOPMENTALLY DISABLED PERSONS", was referred to the Committee on Finance.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 209-78) recommending that H.B. No. 1773-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 1773-78, entitled: "A BILL FOR AN ACT RELATING TO THE INVESTMENTS OF FIDUCIARIES", passed Second

Reading and was placed on the calendar for Third Reading tomorrow, February 28, 1978.

The Chair directed the Clerk to note that printed copies of H.B. No. 1773-78 were made available to the members of the House at 11:00 o'clock a.m.

Representatives Naito and Aki, for the Committees on Corrections and Rehabilitation and Youth and Elderly Affairs, presented a joint report (Stand. Com. Rep. No. 210-78) recommending that H.R. No. 12, as amended in HD 1, be adopted.

On motion by Representative Naito, seconded by Representative Aki and carried, the joint report of the Committees was adopted and H.R. No. 12, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ESTABLISHMENT OF A CORRECTIONS CRIME PREVENTION PROGRAM", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 211-78) recommending that H.R. No. 227 be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 227, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO RELEASE FUNDS APPROPRIATED TO COUNTIES", was adopted.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 212-78) recommending that H.R. No. 238 be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 238, entitled: "HOUSE RESOLUTION REQUESTING THE COMMITTEE ON EDUCATION TO REVIEW THE IMPLEMENTATION OF OPERATING FUNDS FOR SPECIAL NEEDS IN THE DEPARTMENT OF EDUCATION AND TO MAKE RECOMMENDATIONS", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 213-78) recommending that H.R. No. 47 be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 47, entitled: "HOUSE RESOLUTION COMMENDING

THE PARTICIPATION OF WOMEN IN THE MASTERS OF BUSINESS ADMINISTRATION PROGRAM OF THE UNIVERSITY OF HAWAII", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 214-78) recommending that H.R. No. 48 be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 48, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE ADVISABILITY OF INCORPORATION FOR THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF HAWAII (ASUH)", was adopted.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 366 to 368) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 366) honoring Lydia Aholo was jointly offered by Representatives Kamalii, Aki, Caldito, Cayetano, Dods, Evans, Fong, Ikeda, Inaba, Kawakami, Kunimura, Larsen, Machida, Morioka, Peters, Poepoe, Say, Stanley, D. Yamada, K. Yamada and Yuen.

On motion by Representative Kamalii, seconded by Representative Caldito and carried, H.R. No. 366 was adopted.

A resolution (H.R. No. 367) extending condolences to the family of Johanna D. Cluney was jointly offered by Representatives Kamalii, Aki, Caldito, Cayetano, Dods, Evans, Fong, Ikeda, Inaba, Kawakami, Kunimura, Larsen, Machida, Morioka, Peters, Poepoe, Say, Stanley, D. Yamada, K. Yamada and Yuen.

On motion by Representative Kamalii, seconded by Representative Evans and carried, H.R. No. 367 was adopted by a rising vote.

A resolution (H.R. No. 368) congratulating the ILH Basketball All-Stars was jointly offered by Representatives Narvaes, Abercrombie, Aki, Caldito, Campbell, Cayetano, Dods, Evans, Ikeda, Inaba, Kihano, Kiyabu, Larsen, Lunasco, Machida, Medeiros, Mina, Morioka, Peters, Say, Segawa, Stanley, Suwa, Takamine, Toguchi, Uechi, Ueoka, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Narvaes, seconded by Representative Ajifu and carried, H.R. No. 368 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 369 to 375) and concurrent resolutions (H.C.R. Nos. 76 to 78) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, February 28, 1978:

A resolution (H.R. No. 369) requesting the expansion of the Hawaiiana Program in public schools by utilizing existing programs available in our community was jointly offered by Representatives Mizuguchi, Peters, Abercrombie, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Inaba, Kawakami, Kiyabu, Lunasco, Mina, Morioka, Naito, Say, Segawa, Shito, Suwa, Ueoka and Uwaine.

A resolution (H.R. No. 370) requesting the Department of Social Services and Housing to conduct a study on the indigent burial program was offered by Representative Abercrombie.

A resolution (H.R. No. 371) commending the problem of pornographic films to the attention of the Council of the City and County of Honolulu was jointly offered by Representatives Cobb, Dods, Garcia, Ikeda, Larsen, Medeiros, Morioka, Naito, Nakamura, Say, D. Yamada and K. Yamada.

A resolution (H.R. No. 372) requesting favorable action on proposed federal legislation to exempt state and local public pension plans from federal taxation and reporting requirements was jointly offered by Representatives Suwa and Peters.

A resolution (H.R. No. 373) requesting the State of Hawaii to acquire through land exchange the oceanfront parcel of Mahaiula in Kona, Hawaii for the purposes of public recreation and historic preservation was jointly offered by Representatives Inaba, Kawakami, Segawa, Suwa, Takamine and K. Yamada.

A resolution (H.R. No. 374) requesting the Department of Health to conduct a study to determine the feasibility of routine scoliosis screening in Hawaii's public schools was jointly offered by Representatives Shito, Aki, Blair, Evans, Inaba, Kiyabu, Kunimura, Lunasco, Machida, Morioka, Nakamura, Segawa, Stanley, Takamine, Uechi, Uwaine, D. Yamada and K. Yamada.

A resolution (H.R. No. 375) requesting the inclusion of geriatric medicine in the curriculum of the John A. Burns School of Medicine of the University of Hawaii was jointly offered by Representatives Takamura, Aki, Abercrombie, Blair, Caldito, Campbell, Dods, Evans, Fong, Inaba, Larsen, Lunasco, Machida, Medeiros, Mina, Morioka, Nakamura, Say, Segawa, Stanley, Suwa, Takamine, Toguchi, Ueoka, Uwaine, D. Yamada and K. Yamada.

A concurrent resolution (H.C.R. No. 76) requesting favorable action on proposed federal legislation to exempt state and local public pension plans from federal taxation and reporting requirements was jointly offered by Representatives Suwa and Peters.

A concurrent resolution (H.C.R. No. 77) requesting the expansion of the Hawaiiana Program in public schools by utilizing existing programs available in our community was jointly offered by Representatives Mizuguchi, Peters, Abercrombie, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Inaba, Kiyabu, Lunasco, Morioka, Naito, Shito, Suwa, Ueoka and Uwaine.

A concurrent resolution (H.C.R. No. 78) requesting Congress to prepare and submit a proposed constitutional amendment requiring a balancing of the federal budget or to call a constitutional convention upon the application of two-thirds of the various states for the same purpose was jointly offered by Representatives Suwa, Abercrombie, Caldito, Campbell, Cayetano, Cobb, Dods, Evans, Ikeda, Inaba, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Say, Segawa, Shito, Stanley, Sutton, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwaine, D. Yamada and K. Yamada.

At 11:18 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:30 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie, Garcia, Kiyabu and Peters.

SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the rules were suspended

for the purpose of considering 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. 1920-78

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 1920-78, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS", passed Third Reading by a vote of 49 ayes, with Representatives Baker and Ushijima being excused.

H.B. No. 1915-78, HD 1

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 1915-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REQUIREMENTS OF RETAIL INSTALLMENT CONTRACTS", passed Third Reading by a vote of 49 ayes, with Representatives Baker and Ushijima being excused.

H.B. No. 2099-78

On motion by Representative Kawakami, seconded by Representative Caldito and carried, H.B. No. 2099-78, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL FISHING", passed Third Reading by a vote of 49 ayes, with Representatives Baker and Ushijima being excused.

H.B. No. 1904-78

Representative Uechi requested that action be deferred until tomorrow, February 28, 1978, and the Chair, noting that there were no objections, so ordered.

H.B. No. 2022-78, HD 2

On motion by Representative Kawakami, seconded by Representative Caldito and carried, H.B. No. 2022-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE", passed Third Reading by a vote of 49 ayes, with Representatives Baker and Ushijima being excused.

H.B. No. 1963-78

Representative D. Yamada requested that action be deferred until tomorrow, February 28, 1978, and the Chair, noting that there were no objections, so ordered.

The Chair directed the Clerk to note that H.B. Nos. 1920-78 and 1915-78 had passed Third Reading at 11:31 o'clock a.m., 2099-78 and 2022-78 at 11:32 o'clock a.m.

At 11:33 o'clock a.m., on request by Representative Kondo, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:34 o'clock a.m.

DEFERRED MATTERS FROM
EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 157-78
on H.B. No. 2618-78, HD 1 (Deferred
from February 24, 1978):

Representative Shito moved that the report of the Committee be adopted and H.B. No. 2618-78, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Nakamura.

Representative Sutton then rose to speak against the passage of this bill on Second Reading and its referral to the Committee on Finance, stating:

"Mr. Speaker, it was just such revenue bonds as these that started New York City off on its mad dash to bankruptcy. We have provisions for the issuance of bonds, but in an attempt to preclude any accounting towards the debt ceiling, we use this devious route. If the good name of Hawaii is to be on the bond market, then any default of a revenue bond, even though the full faith and credit of the State of Hawaii is not guaranteeing those bonds, will still hurt us on the bond market, and will hurt us nationally.

Hawaii Revised Statutes 359G-4 gives the Hawaii Housing Authority the power to have the State issue general obligation bonds. If such is the case, why do we need revenue bonds? The HHA's power to issue revenue bonds and the exclusion of revenue bonds from the bonded indebtedness is the reason that they're using. But who are they

fooling? Even though the full faith and credit in the State of Hawaii is not attached to these bonds, were they to default, certainly, we would have to come to their rescue. We have statutory,; we have constitutional provisions that exclude revenue bond indebtedness in computing the State debt. But these have no meaning on Wall Street. Large brokerage firms such as Moody's and Standard and Poor in New York take into account the existence of revenue bonds -standing, outstanding - and we are determining the credit rating of our other state bonds. This is a practice regardless of any state law provisions to the contrary. The State has a moral obligation here to back up these revenue bonds, and all of a sudden, we start issuing revenue bonds in the name of the authority of the Hawaii Housing Act.

And what are the reasons? The reason is poor planning; reason is because all of a sudden, Uncle Sam has changed the House Rules and he has said in so many words, you people have to conform.

We had a situation that very clearly defined exactly what was to be included and we have various eliminations worked in here. We have a situation where, for all intents and purposes, mortgage notes have been equated to long term bonds and the revenue bond that replaces the long term mortgage debt would, in no shape or manner, have any of the difficulties that would occur in case of a default on these revenue bonds.

Let's look at a default. What would happen? Well, theoretically, there are two conditions attached to these revenue bonds, but they're not in the statute. First of all, the FHA would have to come in and pick these up and, secondly, the Hawaii Housing Authority would have to have a contractual agreement with the Federal government that they would get a pooling authority such as Bank of Hawaii. The Bank of Hawaii would then work with a national group; say, something like Dill and Reed, and they, in turn, would be an agent to notify people of a default.

I think that if you look at the very statutes itself, you will see that we have a very strange situation. We don't define the FHA's guaranteeing role in this. Nowhere do you see anything about the FHA coming in as a guarantor. It's so simple to put that on page two as section 6. But nowhere is it put in. In the Committee meetings, I asked that the first paragraph

be withdrawn and the Committee Chairman did that. But I still don't like the way this reads.

Look at the very first part of section one, 'notwithstanding and without compliance with the provisions of section 103-7, 103-22, but with the approval of the Governor.' In other words, we have substituted statutory law on the discretion of one man. We don't know who that man may be next year, and we are talking about the approval of a man that's totally unknown to any of us in this room for the year 1979. And all of a sudden, we're giving this unknown man all of this authority in suspending our usual provisions for security.

Then look at the next section - revenue bond financing. 'In addition to general obligation bonds of the State authorized for the purposes of this chapter, the authority, with the approval of the Governor, is hereby authorized to issue revenue bonds in an aggregate amount not to exceed \$22,500,000.'

The purpose of these bonds is excellent. The requirements is what I don't like. The way they are handled. I am a hundred percent behind housing for the elderly. I can't think of anything more worthy. But we do not need to sacrifice the full faith and credit of the State of Hawaii for the mere convenience of having to accommodate to a shifting federal policy. We're aware of the very many ways of liquidity. We're aware of the ways of pooling. We know that Bank of Hawaii can work with Dill and Reed. We're perfectly aware of the fact that if there were a default on these, that for all intents and purposes, the full faith and credit of the State of Hawaii would be badly hurt. I submit that a conservative like Moody's would drop us one full rating from AA down to A.

Now, let me look at how the revenue specifically says it doesn't go into this DER fund. It goes towards the handling of these bonds, and the amortization of interest only. Take an elderly person. They will pay 25 percent of their rental and then be subsidized for the balance. This fund will not have the liquidity to take care of the contingency of a major default by a large number of the renters.

Now, I'm fully aware, Mr. Speaker, of the difference between rental

assistance, which is the case in front of us, and single family assistance. I recognize that there is a complicated problem because of the fact that Program 23 has been suspended. But I say that we must engage in long term planning and not the band-aid type of legislation in front of us. We must remember that the full faith and the credit of the State of Hawaii is a very important thing. Therefore, I would urge all of my fellow constituents here to please vote no.

Thank you."

Representative Shito then rose to speak in favor of H.B. No. 2618-78, HD 1, stating:

"Mr. Speaker, this bill is an emergency measure designed to save over \$5 million worth of set-aside moneys for sorely needed elderly and low-income housing through the issuance of tax exempt revenue bonds. These bonds would be issued by the Hawaii Housing Authority in accordance with terms and conditions as set forth in Article VI, Sections 2 and 3 of our State Constitution. Further, the issuance of these tax-exempt bonds would be subject to approval by the Governor. The total dollar amount of the bonds will not exceed \$22.5 million.

Many questions come to mind when revenue bonds are discussed. I would like to address myself to the more pertinent of these many questions.

Will the issuance of these bonds affect our State's debt ceiling? The answer is no. Our State's debt ceiling would not be affected. This statement has been reaffirmed in an Attorney General's opinion rendered February 22, 1978.

Specific reference is made to Article VI, Section 3(b) of our State Constitution. This section provides for the exclusion of revenue bonds from the computation of the State's indebtedness. The provisions set forth in Section 3(b) are incorporated in Part 111 of Chapter 39, HRS. And, House Bill 2618-78, House Draft 1, provides that the housing revenue bonds shall be issued in accordance with those provisions.

How will our State's credit rating be affected? The answer: The State's credit rating would not be affected. Upon discussion with the Department of Budget and Finance and Moody's, and Standard and Poors, two of the most reliable rating services, it was determined that revenue bonds are not considered when Wall Street rates

the financial strengths of a state. Only if it counts toward a state's debt ceiling will it affect the State's credit. And that is why the Department of Budget and Finance, the Department of the Attorney General, the Bond Counsel, et al, took great pains to ensure that these bonds do not count towards the State's debt ceiling.

May I also add here that it has been determined by Moody's and Standard and Poors that when a state uses revenue bonds selectively for its revenue-producing projects, it may find that its rating regarding G.O. bonds can actually improve. This is because G.O. bonds are used only when other sources of funding are unavailable.

Why is this measure necessary? This emergency measure is necessary because of a major shift occurring in federal long-term financing of housing for the elderly and lower-income families. Since 1974, and more recently within the last year, federal housing policy has changed its emphasis from its subsidized housing program to tax-exempt revenue bonds issued by State housing agencies.

The new federal emphasis is probably best evidenced by the new Section 11(b) program of the U.S. Housing Act of 1937, as amended. Basically, this program provides a basis for interim and long-term financing of Section 8 housing through the issuance of tax-exempt bonds and notes.

On February 8, 1978, the Hawaii Housing Authority was informed that HUD would recapture the Authority's Section 8 housing assistance allocation 'set asides' if long-term financing for these projects was not assured by April 30, 1978. That is, if we do not secure assured and adequate long-term financing by this date, we stand to lose allocations for as many as 466 Section 8 dwelling units. Affected projects include the Manana Elderly Project, the old Vineyard Housing Project, Waimanalo Village, and the Waipahu Elderly Project. These projects will require long-term financing at such low interest rates that private lending institutions and market-rate long-term financing are unable to meet this need. We must, therefore, turn to tax-exempt revenue bonds which are our most viable means of saving

these projects.

Why can't moneys from HHA's dwelling unit revolving fund (DURF) be used? The answer is simple. If G.O. bonds are used for long-term financing, the DURF would soon be depleted.

How can we be assured that moneys will be used to finance the development of Section 8 housing and that they will not be diverted? During previous public hearings, the Hawaii Housing Authority did specify and did make clear what the moneys would be used for. Further, the State Constitution is very specific regarding the use of proceeds from revenue bonds. Article VI, Section 3, states that there must be evidence that the issuer show sufficient proprietary control over the operation, maintenance and repair of this undertaking through the imposition of rates and charges. Since the Authority cannot show proprietary control in a sales housing project, it must use the revenue bond authorization for rental projects.

An important point to note here is that each rental project and each bond sold on the project will stand independently. Revenues from the project are the sole source of repayment for the bonds. No other assets or income from the Hawaii Housing Authority is pledged or mortgaged.

How secure will the revenues from these bonds be? The answer: Very secure. The reason: Each respective project will be secured two-fold:

- (1) By an FHA insurance on the mortgage, and
- (2) Through a long-term rental assistance payment contract by HUD.

Noteworthy is that this contract with HUD has the full faith and credit guaranty of the U.S. Treasury and does not depend on congressional appropriation. These contracts are effective for a minimum of 20 years.

Also noteworthy is that the FHA mortgage insurance is paid in cash and not debentures, should the project fold.

Another important point to consider is that no bond moneys can be disbursed until a mortgage is both insured by the FHA, and a HUD rental assistance payment contract is made. Further, federal cost certification has to occur before a mortgage will be insured. This means that the cost certification

has to be very accurate and very tight with no fudge factors. Otherwise, there will be no mortgage insurance.

Summarizing, these revenue bonds will be tax exempt; will not count toward the State's debt ceiling; will be issued by the Hawaii Housing Authority and not the State; and are necessary if we are to secure long-term financing by April 30th of this year.

In closing, I would like to point out that without adequate long-term financing, no new elderly housing project can be built by the State.

I, therefore, urge all of my colleagues to join me in voting in favor of this bill."

Representative Narvaes then rose and stated:

"Mr. Speaker, it is not everyday I rise to speak against a bill and in the process ask for an investigation of something.

Mr. Speaker, also, many of the points that the previous speaker from across the way has brought up seems to be very arguable, especially since people in Budget and Finance are arguing about it today and especially since we're arguing about it today on the floor; especially since the bond markets themselves argue about it - to issue bonds. But, Mr. Speaker, I'd like to speak against this bill for two basic reasons. One, because I'm extremely concerned about this bill's impact on the bond credit rating of the State of Hawaii and, two, because I'm not satisfied with the past performance of the Hawaii Housing Authority with regard to questionable practice.

Mr. Speaker, while the justification sheet of this bill states that if HHA floats tax-exempt revenue bonds, it would not affect the State's bonded indebtedness. Well, I'd like to argue that. Realistically speaking, that's not true. The Hawaii Housing Authority's performance in borrowing practices, particularly if it is allowed to enter long-term bonding, will, in fact, have a significant impact - a negative impact - upon the State's credit rating among the New York brokerage firms. No matter what the justification sheet says or how the statute reads, whatever debts are incurred by the Hawaii Housing Authority will be considered by the rating houses when they assess the credit rating of this State.

Mr. Speaker, about the Hawaii Housing Authority's past performance, I really believe that we, in the State Legislature, have got to move very carefully - very carefully - when we are dealing with expanding the powers of the HHA. The record simply doesn't indicate a management approach which is free of questions or fiscally sound. There have been a number of substantial defaults on HHA contracted projects where the developers have left the State holding the bag, and the developers spending the money. There have been millions of dollars in State money lost because of enterprises which the HHA has exercised poor judgment, or maybe, even purposeful poor judgment.

Mr. Speaker, I surely have concerns about allowing HHA to float \$22.5 million of revenue bonds. Let me give you a few concrete examples of my grave concerns.

Mr. Speaker, example number one: Crown Properties; Location, Waipahu, Oahu; the land area, 22.5 acres, purchased by HHA for \$5,350,000 in 1974; estimated start of construction, 1981, and again, I say, estimated start of construction. If it starts by then, I'll be very happy. 1981 - seven years after purchase in 1974. Seven years worth of interest we're going to have to pay. The acquisition cost of \$5,350,000, plus \$2 million of interest expense which will accrue by 1981, will give us a total of \$7,300,000 that HHA pays for 22.5 acres of land, and that's the cost before the project even starts construction. Then, how much more money will we put into it? As for the future planning of this project, Mr. Speaker, this next statement is taken right out of an HHA report and I quote, 'The definite housing will not be initiated until the sewer moratorium in the area is lifted.'

Mr. Speaker, now let's move on to example number two: Name, Kalani Manor; location, Wahiawa, Oahu; land area, 7.5 acres; zoning, Mr. Speaker, is light industrial. The land acquisition cost in 1974 by HHA was \$2,322,660 - approximately \$7.00 a square foot, or approximately \$300,000 an acre. As for the future of example number two; namely, Kalani Manor, HHA says this: 'It may eventually end up as a police station on four of the seven and a half acres with the remaining land being considered for a project for the elderly, or sale to a private investor. Mr. Speaker, if you look

at the statutes and you look at the intent of why HHA is there, Mr. Speaker, HHA is not supposed to be providing land for police stations. Mr. Speaker, I want any one of you here to show me where in the statute it shows me that HHA is supposed to be buying land to provide for police stations.

Mr. Speaker, another thing, just dealing with example number two. HHA should never buy industrial land to provide housing for the elderly. Purchase industrial land to provide elderly housing? I'll just lay that question out here. Mr. Speaker, that's plain stupidity, or maybe, purposeful mismanagement of funds. Maybe just taking care of the boys.

Mr. Speaker, let's move on now to example number three. Project name, Waianae Kai, Unit One; location, Waianae, Oahu; corporation involved, Sergo Developers, Inc., incorporated in California and from California. Mr. Speaker, this corporation was incorporated in California on the 29th day of June, 1973. Mr. Speaker, five months later, after doing no business in California - not a single dollar of business in California - this corporation comes to Hawaii. On December 14, 1973, this same corporation filed papers allowing it to do business on Oahu.

Mr. Speaker, let me go through this foreign corporation declaration, and refer to Subsection H on its incorporation papers. The nature and total value of property to be acquired by it, or for use in the State of Hawaii in the following twelve months is \$4,275,000, consisting of finished residential lots - finished residential lots. Subsection I on its corporation papers with corporation declaration - total dollar amount of business transacted during its preceding fiscal year, none; new corporation.

Mr. Speaker, before I go on, we talk about example number two. We had an informal hearing that was held not too long ago about some management letters that have been done for the Hawaii Housing Authority. One of the things the housing director in the Governor's Office told me is that anytime the HHA does business with a private developer, in regards to building housing, or in regards to being a partner, or in regards to giving an interim loan to a private developer, that HHA should be sure, and he assured me that HHA deals with reputable people - people that are experienced in the field of developing. This new corporation - that's not an experienced corporation, if you ask me.

Mr. Speaker, on July 5, 1974, HHA spent \$4,785,000 for the same piece of property - \$510,000 more than Sergo Developers paid for it only a few months earlier. Mr. Speaker, you want to hear the current status of this project? Now I'll read from . . ."

The Chair interrupted and stated:

"Representative Narvaes, the Chair would appreciate it if in making reference to the project that has already been acquired or in the process, that you would either have to connect it to the merits or demerits of the bill. With that in mind, will you proceed."

Representative Narvaes continued, stating:

"Yes, Mr. Speaker.

Mr. Speaker, current status for the development of the Waianae Kai Subdivision has been suspended until the progress and marketing results of the Makaha Manor Project becomes evident. Marketing of the Makaha Manor units is scheduled for June 1978, and should indicate the housing demand for the Waianae area and the type of units and majority of the applicants - the majority of the applicants can qualify for.

Mr. Speaker, that just points out that the HHA dives into things and really has no marketing study done on some of them, and here, we are giving them \$22.5 million more money to go out and do the things that Representative Shito says it will.

Mr. Speaker, let me continue. On the 29th day of June, 1976, Sergo Developers legally withdrew from the State of Hawaii, not doing any other kind of business here and just purchasing a piece of property and turning it over. Was this project bad judgment on the part of HHA, or maybe, perhaps, mismanagement?"

Representative Shito, on a point of order, stated:

"Mr. Speaker, I think the bill before us has the revenue bond authorization, and we are not referring back to all projects that date back to Act 105. And with this in mind, Mr. Speaker, could we have the speaker address the specific issue as to the bill before us?"

The Chair replied:

"Point is well taken. Representative Narvaes, as I had earlier stated, the

status of the projects, or the merits or demerits of the existing projects, are not an issue before this body. If you can relate that with those projects mentioned as to why this measure authorizing the Governor to approve revenue bonds for the Hawaii Housing Authority, the Chair would appreciate it if you would make that connection. Otherwise, the Chair will ask you to confine your remarks to the merits of the bill."

Representative Narvaes continued, stating:

"Mr. Speaker, the concerns I am giving you now are the reasons I will be voting against the bill and, Mr. Speaker, I'm speaking about Section 359, Section 359G, which is the statute which allows the Hawaii Housing Authority to do its business.

Mr. Speaker, in 1970, when you folks gave the Hawaii Housing Authority \$100 million in bonds and, Mr. Speaker, in 1975, when you folks authorized the Hawaii Housing Authority to expend another \$25 million in bonds, perhaps if this kind of looking by the Legislature had taken place then, then Mr. Speaker, perhaps the land banking that did occur at that time may not have occurred. Mr. Speaker, perhaps this \$22.5 million of revenue bonds that we are looking at today would not be necessary.

Mr. Speaker, I would also like to point out that the Hawaii Housing Authority today has \$22 million worth of land in the land bank, and by 1981, when they say that all these projects will be started, initiated, construction will be initiated by 1981, we're going to spend another \$8 million of interest.

Mr. Speaker, you know, everything I am bringing up today is very valid. It has to do with the statutes, and I am talking to the bill and for. . . Mr. Speaker, may I continue?

Mr. Speaker, was this project bad judgment on the part of HHA, or maybe, perhaps, mismanagement of funds? I offer that question to this body here.

Mr. Speaker, let me move now to another concern of mine which, regretfully, as well as the past three examples, relates to the bill before us. Example number four: The document, management letter from the Hawaii Housing Authority; management letter for the year ended June 30, 1975. Mr. Speaker, today, we're talking about HUD funds - Section 8 funds. Well, the problem that this management letter points out is that in 1975, there was noncompliance

with the HUD agreement. Let me read what the management letter says: 'To obtain financial assistance from HUD, the Authority entered into amendment No. 38, dated March 18, 1975, to the SF 181 contract. Under the terms of the contract, the Authority was required to transfer \$76,000 to the Guarantee and Underwriting Fund within 30 days of the contract date. By June 30, 1975, the transfer had not taken place.' The recommendation from the auditors who recommended the Authority adhere to the provisions of the federal contracts to insure receipt of financial assistance. Mr. Speaker, the auditors made that recommendation.

In 1976, there was another management letter done of HHA. Then, let's go to this management letter because this is example number five."

The Chair interrupted:

"Representative Narvaes, I believe the Chair will have to invoke the rules of the House. You have now exceeded ten minutes."

Representative Kamalii then rose and yielded her time to Representative Narvaes.

The Chair then said:

"Representative Kamalii yields her time. You may continue."

Representative Narvaes continued, stating:

"Thank you.

Mr. Speaker, the management letter from 1976 says this: 'And the problem we have again is noncompliance with HUD agreement.' It seems the recommendations by the auditors were not followed.

The problem arises again in 1976. Let me read from this management letter. 'To obtain financial assistance from HUD, the Authority entered into amendments No. 40 and No. 43, through the SF 181 contract. Amendment No. 40 required the Authority to transfer \$50,436 to the Guarantee and Underwriting Fund by September 18, 1975. However, the transfer was not made until November 20, 1975. Amendment No. 43 required the Authority to transfer \$67,151 by November 1, 1975. The transfer had not been made as of June 30, 1976, and was recorded during the course of the examination.' Again, the recommendation

of the auditors: 'We recommend that the Authority adhere to the provisions of the federal contracts to insure continued financial assistance.'

Mr. Speaker, now we go to example number six."

At this point, Representative D. Yamada rose on a point of order and stated:

"Mr. Speaker, I still don't understand how the speaker intends to tie in all the things that he is talking about to the issue at hand. The thing that he is talking about is probably one that requires independent study, and it is separate and apart from this bill to authorize the issuance of revenue bonds."

The Chair stated:

"Representative Narvaes, the Chair again would like to remind you that the Auditor's report is not an issue before us. Unless you can tie in your statements to the question of why revenue bond financing be allowed to the Hawaii Housing Authority, the Chair will have to rule you out of order. Will you continue on that basis."

Representative Narvaes continued his remarks, stating:

"Mr. Speaker, let me assure this body that everything I am bringing up is concerned with the bill. Everybody should be having the same concerns I am. I am surprised that anybody would question what I am saying, but let me tie it in."

Mr. Speaker, this bill that is before us allows the Hawaii Housing Authority to utilize \$22.5 million of revenue bonds - the insurance guarantees we will be getting from HUD; the noncompliance agreements I am reading is with HUD. If that doesn't tie it together, I don't know what does.

Mr. Speaker, let me continue. The management letter of 1977 - advances to other funds: For June 30, 1977, the dwelling unit revolving fund had advanced \$525,000 to other state and federal funds, principally to pay the June 30, 1977 payroll charges of the other funds. We noted that the amounts advanced to the federal funds were subsequently repaid with interest - federal money. If that doesn't tie it in, I want anybody to challenge me on that. The auditors

recommendation: 'We recommend that advances from this fund be kept at a minimum as such disbursements are not authorized by Section 359G of the Hawaii Revised Statutes.'

The Chair interrupted:

"Representative Narvaes, what you are stating here is based on the Auditor's report regarding some use of certain funds. What does that have to do with whether the Hawaii Housing Authority should be authorized to be allowed to issue revenue bonds up to an amount not to exceed \$22.5 million, subject to the approval of the Governor?"

Representative Narvaes replied, stating:

"Mr. Speaker, any time we authorize any body - any governmental body - to utilize the bonding procedure, be it G.O. bonds, revenue bonds, whatever kinds of bonds, we sure as hell better give it a lot of consideration to what those bonds are going to be used for. And I'm talking about what we're going to use these bonds for because some of the land that is in the land bank today, if you look at the purposes for which HHA is saying they're going to use the land for, we're talking about elderly housing, we're talking about low-income housing, and here, we're giving them \$22 million more to take advantage of Section 8, rental assistance.

Mr. Speaker, have you every seen the commercial on T.V. advertising for 60 minutes? You got two people speaking and one's interviewing the other person. The interviewer asks the other person, 'you mean to say that HUD money was involved?' The guy says, 'yeah.' The interviewer asks the other man, 'You mean to say that somebody made a hell of a lot of money on that bankruptcy?', and that guy interviewed says, 'yeah, he's a Pope catholic.'"

Representative Shito, on a point or order, stated:

"I think the speaker across is speaking about G.O. bonds which is contained in Act 105. We are talking currently about revenue bonds, and I would like the speaker to address the issue on revenue bonds."

The Chair then said:

"Representative Narvaes, will you confine your remarks to the issuance

of revenue bond financing. . ."

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

"Mr. Speaker, I don't believe you have answered that question as to whether you've seen that commercial."

The Chair remarked:

"I fail to see the relevance of that observation to the issue at hand."

Representative Narvaez continued, stating:

"Mr. Speaker, some people here want me to speak only about revenue bonds. . ."

The Chair interrupted, saying:

"That's the issue before this body."

Representative Narvaez continued, stating:

"Mr. Speaker, you know, that issue is before this body, but the real reason for the bonds is to provide affordable housing in this State, and that's the reason of HHA. That's the reason for these bonds. Section 359 gave the Hawaii Housing Authority already, \$125 million of bonds - yes, G.O. bonds. But, here, we're giving them revenue bonds. And now, we're going to be talking about not giving them just \$125 million of bonds; now, we are giving them \$125 million of bonds, plus \$22.5 more bonds. If that doesn't tie together, I don't know what does."

Mr. Speaker, I'm just about. . ."

The Chair interrupted and stated:

"Representative Narvaez, will you have someone yield some time? You have exceeded. . ."

Representative Evans yielded her time "to let the sunshine in."

The Chair remarked:

"You have exceeded more than twenty minutes. Representative Evans yields her time."

Representative Narvaez continued, stating:

"Mr. Speaker, I'm sorry I'm taking up so much time. . .buying the time of this body, but I don't think I know the points I'm bringing up today. I'm very sorry, Mr. Speaker."

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

"Maybe I can assist the fellow member of the Finance Committee. I think the issue here, regarding revenue bonds, whether the HHA is competent to handle the necessary revenue bonds or not - that's the question if you want to pursue that area - whether they are responsible enough, whether they can or not. Then, I think, he has a merit to speak on the floor."

Representative Narvaez stated:

"Mr. Speaker, that's exactly what I'm doing - showing you if the HHA is competent or not. They are very incompetent. They can go and buy industrial land to provide elderly housing. Mr. Speaker, common sense tells me, and I'm only 24 years old, not to buy industrial land to provide housing. Mr. Speaker, industrial land is the most expensive land we can buy in this State. You don't go and buy the most expensive land to provide low cost housing."

Mr. Speaker, is HHA competent? I think they're moving in the proper direction under Franklin Sunn, but sometimes, we have to dig out the past to look at what the future is going to be. Mr. Speaker, I wasn't here in 1975. I wasn't here in 1970 when these bonds were authorized. I'm here today to look at what did occur. Mr. Speaker, I'm talking about the credibility of HHA. Perhaps, we are moving in the right direction. I certainly hope HHA is."

Mr. Speaker, I'm about through so, Mr. Speaker, HHA has quite an accounting problem, as these management letters indicated, and if you want me to show more, I will. I'll show a lot more. Mr. Speaker, some of the things I brought up today are so Mickey Mouse, it's pitiful. These are the small problems of the HHA. You want me to bring up the big ones? Accounting problems - they certainly have a lot."

Mr. Speaker, I request all my colleagues here to vote against this bill, but to call for a legislative investigation like I'm calling for today. And, Mr. Speaker, I'm going to be introducing a resolution later this week asking for an investigation but not the kind of investigations we've had in the past that was carried out by the Governor's Office who was the one authorizing the use of HHA funds. Mr. Speaker, can you imagine that? The guy authorizing the use of the funds carrying out

an investigation of himself. God, what a farce! Mr. Speaker, in the meantime, before this resolution comes out, I want everybody, of course, to support this investigation that I want of HHA.

Mr. Speaker, in the meantime, I'd like to urge all my colleagues to reconsider giving any more bonds to HHA, to vote against this bill.

Thank you."

Representative Suwa then rose to speak in favor of the bill's passage on Second Reading, stating:

"Mr. Speaker, I would like to make it very simple. I think this measure should be referred to the Committee on Finance, and further, we will be having some discussion in this area. At the moment, I see this bill is another tool to give the Administration to proceed in the area of elderly homes where they can easily afford. . . the word 'afford' - the senior citizen can afford to pay for the rental.

In other words, we had a similar revenue bond authorized under the University dormitory. By the time they came to calculate the revenue bonds floated and by the time the students were to pay the dormitory fee, it was out of proportion, that the students could not afford to pay for the rental or the dormitory fee. Therefore, what the State did was pay half of the construction with the cash of \$8 million. In doing so, the life of the revenue bond's remaining principle was small and it could, for the next twenty years, enable the students to pay the dormitory fee.

This is a similar measure. The only difference is that instead of the State paying cash, we will have Section 8 federal funds supplementing the rental fee, whereby making the principle affordable or attractive enough for the buyers to invest in this area. That's all it does and this is a tool that the Legislature may provide the Administration to pursue. If they fail to do it, that's their jurisdiction and it's incumbent upon the Legislature to give additional measures where the senior citizens can afford to own a home.

Thank you."

Representative Kunimura then rose on a point of personal privilege

and stated:

"Serious allegation was made by the gentleman from Kalihi Valley as to what was uttered here before this body was just Mickey Mouse and small problems, but he has the big ones, and before we vote on this issue, I would like to have the gentleman from Kalihi bring up the big issues. I'll gladly yield my ten minutes."

Representative Narvaes then asked the Chair for a recess as "I want to get that material."

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

Upon reconvening at 12:45 o'clock p.m., the Chair recognized Representative Narvaes and he stated:

"Mr. Speaker, I hope you folks are ready for some lengthy speaking here, and I'm not the best speaker in the world, so I hope you folks will be able to interpret what I'm about to say. It's going to be a hell of a long time."

The Chair then stated:

"Representative Narvaes, the Chair would like to remind you that your debate for the support or against the motion should be relevant to the issue at hand, and that is whether the Authority should have the authority to issue revenue bonds with the approval of the Governor for certain projects with HUD recommendation or approval - why they should or should not have this authority."

Representative Narvaes continued, stating:

"Mr. Speaker, you know, I gave my speech on this issue. I would have liked to have said a heck of a lot more, but in preparing my speech, I tried to decide upon, and I tried to speak on only those issues which I felt dealt with the bill.

Mr. Speaker, one of your own members over there asked me to present to him what I feel are more serious allegations, and I really, you know. . . at this time, I'll speak on it. I've got the info, and I've got more info upstairs in my office - another eight inches to speak on - and I'll gladly speak on it, but I can't promise you that it's going to be in regards to this bill."

The Chair then said:

"The Chair will have to rule you out of order."

Representative Narvaes continued his remarks, stating:

"Mr. Speaker, I'm not the one who asked the question."

Representative Kunimura then rose on a point of personal privilege and stated:

"It seems like the fingers are now being pointed at me for requesting the gentleman from Kalihi Valley to speak and meander, regardless of the subject matter before this body. This House, this morning, Mr. Speaker, has allowed the gentleman from Kalihi to meander all over the place, to make serious allegations, and all of a sudden, Mr. Speaker. . ."

Representative Kamalii interrupted on a point of order and stated:

"I have to take exception to that. He did not wander all over as just stated. He was quite in order. He was speaking of the credibility of the HHA in regards to the possibility of the revenue bonds."

Representative Kunimura said:

"Mr. Speaker, I'm coming to that point."

The Chair stated:

"I believe, Representative Kamalii, that Representative Kunimura is interpreting for his understanding of how Representative Narvaes was using his debate or arguments."

Directed by the Chair to "proceed", Representative Kunimura continued:

"Yes, Mr. Speaker, thank you."

And when he said this is only a small, the inconsequential issue, that he has a bigger one still coming, then, it becomes very important to me before I can vote on this issue, that I hear all the story and not just a bit of it and I take, you know, a special offense, Mr. Speaker, when I'm in a majority caucus room and emissaries are sent over to ask me to withdraw my request, that he will hold a public. . . I mean, a press conference, to discuss this matter, knowing he will come to me personally to discuss this matter. This is public business and if any allegation is made on the floor of

this House, Mr. Speaker, he should speak up on the floor of this House and not secretly. This is the offense I take."

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

"I also stand on a point of personal privilege because that request to keep the record straight - did that come from this side of the aisle? That request came from the majority, and I said that Representative Narvaes would not back down. He was willing to do this. Now, if the good representative from Kauai is, you know, that's up to you folks."

Representative Kunimura then stated:

"I want one thing cleared. Nobody from the other side came to approach me, but if they sent an emissary, they are just as guilty of putting a tent over this building so the sunshine cannot come in. We have cameras here; we have the newspapers; we have radio; we have the gallery. If there's anything to speak, then speak in the open. I don't want partial sunshine. I want openness. Okay? And so often, sunshine is only when it's convenient."

The Chair then directed Representative Narvaes to proceed when Representative Kamalii, on a point of personal privilege, stated:

"I can't let those remarks go by. The whole point of Representative Narvaes' remarks is to keep the sunshine open. We, in the minority, are not trying to hide anything. It's the majority that says, have them do it someplace else. Listen, you know, there is no way that we're trying to hide anything."

The Chair stated:

"Representative Kamalii, the Chair recognizes Representative Narvaes to proceed with his statements which he feels are relevant to the issue at hand."

Representative Kunimura then, on a point of information, asked:

"I'd like the speaker to ask the Minority Floor Leader if they were in on that discussion, and if it was not said here on this floor by the Minority Floor Leader that it was up to the majority to go and talk to Kunimura. Okay? That's indictment, Mr. Speaker. Will you ask her that?"

The Chair asked Representative

Kamalii if she would yield, to which she replied:

"Certainly, I'll yield. Mr. Speaker, for your memory and for the majority party's memory, we were quite willing to continue this debate with Representative Narvaes. It was your people who came to me and said, 'Can you do something with Tony Narvaes?' and I said, 'No way am I going to ask him not to divulge what he has.'"

Representative Kunimura then said:

"Mr. Speaker, my question was not answered. Did they ask? Did they agree, Mr. Speaker? I just want that cleared."

The Chair, at this time, asked for some order on the floor.

Representative Kunimura then said:

"If they agreed with the majority's request that, you know, they'll hold a press conference if I'll agree to withdraw my request."

Representative Kamalii replied:

"I did not agree with the majority."

The Chair then stated:

"The Chair rules that these discussions, at this time, are not relevant inasmuch as the Chair has recognized Representative Narvaes to proceed with his arguments."

The Chair recognized Representative Kunimura on a point of order and he stated:

"Maybe the discussion between the majority and the minority leadership is not relevant to the subject matter on the floor here, but it certainly has a direct influence, or an attempt to try and gag the sunshine on the floor of this House."

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

"Thank you, Mr. Speaker.

Mr. Speaker, I'm glad that everybody has announced that I'm having a press conference for me, considering, you know, I'm the one who's got to hold it. Mr. Speaker, this is the first time I've heard of this press conference. I guess it would probably be the best thing for me to do.

Mr. Speaker, now that the parliamentary gobbledygook is over also, everybody

is blaming the majority and the minority for doing something which everybody just really wants me to shut up, I guess. Not everyone. . . excuse me, the minority would really love for me to continue speaking."

The Chair stated:

"I believe the Chair requested that you make it relevant."

Representative Kunimura then rose and remarked:

"It's not a hundred percent of the majority party on this floor that wants to shut him up."

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

"Okay, Mr. Speaker, to start things off, whenever I request any info from a department, and in this instance, HHA, I want it sent to me, not to another member of this body. Mr. Speaker, that has happened to me. I requested info from this body, from the HHA, in regards to information that I want so that I can. . ."

Representative Yuen interrupted on a point of order and stated:

"I don't see any relevance for discussing his difficulties with the department."

The Chair then stated:

"Representative Narvaes, the particular information must relate to this bill; otherwise, again, I must remind you that time is of the essence. I think we ought to have some understanding of debate procedures. Will you proceed on that basis."

Representative Narvaes continued his remarks, stating:

"Mr. Speaker, the info I was requesting of them was the relevance of projects. I wanted to know what their involvement in the projects were - if they were an interim loan, if it was a joint venture with the HHA, if it was a project purchase - Mr. Speaker, you know, which I feel is also very relevant to the bill. I wanted to know, at that time, if federal funds were involved which we're talking about today. So, Mr. Speaker, again, when I request any info from a department and in this instance, we're talking about HHA, I want that info sent to me and not to anybody

else.

Mr. Speaker, may I continue now.
."

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

"Mr. Speaker, I hope you will be as tolerant with your majority members as you have been with him."

The Chair replied:

"I believe that I am trying to be fair with all members, regardless of party affiliation, when I'm at this rostrum, when debate is being held. Again, I must remind you, Representative Narvaes, that the point of relevancy becomes very important in your arguments."

Representative Narvaes continued, stating:

"Okay, Mr. Speaker, I have here a letter from the Attorney General and, Mr. Speaker, I made a request of the Attorney General for a Kellog report. That's the name of the report. I've never really seen it but people have said it's supposed to be very important. I'm trying to get hold of it so I can read what the thing contains. Maybe, the press can get it.

Now, Mr. Speaker, the Attorney General. . .let me see if I can summarize this letter. It pretty much says that. . .Representative Narvaes, we won't give you the letter because this. . .the report referred to is regarding a project from a joint venture with Reliance Construction Company that is presently in Bankruptcy Court. Mr. Speaker, I'm, you know, my counsel here tells me that, you know, in bankruptcy proceedings, that's usually what is the most open. So I still would like to get hold of that Kellog report."

Representative Yuen, on a point of order, stated:

"I still don't see the relevancy that the speaker is trying to make with this particular bill on the floor - with his difficulties with the Attorney General's Office or the HHA."

The Chair then said:

"Representative Narvaes, why don't you preface your arguments and make some relevance why you believe the passage of this bill on Second Reading should be denied."

Representative Narvaes continued,

stating:

"Mr. Speaker, I really like the way, you know, a Representative can stand up on this floor here, meaning me, and people trying to twist things around and saying, hey, you're the damn fool. Mr. Speaker, I didn't ask the question for more information. I'm just expounding on what. . ."

At this point, Representative Ikeda asked for a recess, and at 1:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:05 o'clock p.m., the Chair stated:

"Representative Narvaes, there's a House rule that affords you the privilege of rising a second time to speak on this particular measure; as I understand, against the measure."

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

"Okay, Mr. Speaker, let me rephrase the question as the question was put to me by the Representative from Kauai. The question was, if you have, if the Representative from Kalihi has more serious allegations, I'd like to know about it.

Well, Mr. Speaker, I don't want to belabor this issue anymore. I've made my point. My remarks are in the Journal, so, Mr. Speaker, I'm not backing down at this time, but some people are going to make it look like I am. Mr. Speaker, I came today and on this issue, I came to speak on this bill and on this issue. And I have. I've made my remarks and I've made my points.

Mr. Speaker, I've got further points regarding the HHA. I'll speak on it at a time that I am prepared for it; at a time when people won't be confused. I'll call a press conference, Mr. Speaker, and I will send my remarks and my concerns at that time to the Representative from Kauai and, in fact, I will send it to every member of this body. Mr. Speaker, I will do it when I'm ready."

Representative Kunimura then rose to speak in favor of the motion and asked:

"I already yielded my once, so this is my second - right? Am I correct, Mr. Speaker?"

The Chair replied:

"That is correct."

Representative Kunimura continued his remarks, stating:

"I want today to be a very noteworthy day. Today is going to be known as 'put up' or 'shut up' day. I'm getting sick and tired of innuendos. . . statements made on the floor of this House against this bill, trying to defame people who have served on the Hawaii Housing Commission. . . Hawaii Housing Authority as a commission."

Representative Narvaes, on a point of order, stated:

"I didn't mention the Hawaii Housing Commission by word. Did I ever mention that?"

Representative Kunimura continued:

"Mr. Speaker, when you talk about the Hawaii Housing Authority, you are also talking about the Commissioners because they were not excluded from the general blanket of accusations made on the floor of this House. Mr. Speaker, the question he tried to ask me about which question I asked him is a definite sign. I want the gentleman to understand that we may be. . ."

Representative Kamalii interrupted on a point of order and stated:

"My point is, I would appreciate it if the Representative from Kauai sticks to the conflicts of House Bill 2618-78 and not wander all over."

Representative Kunimura replied:

"Mr. Speaker, I'm only wandering as far as the gentleman from Kalihi was allowed to wander."

Representative Narvaes, on a point of order, stated:

"Would you please have the Representative from Kauai speak to the issue before us which is the bill and not wander like he just did again."

The Chair responded, stating:

"He is in the process of doing that."

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

"I'm only trying to answer the Minority Floor Leader about wandering all over the place. I'm entitled to walk

any path any man on this floor walks because there's a rule we call democracy. In democracy, rule for one, rule for all.

Now, Mr. Speaker, serious allegation, you know, the statements made against this bill condemning the Hawaii Housing Authority, and that the points brought out were only small points; that he had a stack eight inches high of reasons why we should vote against this bill. Now, all of a sudden, Mr. Speaker, he wants a way out, and I want this body not to be vicious, but this body to be deliberate in this deliberation."

Representative Narvaes, on a point of order, stated:

"Mr. Speaker, I think I've made my point very clear to this body. I'm not backing down. I am going to be having. . ."

Representative Kunimura interrupted and said:

"Mr. Speaker, that is not a point of order."

Representative Narvaes asked:

"Mr. Speaker, I'm on a point of order. Can I be interrupted on a point of order?"

The Chair asked Representative Narvaes to "state your point for the Chair to rule."

Representative Narvaes stated:

"Mr. Speaker, at the time that I'm ready, then I will issue my remarks at that time, and my concerns, and Representative Kunimura and this whole body will receive them."

The Chair remarked:

"The Chair does not recognize you for you to restate arguments that you have already made", and directed Representative Kunimura to "proceed."

Representative Kunimura stated:

"Mr. Speaker, I don't mind monkey business, you know, if it does not involve business on the floor of this House. I can understand, you know, people playing poker and bumping to the limit. But in poker, like in legislative process, you're going to have to call if he got raised

back. Well, my answer is very high because the honor of this body is at stake today when, you know, when allegations are made that's only small; that he has a stack eight inches high to condemn the HHA and the reasons why this body should vote this particular measure down. And if we are not afforded the reasons for voting against this bill, then somebody is trying to pull a wool over our eyes because all the time in the world has been afforded, and this is why this body is so sacred. This is why this body is so different from the Senate that we can, you know, although we're restricted from speaking twice on a single measure, that we can relinquish our time to give everybody an opportunity to have full and free discussion.

Now, if the gentleman wants to withdraw and admit to this body that everything he said up to this point was everything he had to say and that he didn't have anything left in his pocket, it's alright with me. But I don't want to vote under any color, any color at all, that there are substantial reasons - substantial reasons why this bill should not be passed on Second Reading. I would like to find out. And I think it's my right as an individual of this House, when I'm asked to vote on an issue, that all information, whether it's held in private or whether it's held in a public record, or in somebody's else's office, or in somebody else's mind, that all these things are expounded here before we take the final vote. I don't think I'm asking too much, Mr. Speaker, because I've heard this bill, and as our very able Finance Committee Chairman has explained, the reason for this bill, Mr. Speaker, is to make it affordable for the elderly and the low income people to qualify; so that the rental would be lessened by the federal participation in making available federal funds for rental subsidy, like we did at the University in the revenue bonds when we subsidized that project with State general obligation bonds to make the repayment and the interest cost much lower, so the project would be feasible as far as the students are concerned in their ability to pay.

This is all that this bill is trying to do - to utilize the federal funds that are now available and will soon expire if we do not act on this measure as soon as possible and have it passed before the deadline. We are not authorizing the DSSH Housing Authority to run amok with these \$22.5 million. Projects have always been submitted to the Committee on Housing. These are projects on this island. These are

worthy projects. These are necessary projects and if we are. . . if we are going to put our money where our mouth is instead of playing politics, then, we are to vote for this bill today and send it to the Finance Committee because the Finance Committee isn't going to pass the bill out at the recommendation of the Housing Committee, and the gentleman from Kalihi is a member of that Committee on Finance. He has every opportunity to examine and re-examine, and I must say here for the record today, Mr. Speaker, that nobody, nobody in this House who has served under Chairman Suwa's worthy leadership in the Finance Committee, has ever complained that the Chairman of the Finance Committee has been dictatorial, has not allowed fair, honest, sincere discussion and investigation. He allowed every one of us, even the Republicans, full and free discussion. He has even appointed the Republican member on the Committee as committee counsel. That's how democratic this gentleman is.

And now, if you doubt me with your chuckles, ask the gentleman from Nuuanu. So, I say, Mr. Speaker, all this time we wasted this morning was purely political chicanery."

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

"I take exception to that remark."

The Chair asked:

"Which remark?"

Representative Kamalii continued:

"Of the previous speaker who continues to make allegations that he can't justify himself. Representative Narvaes never once said he is not able. He is able, and he is willing, and he will produce, so let's keep that record straight and let's have a recess."

At 1:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:24 o'clock p.m.

Representative Lunasco then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill, but before I do so, let me clear up one point made by the gentleman from Kalihi, in reference to an example he used in Wahiawa.

I think, Mr. Speaker, the gentleman should carefully read this bill that it does not pertain to Act 105. The example he used in Wahiawa, the Housing Authority used Act 105 moneys to purchase the property, and, at that time, there was a great demand for housing, especially in the Wahiawa area. And if he's familiar with the area, that was the only area that had land available and was for sale. Unfortunately, it was zoned 'light industrial.' Let me say again that it was the only land area in Wahiawa that was available. When the Housing Authority purchased it, they later found out that it was too large an amount of land so what they're going to do is turn around and sell a portion of it to the City and County for their Police Department.

In getting back to the bill, Mr. Speaker, I've been looking over the chapters that this bill applies to and one of the greatest objections that I had on the original bill was that it would have exempted the Legislature from approving the issuance of bonds. It would exempt the Governor also for approving it and they revised the bill with this House Draft 1 which, Mr. Speaker, what it does presently, it has to have the approval of the Governor and the Legislature, and I would suggest the gentleman from Kalihi to look at the various chapters that this bill applies to and not Act 105."

Representative Aki then rose and stated:

"In rising to speak briefly in support of House Bill 2618-78, I just want to point out to the problems of providing housing for our senior citizens and also low income families today -not five years from now, not two years, not even one day and, Mr. Speaker, as far as the allegations made by the speaker from Kalihi, I wish to point out that we should not take actions or blame the Hawaii Housing for mistakes that they made previous to the new people at the Hawaii Housing and, in fact, Mr. Speaker, I wish to point out also that the Hawaii Housing Authority and the Governor's assistance on housing have taken the steps to correct the problem that we will be faced with if we do not take action.

For this, I think they should be commended so, Mr. Speaker, I feel that the problem of housing is such that your Committee on Youth and Elderly Affairs has put top priority in this area, and I would like to commend the Committee on Housing and its Chairman for pushing this bill through, and

I see no problems as far as the debt financing, and I see only more action in the area of housing if we pass this bill.

For that reason, I ask that all the members of this body to vote in favor of this bill.

Thank you."

Representative Abercrombie then rose and stated:

"I'd like to rise and speak in favor of this bill, and speak briefly, really."

The Chair remarked:

"I'm sure we'll all appreciate that", and directed Representative Abercrombie to "proceed."

Representative Abercrombie then said:

"Thank you very much. I'm going to try to resolve to do that.

Mr. Speaker, I rise to speak in favor of this bill, among other things, because, while I stated to Representative Stanley about the difficulties involved in the PEGO Committee and the hard work that's involved - the intricacies of laws - there's little doubt in my mind that the intricacies of trying to accommodate law and social justice, in terms of housing, is probably the most difficult task, given the land situation and money situation, that can possibly be imagined as far as this State is concerned.

Obviously, every committee has difficulties and problems with what it does, but trying to make the connection between the people and the laws, as far as the Housing Committee is concerned, is a very, very difficult process. Because of the excellent work in this area that the Housing Committee has done, I think that they are deserving of support as often as they can bring forward to us some measure of recompense, some measure that will alleviate the problems and conditions that our people face, whether it's in terms of rental assistance or buying houses or anything else.

In this particular instance, I think that I would, in rising to support it, I'd like to mention only one or two things in a rebuttal, not against the gentleman from Kalihi, but rather, the first remarks that were made from my good friend from the 15th

District. I think that we do ourselves a disservice, especially when matters of bonds are brought up, whether in relation to housing or anything else, to start off a conversation by citing New York City.

Now, every time we have gotten into the bond situation, especially in relation to housing, the idea of New York City is brought up. New York City is now the creature from the lagoon that is utilized constantly as a symbol instead of the facts of the matter. The facts of the matter are the Dill Reed, and Chase Manhattan, and the other banks in New York City. They are the ones that put New York City into its position, and they were totally and completely responsible for it. The David Rockefellers and all the rest of these people who are constantly cited as being these conservative conservators of our best interest; all these New York City interests, these brokerage houses that are cited, that we have to line up in front of. These are the people that put New York City into the condition that it was put into. These are the people who abandoned their responsibilities to the people of New York City, New York State, and to the people of the United States, in respect of the funding of the various social services that were floundering as a result of these people getting their money. . . as a result of these people making their profits.

Let's have it very clear; let's have it understood completely, that the Housing Committee and this bill is addressing a problem for the elderly, is addressing it in the most responsible way that it can in relation to the Federal government and to such agencies that are available in the State of Hawaii.

Now, the full faith and credit of the State of Hawaii has been mentioned. I think that's exactly as it should be. If a New York brokerage house doesn't like the full faith and credit of the State of Hawaii, then that's something that we should be dealing with. If we are not capable, if we are not prepared in this Legislature to be able to present the full faith and credit of the people of the State of Hawaii — these are our financial resources — then we shouldn't be down here. We should be voted out of office. Of course, we're putting the full faith and credit of the people of Hawaii behind what we're doing. If we can't do that, we should be ashamed to be here.

I state one other point then. The

Youth and Elderly Affairs Committee, in addition, is dealing with issues such as the Representative and Chairman just mentioned, which are addressing issues precisely geared to this point in other areas — a rental assistance with the elderly.

I have before me a House resolution which will be introduced, I expect sometime this week, requesting the inclusion of geriatric medicine in the curriculum of the John A. Burns School of Medicine, University of Hawaii. In the body of this resolution, you will find sufficient detail in respect of our problems. . . ."

Representative Kamalii interrupted on a point of order and asked:

"Are we speaking for the resolution or for the bill?"

The Chair replied:

"I believe he's speaking for the bill and will be making the connection", and directed Representative Abercrombie to "proceed."

Representative Abercrombie continued, stating:

"In about ten seconds, I'll make the connection. When this comes forward, you will see that the problems cited by the Chairman of Housing in respect of asking to vote for this bill and cited by the Youth and Elderly Affairs Committee in asking you to vote for it, remarking in turn, upon the kind of bills that he's dealing with that are supplemental to this bill. You will find ample evidence in that resolution to back up both of the statements of these people.

Therefore, as far as I'm concerned, when I have mentioned on this floor previously about where inflation really hits, where it really hurts, it does not hurt Mr. Dill or Mr. Reed, if they are still alive. It does not hurt the Chase Manhattan Bank. It does not hurt Mr. David Rockefeller — it hurts the people that this bill is addressed to and is trying to serve.

We cannot guarantee that the HHA will operate correctly. What we can guarantee is to legislate the opportunity for it to operate correctly. In the end, the people will decide how well it has been done, both for us in terms of legislation, and for them in terms of how well they carried out their task. And on that basis, I ask that this bill be passed."

Representative Cayetano then rose

and asked the Chair for a possible conflict ruling, saying:

"Mr. Speaker, there have been some allegations made in this chamber today about the members of the Hawaii Housing Authority Commission, 1973-1974. I was a member of that Commission. I ask for a ruling on conflict."

The Chair ruled that "there is no conflict."

Representative Cayetano then asked:

"May I then state a point of personal privilege?"

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

"Mr. Speaker, I see from the clock I have from my ten minutes, approximately eight minutes left. I'd like to yield that to Representative Narvaes to make clear and definite what his allegations are."

At 1:34 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:35 o'clock p.m., Representative Cayetano was recognized and he stated:

"Mr. Speaker, I've been informed that on the basis of parliamentary procedure, I'm not able to yield my time to Representative Narvaes. Perhaps another day, another time."

The Chair proceeded to say, "The Chair will accept your . . ." when Representative Kunimura rose on a point of information and asked:

"On the same subject matter, if the gentleman from Kalihi so desires that he would like to have the floor, then we may yield our time to him, right?"

The Chair replied:

"If he is recognized to have the floor, based on the House rules and Cushing's, he may. But he has exhausted his time for argument. Any further discussion?"

Representative Abercrombie then rose and stated:

"I believe I took my ten minutes, didn't I? I was thinking about yielding my time, but I wanted to make sure."

Representative Kunimura, on a point of information, asked:

"There is another avenue, isn't there, that we may suspend the rules of the House to give the gentleman from Kalihi an opportunity to speak on the floor. Wouldn't that be a correct inquiry?"

The Chair answered:

"Your inquiry is correct."

Representative Kunimura continued:

"So if he wants so speak again, he can make the motion to suspend the rules."

The Chair replied:

"Anyone is privileged to make such a motion, but I believe enough debate has been had this morning. . ."

Representative Kunimura, on a point of order, asked:

"Mr. Speaker, you playing God with us this morning, or this afternoon?"

The Chair replied:

"I'm not playing God. I think there's enough people playing God on this floor."

Representative Kunimura then stated:

"Mr. Speaker, you know, I know that shoe doesn't fit me, but this is serious business when your charge as Speaker of this House is to maintain an orderly procedure but not to . . . but not to send down an edict that this House have had or have not had adequate discussion. I think that is for the body of this House, the majority 51 members, excluding you so that makes 50 that decide. You only handle the gavel."

The Chair remarked:

"The Chair is privileged to make some suggestions or observations. You're correct, the House can determine."

May we have any further discussion if anyone wishes to proceed with the discussion?"

The Chair stated that the pending motion was for the adoption of the report and asked for a show of hands on whether or not to have a roll call vote.

The Chair then ruled that a sufficient

number called for a roll call vote.

Roll call having been requested, the motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2618-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", passed Second Reading and was referred to the Committee on Finance by a vote of 36 ayes to 6 noes, with Representatives Ajifu, Carroll, Evans, Kamalii, Narvaes and Sutton voting no, and Representatives Baker, Fong, Ikeda, Kawakami, Mizuguchi, Naito, Poepoe, Uechi and Ushijima being excused.

Stand. Com. Rep. No. 180-78 on H.B. No. 2184-78 (Deferred from February 24, 1978):

Representative Campbell moved that the report of the Committee be adopted and H.B. No. 2184-78 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Abercrombie.

Representative Abercrombie then rose and stated:

"Mr. Speaker, the Chairman of the Committee, and the Vice Chairman, Representative Campbell, have been kind enough to defer this one day, in addition to deferring to the end of the calendar, so that I might make these brief remarks and draw the body's attention to the third paragraph: 'Your Committee finds that library services should be made available to everyone and that additional library resources should be distributed to growing area.'"

This particular bill happens to go to the Mililani Library that has a lot of meaning for me. There's a lot of good friends that I have

out there in connection with that library, and I want to indicate, as I urge you to pass this bill, that the Makiki Community Library is meeting with the Mililani people and is going to offer them a thousand books for their library, so I hope this appropriation, plus the donations from our community library in Makiki, will enable us in Makiki and Mililani to draw even closer bonds together in terms of library services.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2184-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BOOKS FOR MILILANI LIBRARY", passed Second Reading and was referred to the Committee on Finance.

COMMITTEE REASSIGNMENT

At this time, the Chair re-referred H.B. No. 2747-78 to the Committee on Health, then to the Committee on Finance.

At 1:45 o'clock p.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:46 o'clock p.m.

ADJOURNMENT

At 1:47 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, February 28, 1978, by a rising vote, in memory of the late Mrs. Johanna D. Cluney.

TWENTY-NINTH DAY

Tuesday, February 28, 1978

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Ford Coffman of the Windward United Church of Christ, after which the Roll was called showing all members present with the exception of Representatives Baker and Ushijima, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Twenty-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 Twenty-Eighth Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 36 to 53) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 36) transmitting Senate Bill No. 1595-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UTILIZATION OF WASTE HEAT", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 37) transmitting Senate Bill No. 1619-78, entitled: "A BILL FOR AN ACT RELATING TO ASSISTANCE TO DISPLACED PERSONS", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 38) transmitting Senate Bill No. 1643-78, entitled: "A BILL FOR AN ACT RELATING TO CERTIFIED COPIES OF VITAL RECORDS", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 39) transmitting Senate Bill No. 1649-78, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS", which passed Third Reading in the Senate on February

27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 40) transmitting Senate Bill No. 1659-78, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION AGENCIES", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 41) transmitting Senate Bill No. 1660-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SPEECH PATHOLOGY AND AUDIOLOGY", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 42) transmitting Senate Bill No. 1662-78, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY EXAMINATIONS", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 43) transmitting Senate Bill No. 1663-78, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 44) transmitting Senate Bill No. 1690-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF CREDIT CARDS", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 45) transmitting Senate Bill No. 1691-78, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENT OF NOTICE TO VICTIM PROVISION OF HRS 706-602", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 46) transmitting Senate Bill No. 1705-78, entitled: "A BILL FOR AN ACT RELATING TO JURISDICTIONAL LIMIT OF THE CLERK IN HANDLING SMALL ESTATES OF PERSONS LEAVING NO KNOWN RELATIVES", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 47) transmitting Senate Bill No. 1752-78, entitled: "A BILL FOR AN ACT RELATING TO FREE EMERGENCY AMBULANCE SERVICE", which passed

Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 48) transmitting Senate Bill No. 1801-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PHYSICIAN-PATIENT PRIVILEGE", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 49) transmitting Senate Bill No. 1815-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REMOVAL OF SAND", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 50) transmitting Senate Bill No. 1931-78, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 51) transmitting Senate Bill No. 2567-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 52) transmitting Senate Bill No. 2599-78, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 53) transmitting Senate Bill No. 2616-78, entitled: "A BILL FOR AN ACT RELATING TO THE COMPACT FOR EDUCATION", which passed Third Reading in the Senate on February 27, 1978, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.B. Nos. 1595-78, SD 1; 1619-78; 1643-78; 1649-78; 1659-78; 1660-78, SD 1; 1662-78; 1663-78; 1690-78, SD 1; 1691-78; 1705-78; 1752-78; 1801-78, SD 1; 1815-78, SD 1; 1931-78; 2567-78, SD 1; 2599-78; and 2616-78 passed First Reading by title and further action was deferred until tomorrow, March 1, 1978.

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

Representative Aki introduced a group of fourth and fifth grade students from Makaha Elementary School who were accompanied by their teachers, Mrs. JoAnn Oshiro, Mrs. Gloria Boylen, Mr. Peter Baker and Ms. Carol Schrader.

Mr. Mo Keala was introduced by Representative Say.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 369 to 375) and concurrent resolutions (H.C.R. Nos. 76 to 78) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
369	Committee on Education, then to the Committee on Finance
370	Committee on Public Assistance and Human Services, then to the Committee on Finance
371	Committee on Judiciary
372	Committee on Finance
373	Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Culture and the Arts, then to the Committee on Finance
374	Jointly to the Committees on Health and Education, then to the Committee on Finance
375	Jointly to the Committees on Youth and Elderly Affairs and Higher Education, then to the Committee on Finance

H.C.R. Nos.

76	Committee on Finance
77	Committee on Education, then to the Committee on Finance
78	Committee on Finance

COMMITTEE REASSIGNMENT

The following House bills were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2481-78	Jointly to the Committees

on Culture and the Arts and Higher Education, then to the Committee on Finance

2506-78 Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Finance

2891-78 Committee on Housing, then to the Committee on Finance

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. 1904-78 on Third Reading (Deferred from February 27, 1978):

Representative Uechi moved that H.B. No. 1904-78, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Sutton then rose and, upon being recognized, stated:

"I would urge you and your colleagues to vote against this bill.

We have a very limited amount of land in Hawaii, and here we are saying we can't have one acre farms so they have to go to two acres.

Mr. Speaker, if you talk to Jann Yuen, he lives in that area where we should have one acre lots, one acre lots have served a magnificent purpose - we grew vegetables; we had chickens; everything but hogs - and we were self-sufficient during World War II here. If you allow people to have one acre farms, that's affordable. And they, in turn, will find a green thumb.

If you look just beyond Wheeler Memorial Field, you will see a large group of people every Sunday tending vegetable patches and lettuce patches. It's a new hobby. It's a hobby that's gaining a great deal of credence here. It's a hobby that is feasible if we have a one acre land. Now we are changing it to two acres.

Even the State of California, Mr. Speaker, with vast amounts of magnificent land that is many, many times greater a land depth than anything we have,

allows one acre lots. And yet, here, all of a sudden, we are saying just two acres. That's saying, in so many words, okay, that's fine. The only people that are going to be in agriculture is gonna be the big fellow.

We're going in the wrong direction, Mr. Speaker. So, I would urge you and our colleagues to vote against this bill."

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

"Mr. Speaker, the purpose of this bill is to increase the minimum agricultural lot size within agricultural districts from one to two acres.

Mr. Speaker, there are several points that I would like to make today in support of this bill.

Point number one. This proposed change to take two acre minimum agricultural lot size is compatible with requirements presently imposed by the City and County of Honolulu.

Point number two. Agricultural lots that were previously subdivided into one acre parcels are not, to a great extent, presently being used for farming. They are being used for residential purposes. Many of them are being used for expensive country estates with large swimming pools, tennis courts, horse corrals and other recreational uses.

Point number three in support of this bill. There is presently a basic inequity to taxpayers. Why should a homeowner in an urban zone area pay a higher tax rather than a homeowner in an agricultural zone area when the use is the same - residential use.

Point number four. The avenue for residential use is the Land Use Commission. This is why we have the Land Use Commission. If a developer wants to develop one acre residential lots, then the way to go is to file a petition with the Land Use Commission.

And my last point, Mr. Speaker. In talking to a lot of farmers who are in commercial farming, they are in support of this bill, and I think what we want to prevent is the urbanization of land that is zoned agriculture.

So with these points in mind, Mr. Speaker, I would like to urge you and all my honorable colleagues to vote in favor of this measure."

Speaking in favor of the bill, Represent-

tative Carroll stated:

"First of all, Mr. Speaker, I think that the remarks of the representative from the Windward side are very well taken. The major point here, the very purpose of this act, is to prevent further urbanization of the land that we have, not only on this island, but on the other islands.

The one acre agricultural provision that we have now acts as a subterfuge to allow the type of development that is not really intended in the various areas. I think that by enacting this particular measure, we are not going to do anything to the person who owns a three-quarter acre lot or a one acre lot, who wants to use it to have his own farm if, obviously, he cannot do much with one acre now.

I think that this particular provision is very much in keeping with the concept of keeping densities at a minimum on this island and in keeping as much of our land in green space as we possibly can.

And, also, by enacting this measure, we can affect the value of the land because of the fact of its limited use, and thereby making this land available for the purpose which we are intending, which is agricultural.

I think it would be very, very bad if anyone in this House spoke against this measure."

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

Mr. Speaker, I think it is a disservice to the intent of the bill to bring up the idea of family farming; that is to say, vegetable growing and so on, as one of the previous speaker, or I guess the speaker who spoke against the bill stated. I do not like it associated in anyone's mind, whether on the floor or in the gallery, that this bill was in any way intended to inhibit that particular kind of activity. In my area, in Manoa and Makiki, this kind of activity is going on right now, extensively, and the land and sites are available for anyone who wish to pursue that kind of vegetable growing, etc., as was mentioned by the first speaker. This is also true in the Waikiki area, and I'm sure in other areas in which camaraderie, fellowship and friendship between families and individuals has grown up over their care and cultivating of their vegetable garden plots and so on. So, I think that issue is entirely

separate from this one.

I think that the other remarks made by the two previous speakers for the bill should be the ones that should be concentrated on when we vote on this measure."

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

"Presently, the City and County of Honolulu is considering an ordinance to lower the City and County requirement from two acres to one acre. This bill, if passed, will prevent the City and County from encouraging land speculation with agricultural lands. I think that this bill will certainly help to prevent just that — land speculation for profits with our precious agricultural lands.

And this two acre requirement, I think, will also help to keep down the cost of acquiring agricultural lands for the bonafide farmers.

For these reasons, Mr. Speaker, I urge everyone to support this bill."

The motion to pass H.B. No. 1904-78, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM LOT SIZE FOR AGRICULTURAL USE", on Third Reading was put by the Chair and carried by a vote of 45 ayes to 1 no, with Representative Sutton voting no, and Representatives Baker, Fong, Poepoe, Segawa and Ushijima being excused.

The Chair directed the Clerk to note that H.B. No. 1904-78 had passed Third Reading at 11:15 o'clock a.m.

At 11:15 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:17 o'clock a.m.

SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the rules were suspended to allow members to offer resolutions.

INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 376) recognizing and commending Mrs. Linda Gallagher for her outstanding service to the community in helping handicapped children learn to swim was jointly offered by Representatives Shito,

Aki, Kihano, Peters, Campbell, Cayetano, Inaba, Kihano, Kiyabu, Kunimura, Lunasco, Mizuguchi, Morioka, Naito, Narvaes, Say, Takamine, Takamura, Toguchi, Uwayne, K. Yamada and Yuen.

On motion by Representative Shito, seconded by Representative Aki and carried, H.R. No. 376 was adopted.

Representative Shito then rose and stated:

"Mr. Speaker and members of this honorable body, prior to introducing Mrs. Linda Gallagher, I just want to touch briefly as to what she has done. Linda, being a swimming instructor for the Bojac Swimming Club, has devoted over 2,000 hours of her own time to teach handicapped children to swim. Her dedication to teaching and her dedication of helping children is an inspiration to all of us. For this reason, we are honoring her today."

Representative Shito then introduced some students and parents of the honoree who were seated in the gallery, along with her daughters, Jeanne and Brenda, who had accompanied her on the floor.

At this time, Mrs. Gallagher was presented with a red carnation lei by her first student, Randy Sodeani. Representative Kihano presented her with a certified copy of the resolution.

At 11:22 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:25 o'clock a.m., the following introductions were made to the members of the House:

Representative Abercrombie introduced Mr. Al Levis and Mr. Fred Chang.

The Dean of the School of Nursing of the University of Hawaii, Helen Burnside, was introduced by Representative Sutton.

UNFINISHED BUSINESS

H.B. No. 1963-78 on Third Reading (Deferred from February 27, 1978):

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1963-78, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Baker, Fong, Poepoe,

Segawa and Ushijima being excused.

The Chair directed the Clerk to note that H.B. No. 1963-78 had passed Third Reading at 11:27 o'clock a.m.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 215-78) informing the House that House Resolution Nos. 366 to 375, House Concurrent Resolution Nos. 76 to 78, and House Standing Committee Report Nos. 216-78 to 244-78 have been printed and distributed.

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

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 216-78) recommending that H.B. No. 2446-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.B. No. 2446-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS FOR MASTER PLAN FOR THE HUMAN DEVELOPMENT CENTER COMPLEX", passed Second Reading and was referred to the Committee on Finance.

Representative Naito, for the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 217-78) recommending that H.B. No. 2420-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Naito, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 2420-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A RESTITUTION CENTER", passed Second Reading and was referred to the Committee on Finance.

Representatives Stanley and Mizuguchi, for the Committees on Public Employment and Government Operations and Education, presented a joint report (Stand. Com. Rep. No. 218-78) recommending that H.B. No. 2459-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley,

seconded by Representative Mizuguchi and carried, the report of the Committees was adopted and H.B. No. 2459-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A JOB SHARING PILOT PROJECT IN THE DEPARTMENT OF EDUCATION", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the majority of the Committee on Employment and Government Operations, presented a report (Stand. Com. Rep. No. 219-78) recommending that H.B. No. 1819-78 be referred jointly to the Committees on Education and Higher Education.

On motion by Representative Stanley, seconded by Representative Yuen and carried, the report of the majority of the Committee was adopted and H.B. No. 1819-78, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY RETIREMENT AGE FOR PUBLIC EMPLOYEES", was referred jointly to the Committees on Education and Higher Education.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 220-78) recommending that H.B. No. 2375-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Takamine moved that the report of the Committee be adopted and that H.B. No. 2375-78, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Peters.

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

"Mr. Speaker, the first thing that we ever learned in the constitutional law was the separation of church and state.

As we read our ancient history, we found that church and state were combined. And then in our great democratic experiment, for which we had the 200th bicentennial, at that particular time we determined, Mr. Speaker, that the church and the state would be separated.

Today, we see a bill which says, in so many words, that we are going to violate that separation of church and state, that we are going to put a priest or a rabbi or any other type of minister, ordained or unordained,

because we don't even define it in the bill, it just says minister, doesn't say ordained minister, and we are going to see that in the exercise of their ministry that all of a sudden we are going to classify them as an employee and put the various types of employee-relationship upon them. This bill puts workman compensation.

We have many priests, many ministers, ordained or unordained, who do other jobs and then on Sundays they preach. This type of coverage is not the one that they would like. This puts them in a position quite different.

Now, we have certain tax statutes which means that their car and their home are exempt. What would happen to these exemptions if all of a sudden we classify them as employees?

Mr. Speaker, I would urge you and all of your colleagues to vote against this bill."

Upon being recognized, Representative Abercrombie stated:

"I signed this bill 'with reservation' and I want to concur with the previous speaker's remarks to the extent that I believe this violates the sense of separation of the church and the state and, therefore, it should not proceed further."

Representative Kunimura then rose and stated:

"Speaker, this bill will now recognize that ministers, preachers and priests are human beings. They go to the grocery store like anybody else. They pay rent, in some cases, or as a minister for that particular church they may have a prerequisite of free rental. They must drive an automobile.

I would say the argument about tax exemptions is in more violation of the separation of church and state than this does. This only recognizes that they are human beings like everybody else and they should receive the protection of this insurance coverage and everything else that goes to any other worker, and I cannot see any other way but to vote for this bill."

Representative Abercrombie, upon being recognized, stated:

"Mr. Speaker, perhaps I should have elucidated a bit more. Part of the reason that it violates the sense of church and state, I believe, is licensure."

The Chair, at this time, asked:

"You are speaking against the motion?"

Representative Abercrombie replied:

"Yes, I'm sorry, again, yes, continually on the reservation and asking people not to pass it, and now I've decided no. I will vote no . . . that it violates the sense of church and state and I thought it was clear when I said that we are talking about licensure.

I do not believe it is the state's business to license or be involved in any way, shape or form with deciding who is or who is not a minister or a priest, etc., etc. I do not believe that that is the function of any governmental entity in the United States of America. It may be that in other countries, and we see the results of it. I think that is why this country has succeeded to the great extent that it has in not imposing individual judgments on other people in terms of legislation is because we do recognize that boundary.

I understand the idea quite clearly about recognizing people's difficulties individually in terms of the compensation and so on that are involved already. But this is fundamental to the Constitution and it is fundamental to the religious side, not just the legislative side, fundamental to the religious side. Once the state begins to license, once the state begins to say what is orthodox and what is not, once the state begins to say who is and who is not a religious person, or is or who is not a representative of a religious group, what is or what is not a religious group, legitimate, etc., or otherwise, then the state has entered the field of religion and we have gone backwards thousands of years in the democratic history."

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

"I would like to say that I cannot add more to what has already been said by the senior representative from Kauai. I would like to just add that forty-seven sister states already do have this provision in their laws."

Representative Blair then rose for a conflict ruling, stating:

"I'm a member of the class affected by this legislation as a licensed minister."

The Chair replied:

"That's news to all of us. No conflict."

Representative Sutton then rose and stated:

"Mr. Speaker, just to add to the previous speaker from Manoa Valley.

The first amendment of the Constitution of the United States declares freedom of religion, freedom of speech, freedom of press. This is in your Bill of Rights, Mr. Speaker, and that freedom of religion is being curtailed today if the fellow members in this body should vote 'yes'.

And so, again, I would urge them, in conformity with this first amendment, which is also in your State Constitution, Mr. Speaker, to please vote 'no'."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 2375-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WORKERS' COMPENSATION LAW", passed Second Reading and was referred to the Committee on Finance, with Representatives Abercrombie, Cayetano, Cobb, Garcia, Narvaes and Sutton voting no.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 221-78) recommending that H.B. No. 2661-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2661-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF THE ELDERLY DAY CARE CENTER, MAUI", passed Second Reading and was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 222-78) recommending that H.B. No. 2656-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2656-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A PARAPROFESIONAL PROGRAM RELATING TO CHILD ABUSE", passed Second Reading and was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 223-78) recommending that H.B. No. 2655-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2655-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR GROUP TREATMENT RELATING TO CHILD ABUSE", passed Second Reading and was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 224-78) recommending that H.B. No. 3003-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 3003-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF A MULTI-PURPOSE SENIOR CENTER IN KAPAHULU, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 225-78) recommending that H.B. No. 2606-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2606-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF A MULTI-PURPOSE SENIOR CENTER IN AIEA, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 226-78) recommending that H.B. No. 2594-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2594-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STATEWIDE PRE-RETIREMENT TRAINING PROGRAM", passed Second Reading and was referred to the Committee on Finance.

Representatives Aki and Segawa, for the Committees on Youth and Elderly Affairs and Health, presented a joint report (Stand. Com. Rep. No. 227-78) recommending that H.B. No. 2571-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Segawa and carried, the report of the Committees was adopted and H.B. No. 2571-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CHORE SERVICES FOR THE ELDERLY AND DISABLED AT MAUI REHABILITATION CENTER, WAILUKU, MAUI", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 228-78) recommending that H.B. No. 1874-78 pass Second Reading and be referred to the Committee on Finance.

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

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 229-78) recommending that H.B. No. 2807-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2807-78, HD 1, entitled: "A BILL FOR AN ACT MAKING A SUPPLEMENTAL APPROPRIATION FOR KAUAI VETERANS MEMORIAL HOSPITAL, KAUAI", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 230-78) recommending that H.B. No. 2805-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2805-78, HD 1, entitled: "A BILL FOR AN ACT MAKING A SUPPLEMENTAL APPROPRIATION FOR SAMUEL MAHELONA MEMORIAL HOSPITAL, KAUAI", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the majority of the Committee on Health,

presented a report (Stand. Com. Rep. No. 231-78) recommending that H.B. No. 2123-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

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. 2123-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY PHYSICIAN PROGRAM", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 232-78) recommending that H.B. No. 2175-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2175-78, HD 1, entitled: "A BILL FOR AN ACT MAKING SUPPLEMENTAL APPROPRIATION FOR MAUI MEMORIAL HOSPITAL", passed Second Reading and was referred to the Committee on Finance.

Representatives Segawa and Aki, for the Committees on Health and Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 233-78) recommending that H.B. No. 2887-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Aki and carried, the report of the Committees was adopted and H.B. No. 2887-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COUNTY OF HAWAII MASS TRANSIT SUBSIDY PROGRAM FOR SENIOR CITIZENS AND HANDICAPPED PERSONS, HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representatives Segawa and Aki, for the Committees on Health and Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 234-78) recommending that H.B. No. 2663-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Aki and carried, the report of the Committees

was adopted and H.B. No. 2663-78, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE ELDERLY, HANDICAPPED AND OTHER DISADVANTAGED PERSONS OF SEVERAL COUNTIES", passed Second Reading and was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 235-78) recommending that H.B. No. 2677-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2677-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MAUI HUI MALAMA", passed Second Reading and was referred to the Committee on Finance.

Representative Mizuguchi, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 236-78) recommending that H.B. No. 2250-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Mizuguchi moved that the report of the majority of the Committee be adopted and that H.B. No. 2250-78, HD 1, pass Second Reading and be referred to the Committee on Finance.

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

"I believe this is a collective bargaining circumstance."

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and H.B. No. 2250-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CLASS LOAD RELIEF IN THE DEPARTMENT OF EDUCATION", passed Second Reading and was referred to the Committee on Finance, with Representatives Abercrombie, Carroll, Evans, Narvaes and Sutton voting no.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 237-78) recommending that H.B. No. 2581-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2581-78, entitled: "A BILL FOR AN ACT RELATING

TO SPECIAL NEEDS FUNDS FOR THE PUBLIC SCHOOLS", passed Second Reading and was referred to the Committee on Finance.

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. 238-78) recommending that H.B. No. 2944-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the Committees was adopted and H.B. No. 2944-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A PACIFIC BASIN WORKSHOP FOR THE PURPOSE OF ATTRACTING AGRICULTURAL RESEARCH AND DEVELOPMENT INDUSTRIES TO HEADQUARTERS IN HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 239-78) recommending that S.B. No. 1129 pass Second Reading and be referred to the Committee on Public Employment and Government Operations.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and S.B. No. 1129, entitled: "A BILL FOR AN ACT RELATING TO COFFEE INSPECTORS", passed Second Reading and was referred to the Committee on Public Employment and Government Operations.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 240-78) recommending that H.B. No. 2942-78 pass Second Reading and be referred to the Committee on Energy and Transportation.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2942-78, entitled: "A BILL FOR AN ACT RELATING TO TRUCK-TRACTORS AND SEMITRAILERS USED FOR AGRICULTURAL PURPOSES", passed Second Reading and was referred to the Committee on Energy and Transportation, with Representative Sutton voting no.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 241-78) recommending that H.B. No. 2270-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2270-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION AND OPERATION OF GREENHOUSE VEGETABLE CULTURE FACILITIES FOR THE KONA EXPERIMENT STATION, HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 242-78) recommending that H.B. No. 2419-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2419-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COOPERATIVE ASSOCIATIONS", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 243-78) recommending that H.B. No. 2794-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2794-78, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 244-78) recommending that H.B. No. 1861-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 1861-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONTROL THE PINEAPPLE SOURING BEETLE", passed Second Reading and was referred to the Committee on Finance.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 377 to 386) and concurrent resolutions (H.C.R. Nos. 79 to 81) were referred to the Committee

on Legislative Management and further action was deferred until tomorrow, March 1, 1978:

A resolution (H.R. No. 377) requesting a review of the policy regarding films at the University of Hawaii was jointly offered by Representatives Yuen, Aki, Kihano, Machida, Segawa, Shito, Uechi and K. Yamada.

A resolution (H.R. No. 378) requesting a study on access to employment records was offered by Representative Uwaine.

A resolution (H.R. No. 379) requesting a study on electronic fund transfers was offered by Representative Uwaine.

A resolution (H.R. No. 380) requesting consideration of the question of religious freedom as it relates to service fees to unions was jointly offered by Representatives Stanley and Peters.

A resolution (H.R. No. 381) requesting a feasibility study of transferring the real property acquisition function of the Department of Transportation to either the Department of Accounting and General Services or the Department of Land and Natural Resources was offered by Representative Stanley.

A resolution (H.R. No. 382) requesting the Legislative Auditor to conduct a management audit of the Electronic Data Processing Division of the Department of Budget and Finance was offered by Representative Stanley.

A resolution (H.R. No. 383) requesting the Hawaii Commission on Crime to address the problem of victims of crimes and to recommend a plan for a criminal victims assistance program was offered by Representative Stanley.

A resolution (H.R. No. 384) condemning the slaughter of dolphins and requesting the United States Department of State to take appropriate action was jointly offered by Representatives Kamalii, Abercrombie, Blair, Caldito, Evans, Fong, Ikeda, Inaba, Kawakami, Kunitamura, Mina, Mizuguchi, Morioka, Poepoe, Say, Shito, Stanley, Takamine, Takamura, D. Yamada and Yuen.

A resolution (H.R. No. 385) urging the Department of Education to conduct a study on the status of the foreign languages program in Hawaii's public schools was offered by Representative Evans.

A resolution (H.R. No. 386) requesting the State Department of Transportation to replace the yellow-orange range lights marking the entrance of Ala

Wai Harbor with blaze orange range lights was jointly offered by Representatives Carroll and Kamalii.

A concurrent resolution (H.C.R. No. 79) requesting the Legislative Auditor to conduct a management audit of the Electronic Data Processing Division of the Department of Budget and Finance was offered by Representative Stanley.

A concurrent resolution (H.C.R. No. 80) requesting a feasibility study of transferring the real property acquisition function of the Department of Transportation to either the Department of Accounting and General Services or the Department of Land and Natural Resources was offered by Representative Stanley.

A concurrent resolution (H.C.R. No. 81) requesting a study on electronic fund transfers was offered by Representative Uwaine.

THIRD READING

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

H.B. No. 1771-78:

Representative Suwa moved that H.B. No. 1771-78, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, the bill will correct an unfair situation which some of our citizens pay taxes to support a public sewer system for which they derive no benefit. This situation has existed in our district for more than 10 years, or ever since the Hawaii Kai development first began. And while Hawaii Kai is not the only area affected, it is certainly the largest.

Mr. Speaker, many residents were under the impression that the \$5 per month fee, which they agreed to pay at the time they purchased their homes, would remain constant. But in the past few years, we were surprised by a move by the developer to increase that fee from \$5 per month to nearly \$18, in order to receive a fair return on their investment.

Mr. Speaker, this bill will at least ease the impact of any increases should it be approved by the Public Utilities

Commission, since it will provide for a tax credit for an amount equal to the difference between the annual county and annual private sewer charges.

The real solution, however, lies with the county. I believe that they have a moral obligation to acquire the Hawaii Kai sewer system since it meets all of their required standards, thus putting us on par with other citizens of this county.

And perhaps this 'kick' in the City's pocketbook will serve to prod them to take the initiative to rectify a situation which they brought about. I certainly hope so.

Thank you, Mr. Speaker."

Speaking in favor of the bill, Representative Dods stated:

"Mr. Speaker, there presently is no provision in the income tax law which grants tax credits on sewer charges imposed for the use of privately or publicly owned sewer systems. House Bill No. 1771 will amend Chapter 246 of the Hawaii Revised Statutes by adding a new section which would provide for a tax credit against real property taxes for sewer fees paid to a privately operated sewer treatment facility.

Mr. Speaker, we have been working on this problem for a long time and, like my fellow representative from Waianae, Representative Peters, I strongly feel that sewer service is a basic necessity for all of us and that this service should be performed by the counties.

Mr. Speaker, there have been many jurisdictional fights about different areas of responsibility. These fights concern who has responsibility for maintenance of highways and other public things. In only a few areas of responsibility between the State and the City and County are there clear delineations about whose concerns are whose - the sewer services are a prime example.

Mr. Speaker, that is the primary purpose and focus of this bill - to assure residents of this State with equal protection and service that the City has failed to provide.

Mr. Speaker, in a lot of different committee meetings that I have attended in this House, I have often heard that we should think of the counties and how a bill like this would affect

them. I think that the time has come that we should start thinking of our constituents and pass measures such as this bill which has as its primary goal equal treatment under the law.

Mr. Speaker, the man from across the street can speak of providing our wonderful city with such exotic projects such as HART that will commit millions of dollars of State and County money to something that may or may not help us. But I feel that such basic needs as sewers for all of our citizens should be taken care of first.

Mr. Speaker, do you realize that some residents have been paying private sewer fees for over ten years. Yet, at the same time, they were paying property taxes for the operation and maintenance of the City sewer system from which they received no benefit? This bill, which we are considering today, will help correct that problem. Other than this bill, there is not much hope of offering these residents a financial break to which they are entitled.

A preferable solution would be for the cities to take over all the existing systems and to prevent new private systems from being built. And, Mr. Speaker, if the man across the street says that there is no money for providing basic services, maybe we could ask him how he intends to pay for the other projects that I have mentioned. But just to be on the safe side, Mr. Speaker, I believe that this bill would create a tremendous problem for the City, and for that purpose, I have appropriated all of my capital improvement money for this distinct problem. It will provide the City with seed money to help take over the private systems. I realize that this is only a start but that this step has to be made.

For the above listed reasons, Mr. Speaker, I urge all of my colleagues to vote for this measure.

Thank you."

Upon being recognized, Representative Cobb stated:

"Just one brief observation, that this measure will either help get the lead out of the City sewer system or bite them where it really hurts. I hope they get the message."

The motion to pass H.B. No. 1771-78, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX CREDIT" on Third Reading was put by the Chair and carried by a vote

of 49 ayes, with Representatives Baker and Ushijima being excused.

H.B. No. 2480-78, HD 1:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 2480-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS", passed Third Reading by a vote of 49 ayes, with Representatives Baker and Ushijima being excused.

H.B. No. 1773-78:

Representative Suwa moved that H.B. No. 1773-78, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, certainly the intent behind this measure is admirable. All of us are interested in expanding agricultural efforts in our State. In this particular measure, Mr. Speaker, we are allowing the State, by this statutory provision, to step between the long established relationship of trustee and beneficiary.

Now there are a number of other types of fiduciaries that are considered in this bill and if this bill were amended to eliminate the trustee-beneficiary relationship, as an excluded fiduciary, I would have no problem with it. But what is happening here is that we have the situation where people's life savings, the insurance proceeds available to a widow after her husband's death, that these moneys are going to be allowed to be invested with impunity by the trustee.

Now, I think it's clear, from the committee report, wherein it says that the federal land banks, the federal interest credit banks and the banks for cooperatives provide farm credit. These agencies are federal government operated agencies, as contracted to federally operated agencies. Neither principle nor interest on the securities issued by these sponsored agencies is guaranteed by the federal government although the securities are fully guaranteed by the issuing agencies the same way that they may have been guaranteed by THC Financial. Now, Mr. Speaker I feel that this is going too far.

We have seen statutory provisions over the years coming from as far

back as 1933 wherein trustees were allowed to make investments that are more in line with what we know as typical common law provisions, and even statutory provisions. So I feel, Mr. Speaker, that if an amendment to this effect were made, that this would be an acceptable measure. But in its present form, I believe that we should vote against this measure.

I would like to apologize to the chairman of the Finance Committee for not getting to this matter sooner. If I had read it a day or so earlier, I would have proposed an amendment, but I don't think it is too late to pull it back, amend it and then bring it back in a proper form."

The motion to pass H.B. No. 1773-78, entitled: "A BILL FOR AN ACT RELATING TO THE INVESTMENTS OF FIDUCIARIES", on Third Reading was put by the Chair and carried by a vote of 47 ayes to 2 noes, with Representatives Carroll and Kamalii voting no, and Representatives Baker and Ushijima being excused.

The Chair directed the Clerk to note that H.B. Nos. 1771-78 and 2480-78, HD 1, had passed Third Reading at 11:55 o'clock a.m., and H.B. No. 1773-78 at 11:59 o'clock a.m.

At 11:59 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

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

DEFERRED MATTERS FROM
EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 228-78 (H.B. No. 1874-78):

Representative Garcia moved that the report of the majority of the Committee be adopted and that H.B. No. 1874-78 pass Second Reading and be referred to the Committee on Finance, seconded by Representative K. Yamada.

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

"Mr. Speaker, this bill creates an essentially part-time appellate division of the Circuit Court and the functions would be limited to hearing appeals from administrative agencies, Mr. Speaker, and from the District Courts.

Now, if we tried to create a wholly new court, it would require an amendment of the Hawaii Constitution. This is coming in the back door, trying to make an amendment to the Constitution by allowing the Circuit Courts to fall into Article 5, Section 1, that the Circuit Courts can perform any appellate functions authorized by statute.

We're holding a constitutional convention, Mr. Speaker, this summer. There are 51 excellent minds right here in this body that should be offering themselves to that public service. Unfortunately, I do not see any other names than myself and one or two others - my friend from Kauai, Tony Kunimura. But this is the appropriate place, the constitutional convention, to make a complete overhaul of our courts.

I will assume, for the sake of argument, that the Supreme Court has now got a calendar which is very badly crowded. But we tried to alleviate that just last session when you gave each one of them an additional law clerk. And, as you know, Mr. Speaker, sometimes the law clerks write the decisions. And, Mr. Speaker, I was a law clerk for three years. I would like to"

Representative Abercrombie interrupted on a point of order and asked:

"Did you know that? I should say, a point of information, Mr. Speaker. I'm sorry."

The Chair replied:

"This is a revelation to all of us."

Representative Sutton then continued, stating:

"Mr. Speaker, it is very important that we have an appellate procedure that falls into our stream of courts. As you know, every appeal now from District Court goes to the Supreme Court. There's a very good reason for that because the District Courts are not equipped to do a job of actual law. They do not take evidence. They do not follow the rules of evidence. It is just a cursory application of the law. But the only time that an individual, 90% of our individuals, ever has any real touch with the law is in the District Courts. Now, all of a sudden, we are denying them a right of appeal to the Supreme

Court.

We have seen, Mr. Speaker, a statutory attempt here to amend the Constitution. The other day I went to one of these Common Cause things about our constitutional convention and they talk about things that are legislative. Let us not confuse the two functions. It is our job here in this Legislature to legislate. It is a job of the constitutional convention to make the framework of laws, including a complete definition of the appellate procedure in our court system. And, therefore, because we are starting to amend the Constitution through the back door, and there is a constitutional convention coming up this summer, let us recommit this back to committee, hold it and let the constitutional convention solve the problem of an appellate division.

Thank you, sir."

Representative Kunimura, upon being recognized, stated:

"May I request the Chair to let the Clerk of this House make this notation today, that I agree almost totally with the gentleman from Nuuanu and all what he said except the procedural aspect and the reference made to the District Court of the State of Hawaii. All other things he has uttered here on the floor, I agree with."

Representative Kamalii then rose on a point of order and before stating her point, Representative Kunimura stated:

"I speak against the motion."

Representative Abercrombie then rose on a point of information and the Chair asked him to "state your point".

Representative Cobb interrupted on a point of order and stated:

"Mr. Speaker, a point of information may not interrupt a speaker holding the floor."

Representative Abercrombie then stated:

"Very well, it's a point of order then. I stand corrected."

The Chair again asked Representative Abercrombie to "state your point".

Representative Abercrombie then stated:

"Would you ask the gentleman from

Kauai when he says he almost totally agreed"

Representative Kunimura interrupted, stating:

"Mr. Speaker, that is not a point of order."

The Chair replied:

"Will you let the Chair rule? Proceed with your point of order."

Representative Abercrombie continued, stating:

"My point of order is, is that the statement was made that there was almost total agreement. I'm confused because I believe that the statement made by Representative Sutton was, is that it was unfortunate for the people of the State of Hawaii that Representative Sutton and Representative Kunimura and perhaps one or two others were presenting themselves for the constitutional convention and I desire to know, in order to be able to vote on this, whether or not that statement is included as well."

The Chair then ruled, saying:

"I believe your point is not well taken, Representative Abercrombie. Proceed, Representative Kunimura."

Representative Kunimura continued, stating:

"Anyway, Mr. Speaker, this is like putting another costly piece of meat in the sandwich for those who are hauled into court. It would be much more reasonable legal expense for those who are using the court of the State of Hawaii to settle their grievances and, by statute, creating an appellate sandwich is going to mean additional expense. I would rather see the constitutional convention make this decision, and the people of the State of Hawaii make the final decision at the polls whether to ratify or not."

"I'd like to congratulate my dear friend, a counsel for the Finance Committee, for speaking up on this issue."

Thank you, Mr. Speaker."

Representative Carroll then rose and stated:

"Mr. Speaker, before making

a short comment on this issue, I'd like to ask for a ruling as to conflict. I'm a member of the class that might be appointed to the appellate bench, however unlikely that may seem to you, what with your past experience in the same vein."

The Chair declared "no conflict" and asked Representative Carroll to "proceed".

Representative Carroll proceeded to speak against the bill, stating:

"Mr. Speaker, there are areas that the appellate situation that we're facing now can very well be cleaned up. We could go back to the trial de novo from rulings in the State District Courts to the State Circuit Courts. We can put in perhaps a few more Circuit Court judges to handle the trial work. We could perhaps put one or two more people on the State Supreme Court bench to hear the loads and to have individual justices writing opinions."

Granted, there are several problem areas there, but for the most part to interject at this point a whole new appellate system is to copy the systems which we see in states such as Texas, California and New York where you have millions of people and literally hundreds of courts. It's totally inappropriate for this State to adopt this kind of a judicial sandwich position, to use the words of the representative from Kauai. And I think that it's a very, very costly kind of a system which there is really no need for here."

I urge my colleagues to vote against this measure."

Representative Cobb, upon being recognized, stated:

"Mr. Speaker, I rise to speak against H.B. No. 1874-78 on its referral to Finance. In doing so, Mr. Speaker, I would like to quote a young attorney who has served with the attorney general's office for some time, in addition to teaching law at Harvard Law School - all after having been born and reared here in Hawaii and now having returned to Hawaii to practice law. The young attorney, by the name of Peter J. Levinson, is the son of a recent and now retired Hawaii Supreme Court Justice. He wrote in the Hawaii Bar Journal, Volume 13, No. 3, in the Fall of 1977, a rather lengthy article, entitled: APPELLATE CASELOAD IN HAWAII, and he makes some rather valid points that I would like to bring to the attention of the members of

this House.

Mr. Levinson establishes statistical evidence that the Hawaii input on cases ranks far below that of other jurisdictions. And then he points out that the Supreme Court is not utilizing present Circuit Court judges as it might, at least in times of jurisdictional qualification. Bringing them more into the picture, he says, would get their help not only in writing majority opinions, but would also give them valuable experience while they are helping to lift the caseload and, at the same time, giving others a look at their qualifications for possible later elevation to the highest court of the State. I think that's a positive and constructive criticism. But there's more.

Mr. Speaker, Mr. Levinson goes on to point out that the suggestion for increasing the size of the Supreme Court to seven, at the con con, makes far more sense than laying on a new layer of court which the appellate division would be. It has some immediately discernible advantages - it would lower costs, less time, it's less burdensome. And when you compare that to an intermediate level court, that intermediate court would not really answer those who are bent on getting a Supreme Court decision.

When we look at the nature of legal appeals, we recognize that many of them are taken not on one point of law, but on a variety, as many as the appealing attorney can think of - some administrative, some procedural, some rule-making and some constitutional. Any point of law that an attorney thinks has been violated is a matter of subject for an appeal. So I don't think we should kid ourselves that when we set up an appellate court by statute to circumvent a constitutional provision that it be done by constitutional amendment that we're going to stop the appeals at this appellate level, because anyone desiring or feeling that they have a constitutional problem would be entitled to conduct their appeal right to the Hawaii Supreme Court. In effect, then, the results of the appellate level court would be to add an additional level of court in the appellate process.

There's a great deal in the article, Mr. Speaker, and rather than read it throughout, I would like to ask that it be inserted into the Journal and I would just like to quote two

or three rather short segments from Mr. Levinson's article in the Hawaii Bar Journal: First, Hawaii's. . . ."

Representative K. Yamada interrupted on a point of order and stated:

"Mr. Speaker, the argument the speaker is using now goes to the creation of an entirely new appellate court. What the bill refers to is the creation of an appellate division within the Circuit Court system. So the argument is not relevant to the bill, Mr. Speaker."

Representative Cobb then stated:

"I would respond to that point, Mr. Speaker, by pointing out, in the committee report, the justification for the bill is that it would relieve the caseload of the Supreme Court by approximately 15-20 per cent, and is one of the arguments being advanced in favor of the appellate level court even on an administrative basis since that many cases apparently reach the Supreme Court."

At 12:14 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:15 o'clock p.m.

Representative Cobb was directed by the Chair to "proceed" and Representative Cobb stated:

"Thank you, Mr. Speaker.

Continuing, and I want to make clear my arguments are against the appellate level division contained within the Circuit Court as opposed to the contention of a separate appellate division or separate appellate court which would require constitutional amendment. I would point out that the relationship of the caseload is expressly pointed out in the committee report, even arguing for the appellate level division.

Quoting from page 1 of the committee report, it states, and I quote: 'In the meantime, without having to wait for a constitutional amendment and subsequent enabling legislation, the Administrative Director testified that the bill will afford substantial relief to the Supreme Court by routing administrative appeals and District Court appeals (presently amounting to 15-20 percent of the Supreme Court's caseload) to the Circuit Court appellate division.'

Quoting from the article, relative to the caseload of the Hawaii Supreme Court, since it is mentioned specifically in the committee report, Mr. Speaker, 'Hawaii's appellate termination rate is unusually low by federal standards. The United States Courts of Appeals, with a total of 97 authorized judgeships, terminated 16,426 appellate cases during the period July 1975 through June 1976 - an average per judgeship termination rate of 169 cases. The Supreme Court of Hawaii, with five appellate justices, terminated 144 appeals during the most recent fiscal year, an average per judgeship rate of 29 cases. The federal appellate courts do achieve some time savings (per authorized judgeship), by utilizing Senior Circuit judges and visiting judges in 20 percent of cases (compared with a lower utilization rate for retired justices and Circuit Court judges in Hawaii) and by meeting generally in panels of three rather than as a five member court. These factors, however, cannot begin to explain the tremendous disparity.

The Supreme Court of Hawaii's involvement in original and supplementary proceedings provides little basis for explaining the low figures on appellate dispositions. Original proceedings represent a very small portion of the Court's primary caseload - only 13 out of 316 primary cases (appeals and original proceedings) filed and 9 out of 153 primary cases terminated in 1976-77. Data on total cases and all actions, aggregations of figures for primary cases and supplementary proceedings (motions and petitions for rehearing), produce large figures that are not particularly helpful in evaluating the Supreme Court's workload. Supplementary proceedings require oral argument infrequently and generally occupy proportionately little of the Court's time.'

Continuing, Mr. Speaker, 'the Supreme Court in Hawaii, in cases of disqualification of Supreme Court justices, has not fully utilized the services of Circuit Court judges designated to sit in particular cases. Circuit Court judges rarely, if ever, write majority opinions for the Supreme Court, thus relegating the Court to a body of four rather than five in terms of the performance of a major appellate court function. The assignment of opinion writing to designated Circuit Court judges can free regular members of the Court to work on other cases and facilitate the disposition of larger

numbers of appeals. Greater involvement of Circuit Court judges in the work of the Supreme Court, in addition to helping alleviate appellate caseload congestion, can provide the legal profession with important information on the qualifications of particular trial judges for ultimate elevation to the Supreme Court.

The experiences of other appellate courts suggest that 250 dispositive decisions per year is a modest and realistic goal for the Supreme Court of Hawaii in this era of apparent appellate overload.' Mr. Speaker, that kind of performance would, in one year and three months time, wipe out the backlog.

Finally, Mr. Speaker, speaking to the alternative of an enlarged Supreme Court, that if it was coupled with an increase in judicial productivity would meet Hawaii's needs for the foreseeable future. The Supreme Court increased with Statehood from three judges to its present membership of five. The forthcoming constitutional convention could very easily provide for a seven member Supreme Court.

Finally, Mr. Speaker, Hawaii may some day reach the point, which many larger states have reached, where an intermediate court of appeals is the most efficient method of disposing of cases. Such a step should not be taken lightly. Acting prematurely to make the judicial machinery that complex can only create more of a burden than a relief.

Finally, Mr. Speaker, I think that we have to look to the reflection that is pointed throughout the article, namely that we're not only failing to utilize our Circuit Court judges in a positive manner to assist in the writing of opinions or to provide for full membership of the court, but in passing this, we are in effect, even if it's only a division, creating an additional level of legal appeals by which a Hawaii appellant must go through. As I've pointed out before, when an attorney takes an appeal, it's seldom on one point of law. And if it's an administrative point on the one hand and a constitutional point on the other, the matter will not be settled even if we create a separate appellate division.

For these reasons, Mr. Speaker, I would like to ask my colleagues not to support this measure.

Thank you."

Upon being recognized, Representative Toguchi asked:

"Mr. Speaker, would you ask the chairpersons of the Judiciary or PEGO Committees if they would yield to some questions?"

The Chair asked:

"Representative Garcia, will you yield?"

Representative Garcia replied:

"Mr. Speaker, I will yield to some questions during a recess, if there's a recess called."

At 12:23 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:29 o'clock p.m., Representative K. Yamada rose to speak in favor of the bill, stating:

"In doing so, Mr. Speaker, I would like to make several comments made by previous speakers. And because the last speaker's comments are perhaps most fresh in our memories, I would like to respond to some of his comments.

Mr. Speaker, the last speaker had referred to an article written by Mr. Levinson dealing with the creation of an appellate court. He has been working under a misconception, Mr. Speaker, because this bill does not create an appellate court. It creates an appellate division"

Representative Cobb, on a point of order, stated:

"I already made the distinction very clearly"

The Chair interrupted, stating:

"Representative Cobb, would you please be recognized first. Let's try to keep our voices down, Representative Cobb."

Representative Cobb then stated:

"Thank you, Mr. Speaker. I would simply appreciate being recognized on a point of order.

But when I was interrupted previously on a point of order, I made the distinction quite clear that I was speaking to an appellate division rather than a separate appellate level court."

The Chair then stated:

"I believe you so indicated to the body. Proceed, Representative Yamada."

Representative K. Yamada continued, stating:

"Mr. Speaker, I wanted to further point out that the article which Mr. Levinson had written deals with the creation of an appellate court, not as the appellate division within the Circuit Courts. In any case, there is a great deal of distinction, Mr. Speaker, in the terms of costs, the types of functions which are carried out, and that's why I feel, and I'm advising this body, that the article written by Mr. Levinson is wholly inapplicable to the bill which is before this body.

In any case, Mr. Speaker, the previous speaker also suggested that there are other means of taking care of the problem, that we could increase the number of the justices that sit in the Supreme Court to seven. Well, this is a highly speculative suggestion, Mr. Speaker, which may never come about. But the problem is real and it exists today, as testified to by the members of the Judiciary. And that's a problem we're trying to take care of, Mr. Speaker, not one that could be so speculative that we would have to look three or four years down the road.

They suggest that the Circuit Court judges are not being utilized to their fullest capacity. Mr. Speaker, I wholly agree with that statement and that's why we're creating the appellate division within the Circuit Courts. We want to utilize the Circuit Court judges. That's the whole intent of this bill, to utilize the Circuit Court judges to hear cases which are up to them on an administrative type of an appeal and also cases which are appealed from the District Court which is currently a court of record.

Now, at this point, Mr. Speaker, one of the earlier speakers also mentioned about going back to the old system of hearing cases de novo within the Circuit Courts. Well, this creates a great deal more burden and cost to the individual because he would have to hire an attorney to have the case tried before the District Court and go up to the Circuit Court and also have it retried again. So, the cost is going to be much greater than what we are proposing here today, Mr. Speaker.

In any case, because of the misconception

which has been apparent in some of the arguments raised earlier, I'd like to give you a little background of what existed in the past. District Courts were not courts of record, as indicated by one of the previous speakers. So appeals were taken up to the Circuit Courts de novo, that is a case where it was tried all over again. Well, we recognized that there was a problem with that in the cost involved so we made the District Courts courts of record. And at the same time, Mr. Speaker, we made appeals from the District Court directly to the Supreme Court. We didn't increase the number of justices that sit in the Supreme Court. As a result, Mr. Speaker, there has been a large backlog of cases in the State of Hawaii. Appeals would have to go on record for several years before it could be heard by the Supreme Court.

Now, we recognize the problem which exists and it's for that reason that this bill is before this body. We're trying to take care of that problem in alleviating the great amount of backlog which exists today and facilitate the appeal processes. Largely, Mr. Speaker, this is an attempt to go back to the old system, to let the Circuit Court judges decide the appeals from administrative hearings and District Courts. They have done that in the past. We recognize that when we made the District Courts courts of record, that judges could review the records and decide instead of carrying a de novo. So what we're trying to do is facilitate the process by improving on what existed in the past, Mr. Speaker. In doing so, this bill does not include any money measures. We are going to utilize existing court facilities of the First Circuit and the Supreme Court.

The bill also gives the court the power to hear cases on neighbor islands as well. So instead of having individuals come to Honolulu to try their appeals before the Supreme Court, it's possible for us now to send these judges from the appellate division of the Circuit Court to the neighbor islands to hear appeals, thereby lowering the cost perhaps to clients who file appeals. We're also utilizing the facilities of the Supreme Court and also the manpower, the clerical staff of the Supreme Court, Mr. Speaker. And it's for that reason that we are not talking about any kind of money measure.

All we're looking at is the facilitating of appeals to make it easier for individuals to be heard on appeals and also to improve on the system which existed in the past.

It's for that reason, Mr. Speaker, I ask all to vote in favor of the bill.

Thank you."

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

"At first I wish to ask for a ruling of conflict."

When asked by the Chair to "state your conflict", Representative Abercrombie stated:

"I'm quite serious about it. I have a case in the Circuit Court that has not been, I'm not sure what the correct word is, it's not finished yet."

The Chair ruled: "No conflict."

Representative Abercrombie then stated:

"Mr. Speaker, I'm not sufficiently sophisticated with the inner workings of the Judiciary system. I know it is administrated quite well. I know that the practice I've been able to observe there are quite excellent as far as I'm able to discern as a citizen.

As far as the Circuit Courts are concerned, they don't do their jobs now. Now, Judge Fong, and I'm speaking directly to this bill, it says division of the Circuit Courts, at least one judge in this State who does not do his work, and Judge Fong is one of them. I was promised a decision on March first. I just received information that we have a five-week delay on whether I can have a law of the State obeyed. I have been waiting one year. One year to try and find out whether the comptroller will obey the law. I've gone into court, haven't taken a gun and gone after the comptroller, I've gone into court to try to get the law obeyed. I've gone into the Circuit Court and I've been pushed from pillar to post by a judge who sits there and cannot say whether or not the law that he sees right in front of him is in fact the law. Namely, that any citizen in this State is entitled to see any disbursement that is made and that all disbursements are in the control of and recorded by the comptroller of the State. Now, I was told I would have a decision on March first. The

reason I was told I would have the decision on March first is because there was supposed to be a hearing on February 21st. I know what it was - February 21st in Chairman Suwa's committee - that was postponed indefinitely. Now, the only thing given to me in that circuit Court was a couple of points the law had to be researched and we'd get it off by March 1st. No problem. Now a five week delay. A five week delay. Perhaps I can help the Judge by writing Mr. Cooper and seeing how the hell long he's going to take and then Judge Fong can decide when he can make his decision in Circuit Court.

Now, if you're creating another division for appellate, you can't get the judges to give a decision in the first place, let alone going to the appellate, a division, administrative or otherwise. The District Court here, it says, appellate functions, perform any appellate functions authorized by the State. The Circuit Courts don't do it now unless apparently Judge Fong gets permission from Grant Cooper. He'll never be able to make a decision for the rest of his life if Grant Cooper stays in California and spends all the money we gave him and does not"

The Chair interrupted by saying:

"Representative Abercrombie."

Representative Abercrombie continued, saying:

"You're going to tell me I'm not on the subject? I'm on the subject. It says 'create an appellate division' right here; a division, not a Circuit Court; an appellate division of the Circuit Court.

How am I even going to get to the appellate division if I can't get a decision in the Circuit Court itself?

This bill creates an essentially part-time. . . well, is it part-time or not? Apparently Judge Fong is part-time.

I'll tell you why I'm standing up here, I've got legislative immunity here. I'm not committing a felony and I'm not committing a breach of the people except for talking too loud. So he can't get me in here. I'm going to keep my mouth shut when I'm in his court, when he gives me the shaft.

Now, I've watched some judges work some people over in a situation that I've dealt with. And you can't

say anything in court. You get contempt. So they hold the whip hand. They have no sympathy. They have no sympathy at all. You come in the court. You're scared witless. I've watched attorneys, people who in other circumstances I know to be fighters, people who even have the courage and determination and the raw intelligence of Kats Yamada, standing in there quaking before a judge. Fearful. Now, these Circuit Court judges are doing this kind of thing. I've no empathy, sympathy, whatsoever for this.

Now, I commend the intention of the Judiciary chairman's committee in this, but all the things that are mentioned in here, the double appeal and that kind of thing, I can't go along with it. The citizenry of this State will go out of their minds if we pass this bill. This is something that definitely should go to the constitutional convention. We've done that with other bills here. And this is not hiding anything. I hope the people, if they're fortunate enough to have Mr. Kunimura and Mr. Sutton and so on in there, why they'll take up how we're going to have a new selection method of judges. Because this bill points up, and the actions of the Circuit Court judges point up, that they are not acting in the interest of the people in the State. And I'm not going to vote for a bill, and that's not voting against the Judiciary chairman, that could, to my mind, only point up a necessity of having a new methodology for the selection of judges. If we get one, maybe the hell I can get a decision.

Now, I'm tired of going to court, and I'll say one other thing on this and I'm going to sit down. My time is valuable. My time is just as valuable as Judge Fong's. Now, my attorney and myself and my co-defendant have been hauled into that Circuit Court time after time after time at his whim, told we'd have something done, and we can't get it. Just as my time is valuable, so is the time valuable of anybody up here; even Bud Smyser of the Star Bulletin. I have to go a long way to say that, but that's all right. Citizens should not be at the mercy of this kind of thing.

What's going to happen, when I fear may be what the representative from the Big Island says is true in terms of the kinds of things that might take place, that until there's some reform inside, until there's some opportunity for the citizenry to see that the Circuit Courts are really doing their jobs, I don't think we can convince the public

that this kind of thing can go on at this time. I don't think that the judges can haul us in and out at their whim. That's what's happening right now.

I'm sorry if because of that situation, what might be a useful endeavor, as outlined especially by the member of the Big Island, whose opinion I respect, because I'm not an attorney in this situation and you ought to speak directly to an issue and with little or no nonsense, which I wish I could say for myself but can't always, the fact of the matter is when he makes these arguments, you've got to listen to them. But I listened closely and I can't, I still cannot go along with it because I don't think that the way the judges are operating in the Circuit Court now is in the public interest and not just because of my case, and that's why I asked about the conflict. If I'm having a bad time in there as a legislator, how in the hell does the average person, who doesn't have the same research activities, etc., that is available to me as a legislator, going to handle all this. What if they don't have a free lawyer? What if they don't have people willing to absorb all those costs? Mrs. Kamalii is looking at me about free lawyers now. Let's not get into that. What if they don't have these things?

It's easy to say appellate. And this is what I'm driving at. I think that public confidence in our political system will sink lower if they suddenly see an appellate division with the judges again. It's one more layer of czars who are going to become involved in here.

Maybe the response is more emotional than it is even practical. I won't say rational because I do think what I'm saying is quite rational. When a judge can't give a decision on a law that says anybody can take a look at how much is being spent. The comptroller says, well, my lawyer tells me I can't do it. I ask, who's your lawyer? He says the attorney general. Well, I want to look at the attorney general's stuff. He says hey, that's your problem pal, take it to court.

I've been in court so long that I'm going to start being paid as a bailiff. That's the reason, practically speaking. If you can't get a decision in Circuit Court, what confidence is the public going to have should decisions be made in moving into this appellate division and all the rest of it, that they're going to fare any better.

I think that by the time of the constitutional convention, perhaps this thing can be worked over and brought to the public's attention. Now that it's out there and Mr. Garcia is happy that it is, that maybe it should be and can be handled there.

So I ask you that this not move forward, not because I want to contend with, especially Mr. Yamada, but rather that this is not the appropriate time to do so.

Thank you."

Representative Carroll then rose in rebuttal, stating:

"Mr. Speaker, I presume the junior representative from the east side of the island of Hawaii has mentioned costs and he has mentioned time savings and things of this sort.

If we take time to peruse the second page of the committee report, it states there that there will be no appeal from the decisions of the appellate division. But it also states, immediately thereafter, however, there may be petitions to the Supreme Court for review from the appellate division which is, in fact, establishing a procedure for requesting a writ of certiorari from the already overloaded Supreme Court.

Now, Mr. Speaker, the basic intent of this measure is quite correct. But to talk about cost savings in this particular measure is simply to say that it is not to state the truth, because we are not going to eliminate the appeals, we are only going to change the quality in a sense of the justice that's going to be given to the appellants.

Instead of allowing review by the very deliberate orderly undertakings of the Supreme Court, we're now going to give it to members of the Circuit Court. That is, judges of the Circuit Court, who will be, in effect, acting as junior Supreme Court justices for good or for ill. I see no provisions in here for saying that when a person is on the appellate bench, for instance, that he will no longer be eligible to go back to the trial bench. I can see problems of conflict among the Circuit Court judges who would be so sitting.

It is also interesting to note in this committee report that they mentioned the appellate court of New York and another large state and saying while we are acting in this way, we're really not providing this kind of a

system.

So, I think, Mr. Speaker, this entire measure needs to be looked at and we need to decide what we want to do as far as the total Judiciary. To put this kind of a makeshift measure in there, this stop-gap measure, on the basis it's gonna somehow speed up caseload activity is simply not to address the real problem, and that is we have an extremely cumbersome system by having the trial of record at the District Court level and have eliminated the trial de novo which was much less costly and much less cumbersome for the individual party than is the current requirement that they go through an appeal from the District Court decision.

So for these and for the many other reasons that have been stated very eloquently on the floor this morning, I think that we should defer this measure, if not, vote it down."

Representative Cobb, upon being recognized, stated:

"Mr. Speaker, when I look at the bill, several important points, I think, come up and they contradict some of the things said on this floor.

Before getting into that, I'd just like to make an observation that it seems rather ironic that we would have to legislate or mandate by a legislation that Circuit Court judges be properly utilized in an appellate function when the Supreme Court of our own State has failed to do so up to this point in time, that, in effect, we're telling the Judiciary how to run their operations when they obviously have not been utilizing their Circuit Court judges to ease their own caseload problem.

Now, I'd like to go to page four of the bill, since the bill is being passed in original form. At the bottom of page four, starting on line 21, it says, and I quote: 'A party to a case decided by the appellate division may file a petition in the Supreme Court for further review by the Supreme Court', establishing very clearly the appellate level process.

The bypass of the appellate division is contained on page 5, line 8, section 603: 'The Supreme Court, upon petition by a party or on its own motion, may in its discretion transfer

to the Supreme Court any appeal pending in the appellate division, in accordance with rules promulgated by the Supreme Court.'

Turning to page 6, line 15, new law: 'An appeal from a Circuit Court including a Family Court, or from the Land Court or a District Family Court, shall be taken to the Supreme Court. An appeal from a District Court other than a District Family Court shall be taken to the appellate division of the Circuit Courts.'

Page 7, line 16: 'Every appeal shall be taken on the record and no new evidence shall be introduced in the supreme' (is bracketed) 'appellate' (is underlined) 'court.'

But there's a more serious question I have, Mr. Speaker, and that is on page 14 of the bill. The appeal seems to affect the Hawaii Rules Civil Procedure. On lines 5 through 9, the entire part of the existing law is bracketed and that part reads: 'An aggrieved party may secure a review of any final judgment of the Circuit Court under this chapter by appeal to the Supreme Court. The appeal shall be taken in the manner provided in the Hawaii Rules of Civil Procedure.' The question that has to be raised there is what is going to happen to the Hawaii Rules for Civil Procedure, because they seem to be set aside on page 14 and on page 26, substituted by rules of court when it doesn't even specify which court.

I'd like to quote page 26: 'A denial either by the county agency or by the commission, or a modification by the commission, as the case may be, of the desired use shall be appealable to the' (the following is bracketed) 'Circuit Court of the circuit in which the land is situated' (the following is underlined) 'appellate division of the Circuit Courts' (underlining ends) 'and shall be made pursuant to' (the following is bracketed) 'the Hawaii Rules of Civil Procedure' (the following is underlined) 'rule of court.' Which court then will be establishing the rules in this case?

Mr. Speaker, I think there's a raft of undecided questions on this, as well as the fact that I think it's been pointed out quite adequately on this floor that with the constitutional convention coming up, it is both timely and appropriate for the con con to handle such a question. If we desire to go into an appellate level court as a separate entity, that would be a constitutional amendment. This, in effect, circumvents

the requirement of the constitutional amendment and, in effect, obviates the con con from acting. Hopefully, the question would receive more deliberation there than here.

Mr. Speaker, because of these reasons, I think we should not support the committee report at this time, but at least defer one year.

Thank you."

Representative K. Yamada then rose again to speak "in behalf of the committee report", stating:

"Mr. Speaker, once again the reference is made to procedures in court. Unfortunately, those who appear to have risen to speak against the bill apparently are not familiar with what we've been referring to.

Mr. Speaker, I think all of the attorneys here are familiar that the Hawaii Rules of Civil Procedure govern the method in which we will approach the court and what happens in court. Well, simply by saying that the appeal will be taken and procedure outlined in the Hawaii Rules of Civil Procedure merely means that the court will have to adopt new procedures. There is currently no procedures that are set up in the appellate division and, therefore, the Supreme Court will have to amend the Hawaii Rules of Civil Procedure to make it in conformity with this particular bill which is before us if it becomes law. That's all that statutory section is saying - that appeals will be taken in accordance with the Hawaii Rules of Civil Procedure. The Supreme Court is the one that promulgates those things.

If we're talking about legislating the effectiveness of the Circuit Court judges, again, Mr. Speaker, I point out that this is one of the measures which the Judiciary has asked for. They recognized that Circuit Court judges ought to be utilized to a greater capacity, more efficiently perhaps than has appeared in the past. This is one of the measures by which they hope to accomplish that purpose.

So, again, Mr. Speaker, I'd like to point out to this body that this bill has been requested by the Judiciary, that they're testifying in behalf of it, that we will be utilizing existing Circuit Court staff, judges and facilities here in the First Circuit.

As far as the cost of being more cumbersome, well, let me ask you,

and this is something that one of the previous speakers has spoken up on when he suggested that trial de novo is less costly and less cumbersome, well, just look at it from a practical standpoint - if you have to go to trial in the District Court, you hire an attorney, you call in all of your witnesses and you go through perhaps hours, maybe days, maybe months of testimony, and once that decision is reached, if you have to do it all over again in the Circuit Court, Mr. Speaker, I ask you and the rest of this honorable body to consider which would be less cumbersome, simply to take the appeal on the record or to try the case anew in the Circuit Court?

I ask you all to vote in favor of this measure."

Representative Carroll then rose on a point of order and asked:

"Mr. Speaker, as to the question that he just raised, I'm rising to rebut comments which were made by the previous speaker directly commenting on comments which I made and I believe, to that extent, I would be allowed a third time?"

The Chair ruled Representative Carroll "out of order".

Representative Peters then rose and stated:

"Mr. Speaker, I didn't have any intentions of talking about it, but there was one remark made by the representative from Nuuanu relative to our functions and responsibilities as legislators. I consider it our responsibility to look at any system in this State that utilizes public funds. I stated that very clearly on this floor before. We are tabbed with the responsibility of appropriating money for many activities to be implemented in a reasonable and justifiable fashion. Whenever a bill like this comes before us, we have to look at it devoid of some of the decisional remarks that have been made on this floor.

I think if we have or we look at responsibilities and functions that have been assigned to us via the constituency, it seems to me that it is our role and our responsibility to improve upon any system that deals with the lives of people. And in that context, Mr. Speaker, I urge my colleagues to vote in behalf of this measure because it will definitely be improving upon the system that has to basically judge people in general.

Thank you very much."

The Chair then stated:

"Request has been made for a Roll Call vote. The Chair would like to see a show of hands of those who wish to have a Roll Call vote."

After a count of seven show of hands, the Chair declared:

"Insufficient votes."

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and H.B. No. 1874-78, entitled: "A BILL FOR AN ACT RELATING TO CREATION OF AN APPELLATE DIVISION OF THE CIRCUIT COURTS", passed Second Reading and was referred to the Committee on Finance, with Representatives Abercrombie, Ajifu, Blair, Carroll, Cobb, Evans, Kamalii, Kunimura, Larsen, Narvaes, Sutton and Takamura voting no.

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

"The question was raised by yourself . . . excuse me, there was a motion made . . . a request made of the Chair for Roll Call vote. The Chair then asked whether there was sufficient number of people who wanted a Roll Call vote. Right? Am I correct to this point?"

Representative Kunimura then interrupted on a point of order and stated:

"There is nothing before this body at this time because we already took a vote on the issue. Any appeal should have been prior to taking a vote."

Representative Abercrombie then stated:

"I'll make a point of order. I'm asking a point of information. That particular gentleman standing up and talking about what is relevant right now, man, is about the biggest gag that's ever happened on this floor."

Now, I'm asking for information and I'm asking for a good reason.

I'm not trying to screw around and I don't want to be screwed with."

The Chair, at this time, said:

"Representative Abercrombie, you rise on a point of parliamentary inquiry? State your point of parliamentary inquiry."

Representative Abercrombie then stated:

"I've had it with that . . ."

Representative Kunimura then asked:

"Mr. Speaker, may we have a short recess?"

Representative Abercrombie remarked:

"May we have a long recess; take the rest of the year."

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

Upon reconvening at 1:15 o'clock p.m., Representative Abercrombie rose and stated:

"Mr. Speaker, I believe there was a point of order made and I didn't hear your ruling."

The Chair replied:

"The ruling is that if the representative from Manoa is making a parliamentary inquiry, the Chair will entertain that inquiry."

Representative Abercrombie then stated:

"I would like to withdraw that inquiry as I'm not sure that I can state it correctly. I thought that I was going to state it correctly and now I'm no longer sure. Perhaps the point of order was useful to me in that respect, and if it is, I thank the maker of it."

ADJOURNMENT

At 1:19 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, Wednesday, March 1, 1978.

THIRTIETH DAY

Wednesday, March 1, 1978

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Michael Rymer of Saints Constantine and Helen Greek Orthodox Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Baker, Blair, Carroll, Cobb, Fong, Garcia, Kunimura, Larsen, Nakamura, Suwa, Takamura, Ushijima and Uwayne, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Twenty-Ninth Day.

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

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 54) transmitting Senate Bill No. 1804-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO UNLAWFUL SUSPENSION OR DISCHARGE FROM EMPLOYMENT", which passed Third Reading in the Senate on February 28, 1978, was read by the Clerk and was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.B. No. 1804-78, SD 1, passed First Reading by title and further action was deferred until tomorrow, March 2, 1978.

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

Representative Morioka introduced 26 fifth grade students from Hokuani Elementary School. They were accompanied by their teacher, Mrs. Kikue Okinaka, and room father, Mr. Wayne Creekmore.

Representative Kamalii introduced two personal friends of hers, Elizabeth and Ludwig Armerding, of Honolulu, and their daughter, Mrs. Jane Chrisbaum, from Washington, D.C.

At 11:05 o'clock a.m., on request by Representative Shito, 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 Representatives Blair and Carroll.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
1595-78	Committee on Ecology and Environment, then to the Committee on Energy and Transportation
1619-78	Committee on Housing, then to the Committee on Judiciary
1643-78	Committee on Health
1649-78	Committee on Judiciary
1659-78	Committee on Consumer Protection and Commerce
1660-78	Committee on Health, then to the Committee on Consumer Protection and Commerce
1662-78	Committee on Consumer Protection and Commerce
1663-78	Committee on Consumer Protection and Commerce
1690-78	Committee on Judiciary, then to the Committee on Finance
1691-78	Committee on Judiciary
1705-78	Committee on Judiciary
1752-78	Committee on Health, then to the Committee on Finance
1801-78	Committee on Judiciary
1815-78	Jointly to the Committees on Ocean and Marine Resources and Ecology and Environment
1931-78	Committee on Consumer Protection and Commerce
2567-78	Committee on Employment Opportunities and Labor Relations
2599-78	Committee on Culture

and the Arts, then to the Committee on Finance

2616-78 Committee on Education, then to the Committee on Finance

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 377 to 386) and concurrent resolutions (H.C.R. Nos. 79 to 81) were disposed of as follows:

H.R. Nos. Referred to:

377 Committee on Higher Education

378 Jointly to the Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations, then to the Committee on Finance

379 Committee on Consumer Protection and Commerce, then to the Committee on Finance

380 Committee on Public Employment and Government Operations, then to the Committee on Judiciary, then to the Committee on Legislative Management

381 Jointly to the Committees on Public Employment and Government Operations and Energy and Transportation, then to the Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Legislative Management

382 Committee on Public Employment and Government Operations, then to the Committee on Legislative Management

383 Committee on Judiciary, then to the Committee on Finance

384 Jointly to the Committees on Ocean and Marine Resources and Ecology and Environment, then to the Committee on Judiciary

385 Committee on Education, then to the Committee on Finance

386 Committee on Energy and Transportation, then to the Committee on Finance

H.C.R. Nos.

79 Committee on Public Employment and Government Operations, then to the Committee

on Legislative Management

80 Jointly to the Committees on Public Employment and Government Operations and Energy and Transportation, then to the Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Legislative Management

81 Committee on Consumer Protection and Commerce, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following House bills were re-referred as follows:

H.B. Nos. Re-referred to:

2481-78 Committee on Finance

2868-78 Committee on Energy and Transportation, then to the Committee on Finance

2891-78 Committee on Finance

2899-78 Jointly to the Committees on Housing and Youth and Elderly Affairs, then to the Committee on Finance

SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the rules were suspended for the purpose of permitting members to offer resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 387 and 388) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 387) congratulating and commending Ms. Nora Kurosu for being selected one of five women leaders by the Young Women's Christian Association was jointly offered by Representatives Evans, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Fong, Ikeda, Kamalii, Larsen, Lunasco, Naito, Nakamura, Narvaes, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Takamine, Takamura, Uechi, Ueoka, Uwayne, D. Yamada, K. Yamada and Yuen.

On motion by Representative Evans, seconded by Representative Ajifu and carried, H.R. No. 387 was adopted.

Prior to introducing the honoree,

Representative Evans stated:

"Mr. Speaker, it is indeed a pleasure for me today, to have Nora with us and have her honored. I believe she exemplifies the successful women of today who combine family, work, and community service into one."

Representative Evans then presented Ms. Nora Kurosu to the members of the House.

Representative Ajifu presented her with a red carnation lei and Representative Evans presented her with a certified copy of the resolution.

A resolution (H.R. No. 388) commending the Bishop Museum for its diligent efforts in collecting and assembling the "artificial curiosities", an exhibition and exposition of native manufacturers collected on the three Pacific voyages of Captain James Cook and urging full community participation in the viewing thereof was jointly offered by Representatives Say, Evans, Aki, Campbell, Dods, Kawakami, Kiyabu, Machida, Segawa, Shito and Yuen.

On motion by Representative Say, seconded by Representative Evans and carried, H.R. No. 388 was adopted.

At this time, Representative Say introduced to the members of the House Dr. Edward Creutz, Director of the Bishop Museum, and Dr. Andrienne L. Kaeppler, Research Anthropologist.

Leis were presented to Dr. Creutz by Representative Garcia and to Dr. Kaeppler by Representative Evans. Representative Stanley presented the honorees with certified copies of the resolution.

At 11:17 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of greeting the honored guests.

Upon reconvening at 11:27 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie, Cobb, Garcia, Kunimura, Larsen, Nakamura, Suwa, Takamura and Uwayne.

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

Representative Segawa introduced Ms. Maureen Saturnio, "a very enthusiastic supporter and leader

of the Parent Power Program in Hilo which has just started. These are parents interested in the programs for the handicapping conditions for children and she has taken a special trip out here to Honolulu to look after some of the interests."

Representative Kihano introduced Mrs. Florence O'Clary, who was seated in the gallery.

Representative Machida introduced Mr. Charles Iwata, "one of the finest citizens of Maui, and who is taking part in the legislative process."

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 245-78) informing the House that House Resolution Nos. 376 to 386, House Concurrent Resolution Nos. 79 to 81, and Standing Committee Report Nos. 246-78 to 311-78, have been printed and distributed.

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

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 246-78) recommending that H.B. No. 2896-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2896-78, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MONEY AND PUBLIC CONTRACTS", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 247-78) recommending that H.B. No. 2680-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwayne and carried, the report of the Committee was adopted and H.B. No. 2680-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE AND AMENDING CHAPTER 392, HAWAII REVISED STATUTES",

passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 248-78) recommending that H.B. No. 1815-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 1815-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 249-78) recommending that H.B. No. 2685-78, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 2685-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN POSITIONS IN THE UNIVERSITY OF HAWAII", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 250-78) recommending that H.B. No. 2084-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 2084-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 251-78) recommending that H.B. No. 2435-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee

was adopted and H.B. No. 2435-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO WORK ACTIVITY CENTER, KALIHI-PALAMA, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 252-78) recommending that H.B. No. 2507-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2507-78, entitled: "A BILL FOR AN ACT MAKING APPROPRIATION FOR THE KONA HOSPITAL, ISLAND OF HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 253-78) recommending that H.B. No. 2503-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2503-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE WEIGHT", passed Second Reading and was referred to the Committee on Judiciary.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 254-78) recommending that H.B. No. 1932-78, as amended in HD 1, be referred to the Committee on Energy and Transportation.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1932-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR CARRIER LAW", was referred to the Committee on Energy and Transportation.

At 11:35 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives

reconvened at 11:37 o'clock a.m.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 255-78) recommending that H.B. Nos. 2045-78, HD 1; 2046-78, HD 1; 2653-78, HD 1; 2737-78, HD 1; and 3095-78, HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and the following bills passed Second Reading and were referred to the Committee on Finance.

H.B. No. 2045-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE GENERAL IMPROVEMENT OF KALIHI-UKA PARK, OAHU".

H.B. No. 2046-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF LAND FOR THE DEVELOPMENT OF A HISTORICAL PARK, KALIHI VALLEY, OAHU".

H.B. No. 2653-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KAHUKU WATER DEVELOPMENT, OAHU".

H.B. No. 2737-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID FOR THE MANOA VALLEY RECREATION CENTER".

H.B. No. 3095-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS IN THE 16TH REPRESENTATIVE DISTRICT".

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 256-78) recommending that H.B. Nos. 2014-78, 2015-78, 2016-78, 2129-78, 2153-78, 2177-78, 2182-78, 2260-78, 2264-78, 2265-78, 2331-78, 2339-78, 2340-78, 2343-78, 2488-78, 2508-78, 2524-78, 2541-78, 2575-78, 2585-78, 2621-78, 2638-78, 2667-78, 2668-78, 2676-78, 2678-78, 2736-78, 2739-78, 2773-78, 2789-78, 2809-78, 2830-78, 2831-78, 2833-78, 2834-78, 2836-78, 2841-78, 2963-78, 2974-78, 2976-78, 2984-78, 3001-78, 3002-78, 3015-78, 3068-78, 3075-78, 3080-78, 3083-

78, 3092-78, and 3094-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and the following bills passed Second Reading and were referred to the Committee on Finance:

H.B. No. 2014-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF UNDEVELOPED LANDS FOR PARK PURPOSES AT KANEWAI, HONOLULU, OAHU".

H.B. No. 2015-78, entitled: "A BILL FOR AN ACT MAKING A SUPPLEMENTAL APPROPRIATION FOR PLANNING AND CONSTRUCTION OF TENNIS COURTS AT PALOLO NEIGHBORHOOD PLAYGROUND, HONOLULU, OAHU".

H.B. No. 2016-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREMENTAL RENOVATION AND IMPROVEMENT AT MAUNALANI HEIGHTS PLAYGROUND".

H.B. No. 2129-78, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS FOR THE 14TH REPRESENTATIVE DISTRICT".

H.B. No. 2153-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU FOR IMPROVEMENTS TO KUHIO AVENUE, WAIKIKI, OAHU".

H.B. No. 2177-78, entitled: "A BILL FOR AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR MAKENA-LAPEROUSE STATE PARK, MAKENA, MAUI".

H.B. No. 2182-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SITE AND MAJOR IMPROVEMENTS AT KAHEHILI TERRACE, WAILUKU, MAUI".

H.B. No. 2260-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KAPAAKEA FLOOD CONTROL PROJECT, MOLOKAI".

H.B. No. 2264-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EXTENSION OF KAUNAKAKAI SEWERAGE SYSTEM, MOLOKAI".

H.B. No. 2265-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CONSTRUCTION OF IMPROVEMENTS TO KALAUPAPA WATER SYSTEM, MOLOKAI".

H.B. No. 2331-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE INSTALLATION OF STREET LIGHTS IN THE FRESH WATER PARK FROM WALKER AVENUE LEADING TO LANIKILA CRAFT CENTER IN WAHIAWA."

H.B. No. 2339-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF THE UPPER AND LOWER KULA WATER PROJECT AT KULA, MAUI".

H.B. No. 2340-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF THE HANA WATER PROJECT AT HANA, MAUI".

H.B. No. 2343-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF THE HAIKU-MAKAWAO WATER PROJECT AT HAIKU, MAUI".

H.B. No. 2488-78, entitled:
"A BILL FOR AN ACT RELATING TO WASTE DISPOSAL AND SEWERAGE SYSTEMS".

H.B. No. 2508-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEVELOPMENT AND CONSTRUCTION OF A SUPPLEMENTAL WATER SYSTEM FOR SOUTH KOHALA, HAWAII".

H.B. No. 2524-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS FOR THE 12TH REPRESENTATIVE DISTRICT".

H.B. No. 2541-78, entitled:
"A BILL FOR AN ACT RELATING TO THE HONOKAA ECONOMIC DEVELOPMENT PROGRAM".

H.B. No. 2575-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF THE KAUNAKAKAI-UALAPUE-PUKOO-WAIALUA WATER PROJECT AT KAUNAKAKAI, MOLOKAI".

H.B. No. 2585-78, entitled:
"A BILL FOR AN ACT MAKING A SUPPLEMENTAL APPROPRIATION FOR CONSTRUCTION AND INSTALLATION OF 1,350 LINEAR FEET OF 8-INCH WATER MAIN AND APPURTENANCES ALONG KAAU STREET FROM 7TH AVENUE TO 10TH AVENUE, PALOLO".

H.B. No. 2621-78, entitled:
"A BILL FOR AN ACT RELATING TO HAWAII COUNTY."

H.B. No. 2638-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS IN THE THIRD DISTRICT."

H.B. No. 2667-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VARIOUS WATER PROJECTS, COUNTY OF MAUI."

H.B. No. 2668-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EXTENSION OF PUKALANI COMMUNITY CENTER BUILDING, PUKALANI, MAUI."

H.B. No. 2676-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF KANAHA BEACH PARK, PHASE III, KAHULUI, MAUI."

H.B. No. 2678-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREMENTAL DEVELOPMENT OF TREATMENT PLANT FACILITIES FOR MAUI COUNTY WATER SYSTEMS."

H.B. No. 2736-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MAKIKI DISTRICT PARK."

H.B. No. 2739-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVEMENTS TO MANOA STREAM, OAHU."

H.B. No. 2773-78, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAPITAL IMPROVEMENT PROJECTS IN THE FIRST REPRESENTATIVE DISTRICT OF HAWAII."

H.B. No. 2789-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PLAN, DESIGN, AND CONSTRUCT A RELIEF DRAIN SYSTEM TO ALLEVIATE THE FLOODING PROBLEM BETWEEN KAMEHAMEHA HIGHWAY AND KAULIKE DRIVE, PEARL CITY."

H.B. No. 2809-78, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS FOR THE COUNTY OF KAUAI."

H.B. No. 2830-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENTS IN THE COUNTY OF HAWAII."

H.B. No. 2831-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR GRANTS-IN-AID TO THE COUNTY OF HAWAII."

H.B. No. 2833-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DESIGN AND CONSTRUCTION FOR A SANDY BEACH AND COMFORT

STATIONS IN THE HILO BAY, KUHIO BAY, AND, OR PUHI BAY AREA."

H.B. No. 2834-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WATER SYSTEMS, SOUTH KONA, HAWAII."

H.B. No. 2836-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS IN THE THIRD DISTRICT, COUNTY OF HAWAII."

H.B. No. 2841-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DUGOUTS FOR THE SOFTBALL AND BASEBALL DIAMONDS AT HONOKAA BALL PARK, HAWAII."

H.B. No. 2963-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF FIRE HYDRANTS TO MEET CODE REQUIREMENTS AT POHAKEA ELEMENTARY AND ILIMA INTERMEDIATE SCHOOLS, EWA BEACH, 21ST REPRESENTATIVE DISTRICT, OAHU."

H.B. No. 2974-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO INSTALL 800 LINEAR FEET OF 8-INCH WATER MAIN ALONG ALTA STREET IN WAIANAE, WAIANAE, OAHU."

H.B. No. 2976-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO INSTALL 12-INCH WATER MAIN ALONG FARRINGTON HIGHWAY, MAILI, OAHU."

H.B. No. 2984-78, entitled:
"A BILL FOR AN ACT MAKING A GRANT-IN-AID TO THE BOARD OF WATER SUPPLY FOR THE DEVELOPMENT AND IMPROVEMENT OF WATER MAINS IN THE 12TH REPRESENTATIVE DISTRICT."

H.B. No. 3001-78, entitled:
"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU FOR CAPITAL IMPROVEMENT PROJECTS IN AND AROUND THE TENTH REPRESENTATIVE DISTRICT, OAHU."

H.B. No. 3002-78, entitled:
"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PLANNING AND INSTALLATION OF WATER MAINS AND APPURTENANCES IN THE TENTH DISTRICT, OAHU."

H.B. No. 3015-78, entitled:

"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS IN THE FOURTEENTH REPRESENTATIVE DISTRICT, OAHU."

H.B. No. 3068-78, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAPITAL IMPROVEMENT PROJECTS IN THE TWENTY-FIFTH REPRESENTATIVE DISTRICT OF OAHU."

H.B. No. 3075-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIMANALO FLOOD CONTROL AND IRRIGATION PROJECT."

H.B. No. 3080-78, entitled: "A BILL FOR AN ACT RELATING TO ALA WAI FOOT-BIKE PATH FACILITY."

H.B. No. 3083-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INSTALLATION OF A 16-INCH WATER MAIN ALONG KALAKAUA AVENUE IN WAIKIKI."

H.B. No. 3092-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KAISER COMMUNITY AUDITORIUM."

H.B. No. 3094-78, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAPITAL IMPROVEMENT PROJECTS IN THE TWENTY-FIFTH REPRESENTATIVE DISTRICT OF OAHU."

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 257-78) recommending that H.B. No. 1922-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 1922-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE LOANS", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 258-78) recommending that H.B. No. 2280-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2280-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION RELATING TO THE FARM LOAN REVOLVING FUND", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 259-78) recommending that H.B. No. 2795-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2795-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FARMERS MARKET AND CENTRALIZED DISTRIBUTION CENTER FOR AGRICULTURAL PRODUCTS", passed Second Reading and was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 260-78) recommending that H.B. No. 2438-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2438-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE YOUTH EDUCATOR PROGRAM", passed Second Reading and was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 261-78) recommending that H.B. No. 2605-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2605-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENT EDUCATION AND MAKING AN APPROPRIATION THEREFOR", passed Second Reading and was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 262-78) recommending that H.B. No. 2654-78, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2654-78, entitled: "A BILL FOR AN ACT RELATING TO A DEMONSTRATION PROJECT FOR ELDERLY TENANTS", passed Second Reading and was referred to the Committee

on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 263-78) recommending that H.B. No. 2684-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2684-78, entitled: "A BILL FOR AN ACT RELATING TO THE CONSTITUTIONAL CONVENTION", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 264-78) recommending that H.B. No. 3042-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 3042-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS FOR WITNESS EXPENSE IN CRIMINAL PROCEEDINGS", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 265-78) recommending that H.B. No. 2912-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2912-78, entitled: "A BILL FOR AN ACT RELATING TO NOTARY PUBLIC FEES", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 266-78) recommending that H.B. No. 2764-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2764-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALE AND DISTRIBUTION OF SESSION LAWS, SUPPLEMENTS AND REPLACEMENT VOLUMES", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report

(Stand. Com. Rep. No. 267-78) recommending that H.B. No. 1885-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1885-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIRCUIT AND DISTRICT JUDGES", passed Second Reading and was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 268-78) recommending that H.B. No. 2562-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2562-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO THE FAMILY SERVICES CENTER FOR THE OPERATION OF THE HANA LIKE HOME VISITOR PROJECT", passed Second Reading and was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 269-78) recommending that H.B. No. 2290-89, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2290-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR OPERATION KOKUA", passed Second Reading and was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 270-78) recommending that H.B. No. 2291-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2291-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE WAIANAE

DAY CARE CENTER", passed Second Reading and was referred to the Committee on Finance.

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

The House of Representatives reconvened at 11:43 o'clock a.m.

Representatives Shito and Aki, for the Committees on Housing and Youth and Elderly Affairs, presented a joint report (Stand. Com. Rep. No. 271-78) recommending that H.B. No. 2899-78 pass Second Reading and be referred to the Committee on Public Employment and Government Operations.

By unanimous consent, the referral of H.B. No. 2899-78 to the Committee on Public Employment and Government Operations was waived.

On motion by Representative Shito, seconded by Representative Aki and carried, the report of the Committee was adopted, and notwithstanding the recommendation of the Committee, H.B. No. 2899-78 entitled: "A BILL FOR AN ACT RELATING TO VETERANS", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 272-78) recommending that H.B. No. 2729-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 2729-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING", passed Second Reading and was referred to the Committee on Finance.

Representatives Kawakami and Toguchi, for the Committees on Water, Land Use, Development and Hawaiian Homes and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 273-78) recommending that H.B. No. 3033-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Toguchi

and carried, the report of the joint Committees was adopted and H.B. No. 3033-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESERVATION AND DISPOSITION OF GOVERNMENT MINERAL RIGHTS", passed Second Reading and was referred to the Committee on Finance.

Representatives Kawakami and Blair, for the Committees on Water, Land Use, Development and Hawaiian Homes and Ecology and Environment, presented a joint report (Stand. Com. Rep. No. 274-78) recommending that H.B. No. 2639-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Blair and carried, the joint report of the Committees was adopted and H.B. No. 2639-78, entitled: "A BILL FOR AN ACT MAKING A SUPPLEMENTAL APPROPRIATION FOR ONOMEA PARK, HILO, HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 275-78) recommending that H.B. No. 2570-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 2570-78, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF VETERANS CEMETERIES", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 276-78) recommending that H.B. No. 2483-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 2483-78, entitled: "A BILL FOR AN ACT RELATING TO FISHERIES AND AQUACULTURE AND MAKING AN APPROPRIATION THEREFOR", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for

the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 277-78) recommending that H.B. No. 3059-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 3059-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND FIRE PROTECTION", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 278-78) recommending that H.B. No. 2793-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2793-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF THE SALE OF NONCHEMICAL PEST CONTROL DEVICES IN THE STATE OF HAWAII", passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 279-78) recommending that H.B. No. 3051-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 3051-78, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT AND HARBOR REVENUE BONDS", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 280-78) recommending that H.B. No. 2107-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2107-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MASS TRANSIT", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 281-78) recommending that H.B. No. 2138-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2138-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCENTIVES FOR WATER CONSERVATION DEVICES", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 282-78) recommending that H.B. No. 2876-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2876-78, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES INCOME TAX CREDIT", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 283-78) recommending that H.B. No. 2936-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2936-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 284-78) recommending that H.B. No. 2937-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2937-78, HD 1, entitled: "A BILL FOR

AN ACT RELATING TO THE OAHU METROPOLITAN PLANNING ORGANIZATION", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 285-78) recommending that H.B. No. 2868-78 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

By unanimous consent, the referral of H.B. No. 2868-78 to the Committee on Consumer Protection and Commerce was waived.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted, and notwithstanding the recommendation of the Committee, H.B. No. 2868-78, entitled: "A BILL FOR AN ACT RELATING TO THE AMENDMENT OF CHAPTER 237", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 286-78) recommending that H.B. No. 1949-78, 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. 1949-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 287-78) recommending that H.B. No. 2135-78 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. 2135-78, entitled: "A BILL FOR AN ACT RELATING TO UNLAWFUL USE OF RADIO", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 288-78) recommending that H.B. No. 2094-78 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. 2094-78, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURES ACT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 289-78) recommending that H.B. No. 2308-78, 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. 2308-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT AND CRIMINAL PROPERTY DAMAGE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 290-78) recommending that H.B. No. 1951-78 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. 1951-78, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 291-78) recommending that H.B. No. 1967-78, 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. 1967-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTIONAL LIMITS OF THE DISTRICT COURTS AND OF THE SMALL CLAIMS COURTS", passed Second Reading and was placed on the calendar for Third

Reading tomorrow, March 2, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 292-78) recommending that H.B. No. 2093-78, 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, and notwithstanding the recommendation of the Committee Report, Stand. Com. Rep. No. 292-78 and H.B. No. 2093-78, HD 1, were recommitted to the Committee on Judiciary.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 293-78) recommending that H.B. No. 2312-78, 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. 2312-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM PROBATE CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 294-78) recommending that H.B. No. 1881-78, 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. 1881-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUITS BY AND AGAINST THE STATE AND CONFERRING JURISDICTION UPON DISTRICT COURTS IN SAID SUITS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 295-78) recommending that H.B. No. 1961-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, and notwithstanding the recommendation of the Committee Report, Stand. Com. Rep. No. 295-

78 and H.B. No. 1961-78 were recommitted to the Committee on Consumer Protection and Commerce.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 296-78) recommending that H.B. No. 1965-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, and notwithstanding the recommendation of the Committee Report, Stand. Com. Rep. No. 296-78 and H.B. No. 1965-78 were recommitted to the Committee on Consumer Protection and Commerce.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 297-78) recommending that H.B. No. 1964-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, and notwithstanding the recommendation of the Committee Report, Stand. Com. Rep. No. 297-78 and H.B. No. 1964-78 were recommitted to the Committee on Consumer Protection and Commerce.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 298-78) recommending that H.B. No. 2784-78 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. 2784-78, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT, CHAPTER 425, HAWAII REVISED STATUTES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 299-78) recommending that H.B. No. 1936-78, 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. 1936-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WATER CARRIER LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 300-78) recommending that H.B. No. 2070-78, 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. 2070-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF WATER RESOURCES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representatives Kawakami and Toguchi, for the Committees on Water, Land Use, Development and Hawaiian Homes and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 301-78) recommending that H.B. No. 2071-78, 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 Toguchi and carried, the joint report of the Committees was adopted and H.B. No. 2071-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER RESOURCES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representatives Toguchi and Blair, for the Committees on Ocean and Marine Resources and Ecology and Environment, presented a joint report (Stand. Com. Rep. No. 302-78) recommending that H.B. No. 2106-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Toguchi, seconded by Representative Blair and carried, and notwithstanding the recommendation of the Committee Report, Stand. Com. Rep. No. 302-78 and H.B. No. 2106-78, HD 1, were recommitted to the Committees on Ocean and Marine Resources and Ecology and Environment.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 303-78) recommending that H.B. No. 2627-78, 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, and notwithstanding the recommendation of the Committee Report, Stand. Com. Rep. No. 303-78 and H.B. No. 2627-78, HD 1, were recommitted to the Committee on Employment Opportunities and Labor Relations.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 304-78) recommending that H.B. No. 2479-78, 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. 2479-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE TAXATION" passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 305-78) recommending that H.B. No. 1923-78, 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. 1923-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNCLAIMED PROPERTY ACT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 306-78) recommending that H.B. No. 1889-78, 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. 1889-78, HD 1, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII SUPREME COURT CONCERNING A FULL COURT, ORAL ARGUMENTS, AND SUBSTITUTE JUSTICES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 307-78) recommending that H.B. No. 1877-78, 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. 1877-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES AND PROCEDURE ON ARREST, INTERPRETATION AND SEVERABILITY IN THE STATEWIDE TRAFFIC CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 308-78) recommending that H.B. No. 1966-78 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. 1966-78, entitled: "A BILL FOR AN ACT RELATING TO THE CONFIDENTIALITY OF TAX RETURNS AND INFORMATION IN TAX RETURNS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 309-78) recommending that H.B. No. 2095-78, 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. 2095-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPOUSAL LIABILITIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 310-78) recommending that H.B. No. 2148-78 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. 2148-78, entitled: "A BILL FOR AN ACT TO AMEND SECTION 707-711, HAWAII REVISED STATUTES, RELATING TO ASSAULT IN THE SECOND DEGREE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1949-78, HD 1; 2135-78; 2094-78; 2308-78, HD 1; 1951-78; 1967-78, HD 1; 2312-78, HD 1; 1881-78, HD 1; 2784-78; 1936-78, HD 1; 2070-78, HD 1; 2071-78, HD 1; 2479-78, HD 1; 1923-78, HD 1; 1889-78, HD 1; 1877-78, HD 1; 1996-78; 2095-78, HD 1 and 2148-78, were made available to the members of the House at 11:00 o'clock a.m.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 311-78) recommending that H.B. No. 1449 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 1449, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS", passed Second Reading and was referred to the Committee on Finance.

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

The House of Representatives reconvened at 11:50 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 389 to 392) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 389) congratulating the Kohala High Cowboys for winning the BIFF regular season basketball championship and wishing them the best of luck in the upcoming round robin tournament was jointly offered by Representatives Takamine, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano,

Cobb, Dods, Evans, 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, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka, Uwaine, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Takamine, seconded by Representative Segawa and carried, H.R. No. 389 was adopted.

A resolution (H.R. No. 390) congratulating the Kaiser-Permanente Medical Care Program for its services to the community was jointly offered by Representatives Kondo, Machida, Aki, Blair, Caldito, Cayetano, Cobb, Evans, Fong, Garcia, Inaba, Kiyabu, Kunimura, Lunasco, Mina, Mizuguchi, Morioka, Naito, Nakamura, Peters, Say, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Kondo, seconded by Representative Machida and carried, H.R. No. 390 was adopted.

A resolution (H.R. No. 391) commending the Hawaii Association for Health, Physical Education and Recreation for its participation in Physical Education and Sports Week was jointly offered by Representatives Kunimura, Ushijima, Abercrombie, Ajifu, Aki, 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, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Kunimura, seconded by Representative Suwa and carried, H.R. No. 391 was adopted.

A resolution (H.R. No. 392) thanking the Repertory Singers of University of Hawaii-Hilo, Hilo College for their enjoyable performance at the State Capitol on February 24, 1978 was jointly offered by Representatives Segawa, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Shito, Stanley, Sutton, Suwa, Takamine,

Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Segawa, seconded by Representative K. Yamada and carried, H.R. No. 392 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 393 to 397) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 2, 1978:

A resolution (H.R. No. 393) requesting Governor George R. Ariyoshi to declare that the Island of Hawaii is a natural disaster area with regards to Chapter 234, Hawaii Revised Statutes, tax relief was jointly offered by Representatives Inaba, Garcia, Kawakami, Kunimura, Lunasco, Mina, Morioka, Naito, Narvaes, Poepoe, Say, Segawa, Shito, Suwa, Takamine, Toguchi and K. Yamada.

A resolution (H.R. No. 394) relating to University of Hawaii investments in corporations active in South Africa was offered by Representative Ushijima.

A resolution (H.R. No. 395) requesting a study into the feasibility of a Naval Reserve Officer Training Program at the University of Hawaii was offered by Representative Ushijima.

A resolution (H.R. No. 396) requesting the Department of Education to maintain the present level of teacher staffing at Lanai High and Elementary School was jointly offered by Representatives Ueoka, Abercrombie, Aki, Blair, Caldito, Campbell, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Uwaine, D. Yamada, K. Yamada and Yuen.

A resolution (H.R. No. 397) requesting a study of water systems in the Hakalau area was jointly offered by Representatives Takamine, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, 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, Stanley, Sutton, Suwa, Toguchi, Uechi, Ueoka, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

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

Upon reconvening at 12:05 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Fong.

COMMITTEE REASSIGNMENTS

The following House Bills were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
610	Committee on Education, then to the Committee on Finance
1789-78	Committee on Ocean and Marine Resources
2439-78	Committee on Finance

At 12:06 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:10 o'clock p.m.

At 12:11 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 5:00 o'clock p.m. this afternoon.

AFTERNOON SESSION

The House of Representatives reconvened at 5:07 o'clock p.m.

STANDING COMMITTEE REPORTS

Representatives Segawa and Aki, for the Committees on Health and Youth and Elderly Affairs, presented a joint report (Stand. Com. Rep. No. 312-78) recommending that H.B. No. 3009-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Aki and carried, the report of the Committee was adopted and H.B. No. 3009-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CARE", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a

report (Stand. Com. Rep. No. 313-78) recommending that H.B. No. 2455-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2455-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO KUAKINI MEDICAL CENTER, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 314-78) recommending that H.B. No. 2881-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2881-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ARTHRITIS CENTER IN HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 315-78) recommending that H.B. No. 2747-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2747-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONS FOR PATIENT EMPLOYEES AT HOSPITALS", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 316-78) recommending that H.B. No. 2378-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2378-78, entitled: "A BILL FOR AN ACT RELATING TO MAKING AN APPROPRIATION FOR THE NORTHERN KOOLAU COMMUNITY HEALTH EDUCATION PROGRAM", passed Second Reading

and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 317-78) recommending that H.B. No. 2322-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2322-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO CHILDREN'S HOSPITAL, 1319 PUNAHOU STREET, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 318-78) recommending that H.B. No. 2295-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2295-78, entitled: "A BILL FOR AN ACT MAKING APPROPRIATION FOR THE HAWAII MEDICAL LIBRARY, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 319-78) recommending that H.B. No. 3008-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 3008-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO SAINT FRANCIS HOSPITAL, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 320-78) recommending that H.B. No. 3004-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 3004-78, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAPITAL

IMPROVEMENT PROJECTS AT LEAHI HOSPITAL, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 321-78) recommending that H.B. No. 2883-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2883-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR POISON INFORMATION", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 322-78) recommending that H.B. No. 2921-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2921-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO KAPIOLANI HOSPITAL, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 323-78) recommending that H.B. No. 2356-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2356-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID FOR THE REPAIR AND RENOVATION OF THE PEARLRIDGE HOSPITAL OPERATING ROOM", passed Second Reading and was referred to the Committee on Finance.

Representatives Blair and Kawakami, for the Committees on Ecology and Environment, Water, Land Use, Development and Hawaiian Homes and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 324-78) recommending that H.B. No. 2710-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Blair, seconded by Representative Kawakami and carried, the report of the Committees was adopted and H.B. No. 2710-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN APPROPRIATION FOR A SHORELINE POLLUTION STUDY", passed Second Reading and was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 325-78) recommending that H.B. No. 2282-78, HD 1, be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2282-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT THE FUTURE FARMERS OF AMERICA PROGRAM IN HAWAII", was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 326-78) recommending that H.B. No. 2847-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2847-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE IN THE SCHOOL CURRICULUM", passed Second Reading and was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 327-78) recommending that H.B. No. 2777-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2777-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ALTERNATIVE EDUCATION PROGRAM AT HILO HIGH SCHOOL, HILO, HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 328-78) recommending that H.B. No. 2416-78, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Inaba, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2416-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII AGRICULTURAL COOPERATIVE ASSOCIATIONS LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 329-78) recommending that H.B. No. 2862-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Peters, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2862-78, 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 2, 1978.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 330-78) recommending that H.B. No. 2090-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Peters, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2090-78, entitled: "A BILL FOR AN ACT RELATING TO THE PROGRESSIVE NEIGHBORHOODS PROGRAM", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 331-78) recommending that H.B. No. 2814-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.B. No. 2814-78, 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 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection

and Commerce, presented a report (Stand. Com. Rep. No. 332-78) recommending that H.B. No. 2765-78 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. 2765-78, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 333-78) recommending that H.B. No. 2252-78, 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 Yuen and carried, the report of the Committee was adopted and H.B. No. 2252-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 334-78) recommending that H.B. No. 2059-78, 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 Yuen and carried, the report of the Committee was adopted and H.B. No. 2059-78, 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 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 335-78) recommending that H.B. No. 1960-78, 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 Yuen and carried, the report of the Committee was adopted and H.B. No. 1960-78, 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 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 336-78) recommending that H.B. No. 1937-78, 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 Yuen and carried, the report of the Committee was adopted and H.B. No. 1937-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 337-78) recommending that H.B. No. 1938-78, 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 Yuen and carried, the report of the Committee was adopted and H.B. No. 1938-78, 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 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 338-78) recommending that H.B. No. 1939-78, 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 Yuen and carried, the report of the Committee was adopted and H.B. No. 1939-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII WATER CARRIER LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 339-78)

recommending that H.B. No. 3046-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.B. No. 3046-78, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION FEES FOR PSYCHOLOGIST LICENSES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 340-78) recommending that H.B. No. 2111-78, 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 Yuen and carried, the report of the Committee was adopted and H.B. No. 2111-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 341-78) recommending that H.B. No. 2056-78, 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 Yuen and carried, the report of the Committee was adopted and H.B. No. 2056-78, 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 2, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 342-78) recommending that H.B. No. 2403-78, 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 Yuen and carried, the report of the Committee was adopted and H.B. No. 2403-78, 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 2, 1978.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 343-78) recommending that H.B. No. 1775-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Peters, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 1775-78, 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 2, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2416-78, HD 2; 2862-78, HD 1; 2090-78; 2814-78; 2765-78; 2252-78, HD 1; 2059-78, HD 1; 1960-78, HD 1; 1937-78, HD 1; 1938-78, HD 1; 1939-78, HD 1; 3046-78; 2111-78, HD 1; 2056-78, HD 1; 2403-78, HD 1; and 1775-78, HD 1, were made available to the members of the House at 12:30 o'clock p.m.

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

The House of Representatives reconvened at 5:12 o'clock p.m.

COMMITTEE REASSIGNMENTS

The following House Bills were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
610	Committee on Education
2462-78	Committee on Consumer Protection and Commerce, then to the Committee on Finance
2645-78	Committee on Finance
2832-78	Committee on Finance
2850-78	Committee on Culture and the Arts
3030-78	Committee on Corrections and Rehabilitation, then to the Committee on Finance
3034-78	Committee on Judiciary, then to the Committee on Finance

At 5:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:20 o'clock p.m.

At 5:21 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 10:00 o'clock p.m. tonight.

NIGHT SESSION

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

STANDING COMMITTEE REPORTS

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 344-78) recommending that H.B. No. 2119-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, and notwithstanding the recommendation of the Committee Report, Stand. Com. Rep. No. 344-78 and H.B. No. 2119-78, HD 1, were recommitted to the Committee on Agriculture.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 345-78) recommending that H.B. No. 2472-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2472-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KONA COFFEE RESEARCH", passed Second Reading and was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 346-78) recommending that H.B. No. 2385-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2385-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

THE BOARD OF EXAMINERS IN NATURO-PATHY", passed Second Reading and was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 347-78) recommending that H.B. No. 2388-78 be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2388-78, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PODIATRY", was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 348-78) recommending that H.B. No. 2631-78, as amended in HD 1, pass Second Reading and 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.B. No. 2631-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CONFERENCE ON NATIVE HAWAIIAN PROGRAMS", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 349-78) recommending that H.B. No. 2742-78, as amended in HD 1, pass Second Reading and 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.B. No. 2742-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RESTORATION OF FATHER DAMIEN MEMORIAL CHAPEL, PREMISES AND GRAVEYARD AT KALAUPAPA, MOLOKAI", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 350-78) recommending that H.B. No. 2746-78, as amended in HD 1, pass Second Reading and 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.B. No. 2746-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DAMIEN MEMORIAL CHAPEL", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 351-78) recommending that H.B. No. 2956-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2956-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CAPITAL IMPROVEMENT PROJECT IN THE 21ST REPRESENTATIVE DISTRICT", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 352-78) recommending that H.B. No. 2958-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2958-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANNING AND CONSTRUCTION OF SAFETY IMPROVEMENTS TO BUS LOADING AND UNLOADING ZONE, AT ILIMA INTERMEDIATE SCHOOL, EWA BEACH, 21ST REPRESENTATIVE DISTRICT, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 353-78) recommending that H.B. No. 3000-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 3000-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE CITY AND COUNTY OF HONOLULU FOR CAPITAL IMPROVEMENT PROJECTS IN THE TENTH REPRESENTATIVE DISTRICT, OAHU", passed Second Reading and was referred to the Committee

on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 354-78) recommending that H.B. No. 2945-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2945-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENTS FOR THE 22ND REPRESENTATIVE DISTRICT", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 355-78) recommending that H.B. No. 3028-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 3028-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS IN THE TWENTY-SECOND REPRESENTATIVE DISTRICT", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 356-78) recommending that H.B. No. 3024-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 3024-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS IN THE TWENTY-SECOND REPRESENTATIVE DISTRICT", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 357-78) recommending that H.B. No. 2934-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2934-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITS", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 358-78) recommending that H.B. No. 2885-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2885-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF SEVEN NEW DIESEL BUSES FOR THE BUS REPLACEMENT AND ROUTE EXPANSION PROGRAM HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 359-78) recommending that H.B. No. 2607-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2607-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CONNECTING ROADWAY, AIEA, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 360-78) recommending that H.B. No. 2576-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2576-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A BIKEWAY ALONG THE HONOAPIILANI HIGHWAY FROM HONOKOWAI TO LAHAINA CIVIC CENTER, LAHAINA, MAUI", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep.

No. 361-78) recommending that H.B. No. 2330-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2330-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PRELIMINARY PLANS FOR A DAM CROSSING TO REPLACE KARSTEN THOT BRIDGE IN WAHIAWA, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 362-78) recommending that H.B. No. 2262-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2262-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF A SMALL BOAT LAUNCHING RAMP AT HONOULIWAI, MOLOKAI", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 363-78) recommending that H.B. No. 2263-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2263-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESURFACING OF KAMEHAMEHA V HIGHWAY, MOLOKAI", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 364-78) recommending that H.B. No. 2181-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2181-78, entitled: "A BILL FOR AN ACT

MAKING SUPPLEMENTAL APPROPRIATION FOR IMPROVEMENT AT KAHULUI HARBOR, MAUI", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 365-78) recommending that H.B. No. 2180-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2180-78, entitled: "A BILL FOR AN ACT MAKING A SUPPLEMENTAL APPROPRIATION FOR THE CONSTRUCTION OF PILANI HIGHWAY, KIHEI TO ULUPALAKUA, MAUI", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 366-78) recommending that H.B. No. 2886-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2886-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STUDIES ON THE HAWAII COUNTY TRANSIT SYSTEM, HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 367-78) recommending that H.B. No. 2126-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2126-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF TRAFFIC LIGHTS IN WAILUKU, MAUI", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 368-78) recommending that H.B. No. 2179-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2179-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVEMENTS TO GENERAL AVIATION EAST RAMP AT KAHULUI AIRPORT, MAUI", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 369-78) recommending that H.B. No. 2910-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2910-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TRAFFIC LIGHTS ON KAMEHAMEHA HIGHWAY, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 370-78) recommending that H.B. No. 2908-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2908-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STREET LIGHTS ON WILIKINA DRIVE, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 371-78) recommending that H.B. No. 2909-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2909-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PAVING OF KOA AND AUWAI STREETS, OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 372-78) recommending that H.B. No. 610, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, and notwithstanding the recommendation of the Committee Report, Stand. Com. Rep. No. 372-78 and H.B. No. 610, HD 1, were recommitted to the Committee on Education.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 373-78) recommending that H.B. No. 2462-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2462-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF EMPLOYMENT AGENCIES", passed Second Reading and was referred to the Committee on Finance.

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 10:41 o'clock p.m.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 374-78) recommending that H.B. No. 2173-78, as amended in HD 2, be referred to the Committee on Finance.

By unanimous consent, the referral of H.B. No. 2173-78, HD 2, to the Committee on Finance was waived.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted, and notwithstanding the recommendation of the Committee, H.B. No. 2173-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PLANNING", was placed on the calendar for Third Reading tomorrow, March 2, 1978, with Representative Sutton voting no.

At this time, Representative Sutton rose and stated:

"Sir, I have an objection."

Directed by the Chair to "state your objection", Representative Sutton stated:

"I have an objection that it sets a precedence that we might have a false reliance - not read the bill and study it and be prepared because we think there'll be 24 hours additional, and would be in Finance. Then, we would not have an opportunity to prepare ourselves for debate and would not be prepared for the 24-hours constitutional requirement that it lay on the desk for 24 hours, because we would say, okay, it's been referred to Finance. Therefore, I feel that we are setting a very dangerous precedence."

The Chair replied:

"The Chair would like to explain, Representative Sutton, that we are not setting a precedence. We are following precedence. We have had many occasions of this waiver of referral on the floor."

The Chair then directed the Clerk to note that printed copies of H.B. No. 2173-78, HD 2, were made available to the members of the House at 6:40 o'clock p.m.

At 10:43 o'clock p.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:48 o'clock p.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 375-78) recommending that H.B. No. 2860-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2860-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEE", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 376-78) recommending that H.B. No. 2158-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee

was adopted and H.B. No. 2158-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO ESTABLISH AN ORGANIZED CRIME-SELECTED OFFENDER UNIT WITHIN THE COUNTY OF HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 377-78) recommending that H.B. No. 1769-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1769-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 378-78) recommending that H.B. No. 2239-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2239-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A CRIME COMMISSION", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 379-78) recommending that H.B. No. 3065-78, as amended in HD 1, pass Second Reading and 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.B. No. 3065-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSLATORS", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 380-78) recommending that H.B. No. 2601-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

By unanimous consent, the referral of H.B. No. 2601-78, HD 1, to the Committee on Finance was waived.

Representative Sutton then rose and stated:

"Objection, sir, on the basis of the fact that it violates the intent of the Constitution of the State of Hawaii, and I find nothing in our rules that permit a waiver of this nature, and I find that the waiver was executed in a recess and that is not a legal time for a meeting to be called of a committee.

Therefore, we are setting a very dangerous precedence, and people who depend upon 24 hours to prepare themselves for debate and study the bill find themselves not getting the constitutional protection of the 24-hour period."

The Chair replied:

"Representative Sutton, the motion will be to pass Second Reading and be placed on the calendar for Third Reading and you will have your 24 hours."

Representative Suwa then rose and stated:

"Mr. Speaker, after looking over the bill, there are no financial implications on the bill; therefore, we are waiving referral to Finance."

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted, and notwithstanding the report of the Committee, H.B. No. 2601-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAMEHAMEHA DAY CELEBRATION COMMISSION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 2, 1978.

The Chair directed the Clerk to note that printed copies of H.B. No. 2601-78, HD 1, were made available to the members of the House at 6:40 o'clock p.m.

Representatives Aki, Ushijima and Segawa, for the Committees on Youth and Elderly Affairs, Public Assistance and Human Services and Health, presented a joint report (Stand. Com. Rep. No. 381-78) recommending that H.B. No. 2715-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Segawa and carried, the joint report of the Committees was adopted and H.B. No. 2715-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR GRANTS-IN-AID TO CERTAIN PROGRAMS AND FOR CAPITAL IMPROVEMENTS PROJECTS", passed Second Reading and was referred to the Committee on Finance.

Representatives Aki and Ushijima, for the Committees on Youth and Elderly Affairs and Public Assistance and Human Services, presented a joint report (Stand. Com. Rep. No. 382-78) recommending that H.B. No. 2706-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Yuen and carried, the joint report of the Committees was adopted and H.B. No. 2706-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES", passed Second Reading and was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 383-78) recommending that H.B. No. 2519-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2519-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES", passed Second Reading and was referred to the Committee on Judiciary.

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 384-78) recommending that H.B. No. 2293-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.B. No. 2293-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL", passed Second Reading and was referred to the Committee on Finance.

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. 385-78) recommending that H.B. No. 3045-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Blair, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and H.B. No. 3045-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID TO COUNTY OR STATE AGENCIES FOR ELIGIBLE WATER POLLUTION CONTROL FACILITIES AND PLANS, CONCEPTS AND PROJECTS RELATED TO SUCH ELIGIBLE FACILITIES", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 386-78) recommending that H.B. No. 158, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 158, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MASS TRANSIT SYSTEM", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 387-78) recommending that H.B. No. 3027-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 3027-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS IN THE TWENTY-SECOND REPRESENTATIVE DISTRICT", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 388-78) recommending that H.B. No. 2609-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2609-78, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY MAINTENANCE", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 389-78) recommending that H.B. No. 2593-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2593-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE RULES OF THE ROAD", passed Second Reading and was referred to the Committee on Judiciary.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 390-78) recommending that H.B. No. 2592-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2592-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLES", passed Second Reading and was referred to the Committee on Judiciary.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 391-78) recommending that H.B. No. 2169-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2169-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION", passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 392-78) recommending that H.B. No. 2168-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2168-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION", passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 393-78) recommending that H.B. No. 2066-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2066-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL AVIATION", passed Second Reading and was referred to the Committee on Finance.

Representatives Segawa and Aki, for the Committees on Health and Youth and Elderly Affairs, presented a joint report (Stand. Com. Rep. No. 394-78) recommending that H.B. No. 2368-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Aki and carried, the joint report of the Committees was adopted and H.B. No. 2368-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE'S CHILD PSYCHIATRIC INPATIENT SERVICE", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 395-78) recommending that H.B. No. 2447-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2447-78, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 396-78) recommending that H.B. No. 2569-78, as amended in

HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Segawa moved that the report of the Committee be adopted and H.B. No. 2569-78, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Shito.

Representative Sutton then rose and asked whether or not the Chairman of the Health Committee would yield to a question to which Representative Segawa replied, "yes".

Representative Sutton asked:

"Would you ask whether or not he has included in this mental health services, 396-78, any referral to the necessity to control psychiatric treatment so that people do not voluntarily get electro treatment?"

Representative Segawa replied:

"This bill is not related to that matter."

Representative Sutton then thanked the Chair.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2569-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 397-78) recommending that H.B. No. 2657-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2657-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NEW SOUTH WING AT MAUI MEMORIAL HOSPITAL", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 398-78) recommending that H.B. No. 2933-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2933-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE

A GRANT-IN-AID TO THE SERENITY HOUSE, KAUAI", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 399-78) recommending that H.B. No. 2364-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2364-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANT-IN-AID FOR EASTER SEAL SOCIETY", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 400-78) recommending that H.B. No. 2292-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2292-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 401-78) recommending that H.B. No. 2745-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2745-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SOCIAL REHABILITATION SERVICES FOR THE HANDICAPPED AND DISABLED, FOR THE MOLOKAI REHABILITATION FACILITY", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 402-78) recommending that H.B. No. 1942-78, as amended in HD 1, pass Second Reading and be referred

to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 1942-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL EXAMINATION FOR RUBELLA", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 403-78) recommending that H.B. No. 2779-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2779-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE HILO ASSOCIATION TO HELP RETARDED CITIZENS FOR GROUP-HOME TREATMENT OF DEAF-BLIND MULTI-HANDICAPPED CHILDREN AT HILO, HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 404-78) recommending that H.B. No. 2804-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2804-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE KAUAI SUBSTANCE ABUSE CONTROL PROGRAM, KAUAI COUNTY", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 405-78) recommending that H.B. No. 2806-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2806-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO G.N. WILCOX MEMORIAL HOSPITAL AND HEALTH CENTER, KAUAI", passed Second Reading and was referred to the Committee

on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 406-78) recommending that H.B. No. 2857-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2857-78, entitled: "A BILL FOR AN ACT MAKING APPROPRIATION FOR HUMIDITY CONTROL FOR LABORATORY AND EXTENSION OF MAUI HEALTH CENTER BUILDING", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 407-78) recommending that H.B. No. 2858-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2858-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MAUI MEMORIAL HOSPITAL MEDICARE TRUST FUNDS", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 408-78) recommending that H.B. No. 2744-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2744-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF A NEW WATER TANK AT KALAUPAPA SETTLEMENT, MOLOKAI", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 409-78) recommending that H.B. No. 548, as amended in HD 1, pass Second Reading and be recommitted to the Committee on Agriculture.

On motion by Representative Inaba, seconded by Representative Lunasco

and carried, the report of the Committee was adopted and H.B. No. 548, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCE", passed Second Reading and was recommitted to the Committee on Agriculture.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 410-78) recommending that H.B. No. 2917-78, as amended in HD 1, pass Second Reading and be recommitted to the Committee on Agriculture.

On motion by Representative Inaba, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2917-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXATION", passed Second Reading and was recommitted to the Committee on Agriculture.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 411-78) recommending that H.B. No. 2539-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2539-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CREATION OF A NURSING CONTINUING EDUCATION FUND", passed Second Reading and was referred to the Committee on Finance.

Representatives Segawa and Mizuguchi, for the Committees on Health and Education, presented a joint report (Stand. Com. Rep. No. 412-78) recommending that H.B. No. 2827-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Mizuguchi and carried, the joint report of the Committees was adopted and H.B. No. 2827-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 413-78) recommending that H.B. No. 2849-78 pass Second Reading and be referred to the Committee on Public Employment and Government Operations.

On motion by Representative Say, seconded by Representative Stanley

and carried, the report of the Committee was adopted and H.B. No. 2849-78, entitled: "A BILL FOR AN ACT RELATING TO IOLANI PALACE", passed Second Reading and was referred to the Committee on Public Employment and Government Operations.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 414-78) recommending that H.B. No. 3034-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 3034-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION", passed Second Reading and was referred to the Committee on Finance.

At 10:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:56 o'clock p.m.

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

"Wasn't the original referral of this criminal history record information to Legislative Management Committee?"

The Chair answered:

"I believe you are wrong."

Representative Kunimura then remarked:

"If it was, I would waive."

Representative Sutton then rose and stated:

"Mr. Speaker, that's the bad precedent that I talked about."

The Chair remarked:

"I believe you had something very good for dinner, Representative Sutton."

Representative Naito, for the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 415-78) recommending that H.B. No. 3030-78, as amended

in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Naito, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 3030-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 416-78) recommending that H.B. No. 2081-78, as amended in HD 1, pass Second Reading and 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.B. No. 2081-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ARIZONA MEMORIAL MUSEUM AND SHORE-SIDE SUPPORT COMPLEX, PEARL HARBOR, HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representatives Kawakami and Say, for the Committees on Water, Land Use, Development and Hawaiian Homes and Culture and the Arts, presented a joint report (Stand. Com. Rep. No. 417-78) recommending that H.B. No. 2540-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Say and carried, the joint report of the Committees was adopted and H.B. No. 2540-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HONOKAA", passed Second Reading and was referred to the Committee on Finance.

Representatives Kawakami and Toguchi, for the Committees on Water, Land Use, Development and Hawaiian Homes and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 418-78) recommending that H.B. No. 2750-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Toguchi and carried, the joint report of the Committees was adopted and H.B. No. 2750-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 419-78) recommending that H.B. No. 2174-78, as amended in HD 1, pass Second Reading and be referred to the Committee on State General Planning.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 2174-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", passed Second Reading and was referred to the Committee on State General Planning.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 420-78) recommending that H.B. No. 2170-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 2170-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 421-78) recommending that H.B. No. 2566-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 2566-78, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING, DEVELOPMENT AND IMPLEMENTATION OF A COMPUTER MODEL FOR CONSTRUCTION INDUSTRY FORECASTING AND STUDIES", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 422-78) recommending that H.B. No. 2506-78 pass Second Reading and be referred to the Committee

on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 2506-78, entitled: "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID FOR THE COUNTY OF HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 423-78) recommending that H.B. No. 2121-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 2121-78, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HISTORIC BUILDINGS AND SITES IN THE THIRD REPRESENTATIVE DISTRICT, COUNTY OF HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 424-78) recommending that H.B. No. 1778-78 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 1778-78, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT BONDS", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 425-78) recommending that H.B. No. 2086-78, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2086-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDED RESEARCH PROJECTS", was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 426-78) recommending that H.B. No. 3056-

78, as amended in HD 1, pass Second Reading and 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.B. No. 3056-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A WASHINGTON PLACE OVERSIGHT COMMISSION", passed Second Reading and was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 427-78) recommending that H.B. No. 2303-78, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2303-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC", passed Second Reading and was referred to the Committee on Finance.

At 11:00 o'clock p.m., on request by Representative Lunasco, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:05 o'clock p.m.

COMMITTEE REASSIGNMENTS

The following House Bills were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2249-78	Committee on Ecology and Environment
2352-78	Committee on Ecology and Environment

At 11:06 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:07 o'clock p.m., Representative Cobb introduced Mr. Van Diamond, a person long active in the labor movement, to the members of the House.

Representative Dods then rose and asked:

"May I be permitted to ask the Chair a question?"

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

"Mr. Speaker, we have been here thirty days already, and I think we have just installed a new speaker system. I think it is about time we should have it operating and I would please request to have the Chair. . ."

The Chair interrupted, saying:

"The Chair will request the Sergeant-at-Arms to have the institution or contractor who installed this system to come and check the system."

Representative Kunimura then rose and stated:

"The speaker and that amplifier is the new one - up there, the speaker. . .microphone. But there is a little gizmo in here that the Department of Accounting and General Services couldn't fund immediately and that is what is giving us this trouble. It is on order now and it should be arriving by air, and as soon as it comes over here, it will be installed. That's called the relay system. I don't know what the hell it looks like, but it is."

The Chair then made the following announcement:

"The Chair would like to announce that even though today was a long day, tomorrow will also be a long day. We will start the session at 11:00 o'clock a.m. and we will have a night session so please keep your evenings open for the session."

Representative Abercrombie then rose and stated:

"I am very happy to hear the indications from the Chairman of the Legislative Management Committee that the speaker system will be taken care of because I thought I definitely heard you say Reverend Kondo, just before."

The Chair remarked:

"If that is what you heard, it is not the speaker system. I think you need a doctor for your ears."

ADJOURNMENT

At 11:10 o'clock p.m., on motion
by Representative Yuen, seconded
by Representative Kamalii and carried,
the House of Representatives adjourned
until 11:00 o'clock a.m. tomorrow,
Thursday, March 2, 1978.

THIRTY-FIRST DAY

Thursday, March 2, 1978

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Sidney Hormell of the Waikeola Congregational Church, after which the Roll was called showing all members present with the exception of Representatives Baker, Naito and Ushijima, who were excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 55 to 57) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 55) transmitting Senate Bill No. 36, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERGOVERNMENTAL TRANSFER OF EMPLOYEES", which passed Third Reading in the Senate on March 1, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 56) transmitting Senate Bill No. 1772-78, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", which passed Third Reading in the Senate on March 1, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 57) transmitting Senate Bill No. 2612-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS ISSUED BY THE STATE OF HAWAII", which passed Third Reading in the Senate on March 8, 1978, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the above-mentioned

Senate Bills passed First Reading by title and further action was deferred until later in the calendar.

At this time, Representative Abercrombie rose and stated:

"Mr. Speaker, under the rules in Cushing's, I read papers, usually aloud. I would beg the indulgence of this body for perhaps thirty seconds to not read a paper but direct the members' attention to a paper. Inasmuch as we have been at a steady pace three times, the members may have missed it. I would like to bring their attention to it. And, inasmuch as we may close again much later this evening and not have everyone here or available, I'd like to do so now."

At 11:10 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:13 o'clock a.m., Representative Abercrombie stated:

"Mr. Speaker, the Majority Leader has kindly informed me of a methodology by which I can accomplish my task which is more suitable to the instant, and I thank him very much.

Mr. Speaker, I would like to, by way of introduction, introduce a member of this body on the floor. It is unusual. I realize that. The reason I am doing it is that I do not want to make it appear as just some other kind of congratulatory thing that we might say between one another, such as Representative Kunimura and myself are famous for. But, I had occasion this morning, and this is the reason I bring it up, I had occasion this morning to read an article under a 'Particular Point of View', from the reader's page, Wednesday, March 1st, and I would like to introduce the writer of that, who is a member of this House and not a constituent of mine. I want to commend the members' attention to this article, entitled: DAM CROSSINGS COULD AUGMENT WATER. I believe that the issues raised in there are so elemental, are so fundamental and so intelligently discussed in there and that the issue of water, as raised by the representative, is presented in such a way as to make it clear to everyone that the consequences of us dealing with it, even though he cites a particular instance, are as profound as those in respect to the guideway, that I want to make

sure that everyone has a chance to see it and also see the reply underneath it, which is a series of incredible distortions and non-sequesters such as I have scarcely witnessed since the last time I gave a speech. So, I would like Representative Yoshiro Nakamura to stand, please, and recognize that he did not know I was going to do this.

Mr. Speaker, if Representative Nakamura is too modest to provide other members of the Legislature with copies of his article, my office, I'm sure, would be glad to provide it.

Thank you."

The Chair then remarked:

"That was a brilliant parliamentary maneuver to get your point across."

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

Representative Fong introduced four members of the Robert Louis Stevenson Intermediate School Student Council who were seated in the gallery.

Mrs. Ulu Nakasone, administrator of the Maui Land Pineapple Company, was introduced by Representative Machida.

Representative Carroll introduced Mr. Peter L'Orange.

Art and Mary Lavenau were introduced by Representative Poepeo.

Representative Kihano introduced Mrs. Paul Ching and Bert.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
36	Committee on Public Employment and Government Operations, then to the Committee on Finance
1772-78	Committee on Public Employment and Government Operations, then to the Committee on Finance

1804-78 Committee on Employment Opportunities and Labor Relations

2612-78 Committee on Finance

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 393 to 397) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
393	Jointly to the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes, then to the Committee on Finance
394	Committee on Higher Education, then to the Committee on Finance
395	Committee on Higher Education, then to the Committee on Finance
396	Committee on Education
397	Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Finance

SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the rules were suspended for the purpose of allowing members to offer resolutions.

At 11:19 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:20 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 398 and 399) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 398) recognizing the 75th anniversary of the founding of the Moiliili Japanese Language School and honoring and commending the founders, community leaders, and others who have contributed to its development and continuance was jointly offered by Representatives Takamura, Uwaine, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, 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, Stanley, Sutton, Suwa, Takamine, Toguchi, Uechi, Ueoka, Ushijima, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Takamura, seconded by Representative Uwayne and carried, H.R. No. 398 was adopted.

Representative Takamura then rose and stated:

"Mr. Speaker, for myself and, I believe, for others in this honorable body, perhaps even yourself, Mr. Speaker, attending Japanese language school was an important part of our upbringing.

I think, more importantly, the Japanese language school served as an important unifying and cultural point for the Japanese community here in Hawaii. I know that Moiliili Japanese Language School certainly played such a role for 75 years for the people of Moiliili and also served as a root out of which grew the present Moiliili Community Center.

Today we are privileged to have with us four representatives."

Representative Takamura then introduced Giichi Nomura, president of the Moiliili Japanese Language School Board of Trustees; Kinji Kanazawa, chairman of the Moiliili Community Center Board of Trustees; Lawrence Okinaga, president of the Moiliili Community Center Board of Directors; and Ed Wake, executive director of the Moiliili Community Center; who were presented with leis by Representatives Ikeda, Stanley, Kamalii and Evans, respectively, while Representative Uwayne presented them with certified copies of the resolution.

A resolution (H.R. No. 399) honoring Lokalia Montgomery on her contributions to the State was jointly offered by Representatives Peters, Kunimura, D. Yamada, Kawakami, Caldito, Kamalii, Abercrombie, Aki, Blair, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Ikeda, Inaba, Kihano, Kiyabu, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwayne and K. Yamada.

Representative Peters moved that the resolution be adopted, seconded by Representative Kunimura.

Representative Kamalii then rose and stated:

"Mr. Speaker, I'm standing today as a saddened witness of the passing of perhaps the most cherished generation of Hawaiian guardians of our ancient lore for Auntie Lokalia was one of those who, by example and willingness to share their knowledge, preserved the Hawaiian culture before it was popular to do so.

It's one of the ironies of the Hawaiian renaissance that Johanna Kaluni and Lokalia Montgomery have seemingly passed in peace once they were sure that the culture would live on. The Hawaiians believe that life in the family could be understood as a path, that as the tree with roots and branches, with a road which was walked and known by each generation. Because of Mrs. Montgomery, Auntie Lokalia, and many others of her generation, we were able to recover the way and are able to walk as they always did, with dignity, pride and a sure knowledge that others would follow.

Thank you, Mr. Speaker."

Representative Peters then rose and stated:

"Mr. Speaker, you know I get a little choked up when I have to talk about Auntie Lokalia and grateful that Sister Kinau was able to assist me on that."

Representative Peters then introduced John Lovell, brother of Lokalia Montgomery; his wife, Carrie Lovell; and Allan Ho, grandnephew of Lokalia Montgomery.

The motion was put by the Chair and carried and H.R. No. 399 was adopted by a rising vote.

At this time, Representative Kunimura presented the above-mentioned family members of Lokalia Montgomery with certified copies of the resolution.

At 11:35 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "to extend our personal aloha to our honored guests."

Upon reconvening at 11:40 o'clock a.m., the Chair stated:

"The Chair would like to remind all members that we have thirty-five Third Reading bills on the calendar

to be disposed of."

STANDING COMMITTEE REPORTS

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 428-78) recommending that H.C.R. No. 43 be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO CONSIDER FAVORABLY THE HAWAII DEPARTMENT OF EDUCATION APPLICATION FOR A FISCAL YEAR 1978-79 COMMUNITY EDUCATION FEDERAL GRANT UNDER THE COMMUNITY EDUCATION ACT", was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 429-78) recommending that H.C.R. No. 50 be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.C.R. No. 50, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT AN AUDIT OF THE REAL ESTATE COMMISSION", was referred to the Committee on Finance.

Representative Naito, for the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 430-78) recommending that H.R. No. 11, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ueoka, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 11, HD 1, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF THE 'PEOPLE SYNERGISTICALLY INVOLVED' PROGRAM", was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 431-78) recommending

that H.B. No. 2172-78 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. 2172-78, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 3, 1978.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 432-78) recommending that H.B. No. 2171-78 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. 2171-78, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 3, 1978.

Representatives Kawakami and Say, for the Committees on Water, Land Use, Development and Hawaiian Homes and Culture and the Arts, presented a joint report (Stand. Com. Rep. No. 433-78) recommending that H.B. No. 2941-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Say and carried, the report of the Committees was adopted and H.B. No. 2941-78, entitled: "A BILL FOR AN ACT RELATING TO THE IOLANI PALACE COMPLEX", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 3, 1978.

At 11:43 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:46 o'clock a.m.

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. 434-78) recommending that H.B. No. 1998-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

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

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 435-78) recommending that H.B. No. 3041-78 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. 3041-78, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING: MAKING SUPPLEMENTARY APPROPRIATIONS OUT OF GENERAL REVENUES TO COVER CERTAIN DEFICIENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 1978", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 3, 1978.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 436-78) recommending that H.B. No. 3053-78, 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. 3053-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS ISSUED BY THE STATE OF HAWAII", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 3, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 437-78) recommending that H.B. No. 3060-78 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. 3060-78, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIM CONCILIATION PANELS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 3, 1978.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com.

Rep. No. 438-78) informing the House that House Resolution Nos. 387 to 397 and House Standing Committee Report Nos. 312-78 to 427-78 have been printed and distributed.

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

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2172-78; 2171-78; 2941-78; 3041-78; 3053-78, HD 1; and 3060-78 were made available to the members of the House at 11:00 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 400 to 406) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 3, 1978:

A resolution (H.R. No. 400) requesting a review of violence in sports was offered by Representative Yuen.

A resolution (H.R. No. 401) requesting a corps of managers to be deployed to governmental agencies and departments was offered by Representative Yuen.

A resolution (H.R. No. 402) requesting the provision of areas within the Iolani Palace complex for use by Ahauis and other similar groups for meetings and activities designed to further the preservation of Hawaiian history, culture, and traditions was offered by Representative Yuen.

A resolution (H.R. No. 403) relating to tourism was jointly offered by Representatives Machida, Suwa, Dods and Peters.

A resolution (H.R. No. 404) requesting Secretary Juanita Kreps of the U.S. Department of Commerce to deny Russian and Japanese efforts to obtain exceptions to the "Marine Mammal Protection Act" was jointly offered by Representatives Kamalii, Yuen, Abercrombie, Evans, Blair, Caldito, Carroll, Kihano, Lunasco, Nakamura, Poepoe, Takamine and Takamura.

A resolution (H.R. No. 405) requesting action on flooding problems in the Kapulena-Kukuihaele areas on the island of Hawaii was jointly offered by Representatives Takamine, Ajifu, Aki, Blair, Cayetano, Inaba, Kamalii, Kiyabu, Larsen, Morioka, Narvaes, Peters, Say, Segawa, Shito, Stanley, Suwa, Takamura, K. Yamada and Yuen.

A resolution (H.R. No. 406) requesting a study of the development of a park at Onomea Bay was jointly offered by Representatives Takamine, Abercrombie, Aki, Caldito, Dods, Evans, Inaba, Kamalii, Kihano, Lunasco, Machida, Mina, Mizuguchi, Naito, Nakamura, Say, Segawa, Sutton, Suwa, Toguchi, Uechi, Ueoka, Uwaine and K. Yamada.

A resolution (H.R. No. 407) honoring Karen Yukie Yamada on being chosen State Key Club Sweetheart was jointly offered by Representatives Ueoka, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, 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, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki and was read by the Clerk.

On motion by Representative Ueoka, seconded by Representative Kondo and carried, H.R. No. 407 was adopted.

By unanimous consent, the following concurrent resolutions (H.C.R. Nos. 82 and 83) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 3, 1978:

A concurrent resolution (H.C.R. No. 82) adopting the statewide transportation plan was offered by Representative Wakatsuki (by request).

A concurrent resolution (H.C.R. No. 83) requesting Secretary Juanita Kreps of the U.S. Department of Commerce to deny Russian and Japanese efforts to obtain exceptions to the "Marine Mammal Protection Act" was jointly offered by Representatives Kamalii, Yuen, Abercrombie, Evans, Blair, Caldito, Carroll, Kihano, Lunasco, Nakamura, Poepoe, Takamine and Takamura.

A concurrent resolution (H.C.R. No. 84) saluting the 32nd anniversary of Aloha Week and urging fullest community support for the upcoming Aloha Week Festival was jointly offered by Representatives Machida, Ajifu, Aki, Blair, Caldito, Cayetano, Cobb, Dods, Fong, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Lunasco, Mina, Mizuguchi, Morioka, Nakamura, Peters, Poepoe, Say, Segawa, Shito, Suwa, Takamine, Takamura, Toguchi, Ueoka, Uwaine,

D. Yamada, Yuen and Wakatsuki and was read by the Clerk.

On motion by Representative Kondo, seconded by Representative Ueoka and carried, H.C.R. No. 84 was adopted.

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. 1949-78, HD 1:

Representative Garcia moved that H.B. No. 1949-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, I want to refer the members' attention to paragraph three: 'Your Committee heard testimony from the Department of Health recommending that Section 572-1(6) be amended to delete the reference to leprosy on the basis that reference to leprosy was deleted as a ground for annulment in 1957. Accordingly, your Committee has deleted the phrase 'affected with leprosy or' from Section 572-1(6).'

Now, I commend this effort by the Committee to deal with this situation even though the bill itself, overall, was probably not expected to have or, did not, was not generally known to deal with that particular element. Leprosy is still a circumstance which is viewed with public prejudice and misunderstanding. I'm grateful to Representative Garcia and the Judiciary Committee for recognizing this. I am grateful to the Department of Health for recognizing it. I am not so grateful to the Department of Health for some of the other things that it does. But in this particular instance, I am pleased to see that they were alert to it and alert of the Committee and that the Committee was regarded as sufficiently important to do so."

The motion to pass H.B. No. 1949-

78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE", on Third Reading was put by the Chair and carried by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2135-78:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 2135-78, entitled: "A BILL FOR AN ACT RELATING TO UNLAWFUL USE OF RADIO", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2094-78:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 2094-78, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURES ACT", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2308-78, HD 1:

Representative Garcia moved that H.B. No. 2308-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Abercrombie rose and asked:

"Will the chairman yield to a question?"

The Chair then asked:

"Representative Garcia, will you yield?"

Representative Garcia replied:

"Yes, I will."

Representative Abercrombie then asked:

"Would the chairman explain the difference to me between the Class A and Class B felony in terms of penalties?"

Representative Garcia answered:

"Mr. Speaker, it's my understanding that for a Class B penalty it's \$10,000, up to ten years."

Representative Abercrombie then

asked:

"And the Class A felony?"

Representative Garcia replied:

"Class A is 20 years, \$10,000 or more."

The motion to pass H.B. No. 2308-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT AND CRIMINAL PROPERTY DAMAGE", was put by the Chair and carried by a vote of 47 ayes to 1 no, with Representative Abercrombie voting no, and Representatives Baker, Naito and Ushijima being excused.

H.B. No. 1951-78:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 1951-78, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 1967-78, HD 1:

Representative Garcia moved that H.B. No. 1967-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, this bill would increase the jurisdictional amount of District Courts by doubling it from \$5,000 to \$10,000. That means, Mr. Speaker, that the inhibitions of our Constitution about a jury trial have been disregarded by this high body because there's no jury trial. Ten thousand dollars is a highly significant amount for courts that handle their cases the way the District Courts here in Hawaii do. It's a pot luck situation. You come in there, you get somebody that you and I would, excuse me, I don't want to include you, somebody that, as I took the bar exam I saw he didn't make it and then several times later, a couple years later, he did make it and now he's a District Court judge. I just haven't been pleased with the types of justice that is given out there.

You stand in a little hot room until 1:30, where there's absolutely no air on the fourth floor of the American Security Building, then all of a sudden they open the doors at 1:30, and by that time you're in a state of semi-shock. You come in. You don't know what judge you're going to get. You

start off with one judge and you end up with two or three different judges having heard your case. Now, theoretically these are courts of record. But you go down there and try and get the records, it's ridiculous. All of a sudden we're going to say to people who go to District Court up to \$10,000, you will not have a jury trial, you will have this pot luck situation of judges.

We'll have judges who do not qualify under the American Bar Association rules. You'll find cases that are not handled according to rules of evidence. In the meantime, the individual suffers great damage. I had a recent case there, and a particular plaintiff lost \$20,000 because it took him four months to come to a successful conclusion. The damages are not in any way, shape or manner ever to be collected because the particular defendant moved to the mainland.

Mr. Speaker, I would urge my colleagues to vote against this bill.

Thank you."

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

"First of all, Mr. Speaker, I should say I rise to speak against it with reservations, more properly, because I think that the basic intent of this bill is quite good. But, I think that in raising the jurisdiction to this level, the jurisdictional amount to \$10,000, there is going to be a tremendous benefit to parties who wish to delay trials; in effect, to avoid the District Court proceedings.

Now, granted that is available to defendants at the present time, but I think that rather substantial types of cases will fall between the five and ten thousand dollar bracket. I think, to many of us here, when we think of four or five or six thousand dollars, it does not impress us very much. But when we start talking about six, seven, eight thousand dollars, it is the kind of an amount that can have a rather substantial impact on our finances.

In the District Court, oftentimes it has been my experience that there will be rulings by the court which may not be precisely in accordance with the law and oftentimes the judge in the District Court, as I have seen him take the attitude that somebody needs to be protected one way or the other, and they make their ruling

more than legally.

Now, this is certainly not true with some of the justices that we have, but it is true with others. I think that the net impact of this is particularly true as we move above the \$5,000 mark, that we're going to be having, we're going to be forcing people to take appeals from rulings of the District Court, thereby exacerbating the problem which was commented on at some length last week or earlier this week.

I do not have a solution to the problem, but I do not think that the solution lies in increasing the jurisdictional amount to \$10,000. So while I commend the chairman on the work that he has done, I would ask everyone to vote against the bill."

Speaking in favor of the bill, Representative Kunimura stated:

"Arguments made against this bill, like law school graduates taking the exam several times before passing the bar - I have had, in my own experience, seen people run several times for this office or other offices, not make it, and finally make it.

But, the quality of justice, and the person passing the bar exam, should he not be classified as a first class attorney? Or is it only those who pass on the first shot? And then second shot be second class. If you try the third time, be third class, and so on. I doubt it.

And, also, the rule of evidence is not used. My God, if it is so, then we should re-examine the entire District Court and the procedures that is not acceptable to the American Bar Association. This is a serious condemnation, and I think it's trying to scare poor individuals like us here on the floor of the House that do not have the God-given grace to be practicing law.

I think there is a very large amount of gobbledygook here this morning, and I would seriously consider the other gentleman, who also practices law and flies commercial airplanes, that maybe \$10,000 is high. But let us take a look, because we should also crank into our deliberations here this morning about the cause of inflation. Remember when a bag of rice was \$3.50 per hundred pounds, and today it's a hell of a lot more. Last week, I went to a cigarette machine - we used to buy cigarettes for 15 cents a pack, and today it's 80 cents. So, if you take these things into consideration, maybe there is a serious question

about raising it, you know, doubling the jurisdiction or the jurisdictional amount. But, certainly, I think there should be some increase in giving the District Court an opportunity with the inflationary trend of this country."

Representative Sutton then rose in rebuttal, stating:

"Mr. Speaker, Disraeli was the great dissident in England at the turn of the nineteenth century and he was once asked, Mr. Disraeli, Prime Minister Disraeli, here you are the Prime Minister of Britain and you seem to be at odds all the time with Queen Victoria. How do you get along with her? He said, I have this particular formula: I never refuse, I never contradict and I sometimes forget."

Representative Carroll then rose "by way of rebuttal", stating:

"First of all, I'd like it to be known, for the record, that I do not agree that the rules of evidence are not followed in the District Court. As far as I understand it, and it has been the practice that I've been involved with it, they certainly have been followed. I think that making the District Courts courts of record has gone a long way to insure everyone involved there does indeed follow the rules of evidence as set forth by our Rules of Civil Procedure.

I would also like to say that I do not feel, as my colleague seems to indicate, that the judges there are incompetent in any way. I think they're quite competent men and I've been satisfied, for the most part, with what has come from there.

I would like to stress again, by way of rebuttal, that my only objection to this is the fact that with the jurisdictional amounts being raised to the level that they are, there is going to be more need, perhaps, to appeal some of the cases that are going to be there, and I think that the justice for persons who cannot put out a \$2,500 fee in advance to take an appeal to the Supreme Court, which is about as cheaply as most attorneys will handle in an appeal to the Supreme Court, are not going to be able to afford to take the appeal, that I feel that we should not raise this jurisdictional amount. Only for that reason do I speak against the measure."

On a point of information, Representative Kunimura asked:

"Mr. Speaker, may I request that you ask the gentleman from Waikiki who he was rebutting at that point."

Representative Carroll replied:

"Well, to precisely answer the learned gentleman from Kauai's question, I'm clarifying my position on the bill. I think that on a parliamentary basis, I can only rise in rebuttal, and therefore, I used that ploy, if you will."

The Chair then stated:

"Under parliamentary procedure in the House Rules, you may rise a second time to support further your arguments."

Representative Kunimura then asked:

"Am I to understand then, Mr. Speaker, his answer was that he was rebutting my statement on this floor?"

Representative Carroll replied:

"I was speaking originally against the bill, Mr. Speaker, and in order to clarify my position and not to have my position blurred or confused with other remarks that were made against the measure, I rose, and I understood that my second time up from a parliamentary point of view was only by way of rebuttal, and it was for that reason I stated that. I think it was clear, and it should be eminently clear now from the record, who I was rebutting."

The Chair then stated:

"The Chair would like to remind all members that under the House Rules, you are allowed to rise a second time to further argue your points and not necessarily only for rebuttal."

The motion to pass H.B. No. 1967-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTIONAL LIMITS OF THE DISTRICT COURTS AND OF THE SMALL CLAIMS COURTS", on Third Reading was put by the Chair and carried by a vote of 41 ayes to 7 noes, with Representatives Abercrombie, Carroll, Evans, Ikeda, Larsen, Narvaes and Sutton voting no, and Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2312-78, HD 1:

Representative Garcia moved that H.B. No. 2312-78, HD 1, having been read throughout, pass Third Reading,

seconded by Representative K. Yamada.

Representative Garcia then stated:

"I would like to make a correction in the committee report. There is a typo in the second paragraph, the purpose of this bill is to increase 'jurisdictional'"

The Chair then directed:

"Mr. Clerk, will you so note."

The Clerk replied:

"I will so note."

The motion to pass H.B. No. 2312-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM PROBATE", on Third Reading was put by the Chair and carried by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 1881-78, HD 1:

Representative Garcia moved that H.B. No. 1881-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, this bill has the purpose of conferring concurring jurisdiction upon the District Courts to hear and determine certain claims against the State. Now, this comes from our Common Law where the State is considered the sovereign. This comes down from our Common Law from England that it was unheard of to sue the sovereign, the King of England. Now, we have put the State in the position of the King of England, and we talk in terms of the same thing, suing the sovereign.

It's a very difficult thing when you sue the sovereign, because he has all of the powers of the attorney general, a multitude of attorneys, and sometimes we find that even the attorney general hires additional attorneys like Mr. Grant Cooper. So the sovereign is an immensely difficult person to sue.

Now, all of a sudden, we give concurrent jurisdiction to these District Courts. We say, as our sole excuse, that this facilitates bringing the case in the rural areas. We don't have vast distances from

our rural areas on this island. We've just established on the Big Island a new court in Kona, and so there won't be vast distances there, the new Circuit Court in Kona. We're going to be in a position where everybody can reach a Circuit Court when they sue the most difficult person to sue, namely the sovereign, that is the State of Hawaii.

We have just examined and looked at the District Courts and we have found that they are wanting and why should we then put somebody in this awkward position of having to sue the sovereign, namely the State of Hawaii, and find themselves in the District Court.

I would urge my colleagues, therefore, to vote no."

Speaking in favor of the bill, Representative Carroll stated:

"Mr. Speaker, I think it's well known to many of us that at the present time the attorney general can settle matters up to the amount of \$2,000, administratively. And \$2,000 is an amount that has significance for many, including myself.

The difficulty in suing the State, at the present time, is the fact that people may have a \$3,000 or \$4,000 or \$5,000 claim and yet they have to go through the torture of filing in the Circuit Court and following all of the procedures of the Circuit Court in order to be able to ever bring their cause of action before the court.

I feel, Mr. Speaker, while I do have some concern about the genre of the idea of suing the sovereign, that from the point of view of the fact that we do allow the sovereigns to be sued, that it certainly should be within the grasp of the common man and not only the person who can afford legal counsel to go through this rather complex procedure.

And for that reason, because of the expeditious manner in which cases against the State may be handled, as provided for in this measure, because of the fact that persons with the smaller claims and really, probably, the more common claims, I feel that this is an excellent measure and urge all to vote 'aye'."

Representative Kunimura then rose and stated:

"I speak in favor of this bill, Mr. Speaker, for the very reason that

our genesis lies somewhere in a grave on the island called England. We've broken away from our mother country, Mr. Speaker, to establish a new form of government. And that government, Mr. Speaker, is the government of the people, by the people and for the people. And we cannot forget, the most important of that is, whose just powers are derived from the consent of the governed.

Mr. Speaker, I still remember, under the Organic Act and during the territory and part of the, I believe, statehood form of government, that the Legislature of the Territory of Hawaii had to give permission to the people to sue the State or the Territory. We have done away with that, and this particular piece of legislation is furthering the ability and making and affording the people to sue the government. I feel this is a long step forward and I thank God that we do not have our sovereignty or sovereign that lies with monarchy or that we do not have an opportunity to select, since this is a government of the people, by the people and for the people, whose just powers are derived from the consent of the governed, that a bill of this nature is to really make that dream, the American dream come true."

Speaking against the bill, Representative Abercrombie stated:

"Mr. Speaker, on the 22nd of March of this year, I will be one year in attempting to get some answers to a question as to whether the comptroller of this State must obey the law.

In the past two or three days I have had contact with people and seen in the press the activities of the people in the District Court. Their activities do not, contrary to some of the expressions made early today about the competency of the judges, at least in one case and in my case a second judge, give me reason to believe that the selection process is such that even if this bill passed that it would be any good for anybody. Theoretically, maybe if this bill passed, it will be good for people. But my understanding of it is that the State, the sovereign that's brought in here, can appeal anyway. So the person of limited means is going to have the hell beaten out of him anyway if the State decides they want to do it. Believe me, I know."

Representative Cobb then rose

and, upon being recognized, stated:

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

Many years ago, when the concept of sovereignty existed much more firmly than it does now, government was a very remote thing. I think that this particular measure before us, allowing people to sue in the District Court, to sue the State, the so-called sovereign, this is a step in the direction of bringing government closer to the people, making it more accessible. Because, Mr. Speaker, when the State commits a wrong, it should be held liable.

The jurisdictional amount, I think, is low enough so that a person of average means can now afford to get into a court that's relatively close to where they are.

Earlier, we've already passed legislation providing for a Circuit Court in Kona. I think this is in keeping with the philosophy of this particular House that the sovereign should not be remote, that it should be accessible, it should be close, and when it does something wrong, it should be held fully accountable.

I would add, in passing, uneasy lies the head that wears the crown. I think that we went through a revolution over 200 years ago to settle that and I fully concur with the remarks of the senior representative from Kauai.

Thank you."

The motion to pass H.B. No. 1881-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUITS BY AND AGAINST THE STATE AND CONFERRING JURISDICTION UPON DISTRICT COURTS IN SAID SUITS", on Third Reading was put by the Chair and carried by a vote of 45 ayes to 3 noes, with Representatives Abercrombie, Ajifu and Sutton voting no, and Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2784-78:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 2784-78, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT, CHAPTER 425, HAWAII REVISED STATUTES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 1936-78, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1936-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WATER CARRIER LAW", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2070-78, HD 1:

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

H.B. No. 2071-78, HD 1:

On motion by Representative Kawakami, seconded by Representative Toguchi, H.B. No. 2071-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER RESOURCES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2479-78, HD 1:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 2479-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE TAXATION", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 1923-78, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 1923-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNCLAIMED PROPERTY ACT", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 1889-78, HD 1:

Representative Garcia moved that H.B. No. 1889-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

Upon reconvening at 1:29 o'clock

p.m., the Chair stated:

"The question before the House is for the passage of House Bill No. 1889-78, House Draft 1, on Third Reading. If there's no objection, said matter shall be deferred to the end of the calendar."

Representative Abercrombie, on a point of order, stated:

"I was under the impression this was not the matter before the House."

At 1:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:31 o'clock p.m., the Chair asked:

"Are we on the same wave length?"

Representative Abercrombie answered:

"Yes, sir."

At 1:31 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:39 o'clock p.m.

H.B. No. 2173-78, HD 2:

Representative Kiyabu moved that H.B. No. 2173-78, HD 2, having been read throughout, pass Third Reading, seconded by Representative Mina.

Representative Kiyabu then offered the following amendment to H.B. No. 2173-78, HD 2:

"Sec. -53 of H.B. No. 2173-78, HD 2, is amended in the following respects:

1. By adding between lines 3 and 4 on page 41 thereof the following figure and words:

'(1) The planning director from each county.'

2. By deleting the word 'of' between the words 'directors' and 'chairmen' in line 10 on page 41 thereof and substituting the word 'or'."

At 1:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:42 o'clock p.m., Representative Kiyabu rose

and explained the amendment as follows:

"There was a typographical oversight and a typographical error so that we would add between lines three and four, 'the planning director from each county'. And on line ten, on page 41, we would delete the word 'of' and insert the word 'or' between 'directors' and 'chairmen'."

The motion was put by the Chair and carried and the amendment was adopted.

By unanimous consent, further action on H.B. No. 2173-78, HD 2, as amended, was deferred until tomorrow, March 3, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2173-78, HD 3, were made available to the members of the House at 1:42 o'clock p.m.

Representative Cobb, on a point of information, asked:

"Does the clocking time run from the time the amendment was adopted or from the time the amendment was made available to the members of the House?"

The Chair replied:

"From the time the bill is amended, in the form adopted, the clock runs."

Representative Cobb, at this time, thanked the Chair.

H.B. No. 1877-78, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 1877-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES AND PROCEDURE ON ARREST, INTERPRETATION AND SEVERABILITY IN THE STATEWIDE TRAFFIC CODE", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 1966-78:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 1966-78, entitled: "A BILL FOR AN ACT RELATING TO THE CONFIDENTIALITY OF TAX RETURNS AND INFORMATION IN TAX RETURNS", passed Third Reading by a vote of 48 ayes, with Representatives

Baker, Naito and Ushijima being excused.

H.B. No. 2095-78, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 2095-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPOUSAL LIABILITIES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2148-78:

Representative Garcia moved that H.B. No. 2148-78, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Abercrombie rose and said:

"Mr. Speaker, I'd like to direct a question to the chairman of the Judiciary Committee."

The Chair asked:

"You want to be recognized for the purpose of a point of information?"

Representative Abercrombie replied:

"Yes sir. Would he yield? I'm sorry, that probably is the correct way."

The Chair then asked:

"Representative Garcia, will you yield?"

Representative Garcia answered:

"Yes, I will."

Representative Abercrombie then asked:

"Mr. Speaker, I would like the chairman of the Judiciary Committee to tell me whether in his opinion or in his judgment in respect to this bill that an automobile could be considered a dangerous instrument under present law or under the law as it would be adopted here."

Representative Garcia replied:

"Mr. Speaker, I would assume under both."

At 1:46 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:50 o'clock

p.m., Representative Abercrombie rose to speak in favor of the bill, stating:

"Mr. Speaker, the bill in question amends the assault statute in the second degree. I think this, fortunately or unfortunately, at this time, is particularly in the public mind. The reason I asked whether an automobile could be considered a dangerous instrument is that a case may, with potential wide public interest in one form or another, develop or has developed around an automobile in which its usage in the commission of possible crime was, excuse me, I think my syntax is incorrect. I'd like to start over again. Whether or not an automobile was a dangerous instrument could become a very pertinent point, not only in cases which may be before the public right now, but may be in the future. In fact, the whole question of what constitutes a dangerous instrument is probably now before the public in a way that was not previously thought to be so easily defined.

I know that part of the reason for this coming before the body is that there have been cases in the past in which items. . . instruments could not be so classified, apparently in assault cases, because the law apparently did not allow it in the opinion of the prosecutors, although to my layman's mind, I don't understand why that was. The object, as I understand it from the Judiciary Committee, is to alleviate that situation.

Now, I understand the law can be used unfairly anyway. But, in this particular instance, when you're dealing perhaps with what used to be called and perhaps still are 'crimes of passion', where there are arguments, emotional circumstances that take place between people, and assault is the result or is defined in court as being the result, the dangerous instrument situation should be addressed by judges and the attorneys who will deal with this, I think, very, very carefully.

I think that this should pass because it's necessary to do it, based on past experiences of law enforcement officials and subsequent court cases and extremely bad physical injuries that have occurred to people, which resulted in either a lack of prosecution or a prosecution in such a way that did not seem to fit common sense.

On the other hand, it's also important

that this not become a license, in turn, to allow judges or perhaps an atmosphere in which there is a calling for retribution by the community. It should be very, very clear that this is not a license for the legal profession and/or judges to classify some object as a dangerous instrument because it suits the public fancy at that time, in the sense of an atmosphere in which such a decision would be welcomed in the community as a whole, in a particular instance, but that we would regret later on in terms of what is in fact just under the Constitution.

So, I urge the passage and I urge that in the process, the legal profession, and most especially the judges, pay close attention to the implication, as obviously they do in every job. But in this particular instance, the reason I rise, and I reiterate, is that this can be used very wisely or abused very badly, in my judgment."

The motion to pass H.B. No. 2148-78, entitled: "A BILL FOR AN ACT TO AMEND SECTION 707-711, HAWAII REVISED STATUTES, RELATING TO ASSAULT IN THE SECOND DEGREE", on Third Reading, was put by the Chair and carried by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2416-78:

On motion by Representative Uechi, seconded by Representative Inaba, H.B. No. 2416-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII AGRICULTURAL COOPERATIVE ASSOCIATIONS LAW", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2862-78, HD 1:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 2862-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2090-78:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 2090-78, entitled: "A BILL FOR AN ACT RELATING TO THE PROGRESSIVE NEIGHBORHOODS PROGRAM", passed Third Reading by a vote of

46 ayes to 2 noes, with Representatives Ajifu and Carroll voting no, and Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2814-78:

By unanimous consent, action was deferred for one day.

H.B. No. 2765-78:

Representative D. Yamada moved that H.B. No. 2765-78, having been read throughout, pass Third Reading, seconded by Representative Cobb.

Representative D. Yamada then offered the following amendment to H.B. No. 2765-78:

"Section 1 of H.B. No. 2765-78 is amended by adding the words 'in a conspicuous place' between the words 'same' and 'on' in line 9 on page 1 of H.B. No. 2765-78."

Representative D. Yamada then explained the amendment as follows:

"Mr. Speaker, what the amendment does is it adds the words 'in a conspicuous place' between the words 'same' and 'on'. The purpose of that is so when a notice is given, that they don't post it on the roof or any other place where people won't be able to see it."

Representative Abercrombie then rose and asked:

"Would the chairman yield to a question?"

Representative D. Yamada replied:

"Yes, I will."

Representative Abercrombie then asked:

"Mr. Speaker, would you ask the chairman, in terms of the serving of the notice and by this amendment, conspicuous place on a dwelling unit, what determines whether or not the tenant cannot be served?"

The reason I am asking the question is I am assuming that the amendment about conspicuous place in a dwelling unit is because they cannot be served, so I need to know what constitutes the process of one being served."

Representative D. Yamada replied:

"Well, when you can't find the guy; when you cannot find the physical person."

Representative Abercrombie then asked:

"Can I ask another question?"

The Chair asked:

"Would a short recess satisfy you, Representative Abercrombie?"

Representative Abercrombie replied in the affirmative.

At 1:58 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:59 o'clock p.m., the motion was put by the Chair and carried and the amendment was adopted.

By unanimous consent, further action on H.B. No. 2765-78, as amended, was deferred until tomorrow, March 3, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2765-78, HD 1, were made available to the members of the House at 2:00 o'clock p.m.

H.B. No. 2252-78, HD 1:

Representative D. Yamada moved that H.B. No. 2252-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

Representative Cayetano then rose and asked for a conflict ruling, stating:

"Mr. Speaker, may I ask, on behalf of all of the attorneys here, if we have a conflict?"

The Chair replied:

"No conflict."

The motion to pass H.B. No. 2252-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", on Third Reading was put by the Chair and carried by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2059-78, HD 1:

Representative D. Yamada moved that H.B. No. 2059-78, HD 1, having

been read throughout, pass Third Reading, seconded by Representative Cobb.

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

"Mr. Speaker, as I understand this particular measure, it will allow registration of horizontal property regimes that are issued outside of this State and, from reading the committee report, it does not indicate whether outside of this State means within the United States or within the entire world.

Inasmuch as some countries such as Switzerland. . .at least Switzerland, and other countries have moved towards creation of horizontal property regimes known as condominiums, and inasmuch as many of the 50 states now have horizontal property regime laws, it seems to me that this kind of a provision, while well-intentioned, puts a burden upon the tax-paying public, most of whom will never be able to afford to buy a condominium, which they should not have to bear. I think that if people are wealthy enough to purchase outside this State and they want to have outside investments, that they can go to the states wherein these various projects are created.

As I say, I commend the concept of making as much information available to the affluent public, but I do not see that the person who, you know, cleans airplanes, buses and does extremely hard work to make their money, should have to pay for this kind of a service.

I urge, on that basis, that we vote 'no'."

Speaking in favor of the bill, Representative D. Yamada stated:

"I really can't see, after reading the bill, how an interpretation can be had from this bill.

Basically, all this bill is, is a consumer protection measure. And all it will do is require that people who are selling condominiums that are not in this State, that before they sell it to residents of this State, that they do file with our Real Estate Commission, so our residency, when they purchase these condominiums outside of this State, would be informed. They will be informed as to the project. All proper disclosures are done as they are for projects that are built in this State."

The motion to pass H.B. No. 2059-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", on Third Reading was put by the Chair and carried by a vote of 46 ayes to 2 noes, with Representatives Carroll and Narvaes voting no, and Representatives Baker, Naito and Ushijima being excused.

H.B. No. 1960-78, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1960-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT", passed Third Reading by a vote of 47 ayes to 1 no, with Representative Carroll voting no, and Representatives Baker, Naito and Ushijima being excused.

H.B. No. 1937-78, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1937-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER LAW", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 1938-78, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1938-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 1939-78, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1939-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII WATER CARRIER LAW", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 3046-78:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 3046-78, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION FEES FOR PSYCHOLOGIST LICENSES", passed Third Reading by a vote of 48 ayes, with Representatives

Baker, Naito and Ushijima being excused.

H.B. No. 2111-78, HD 1:

Representative D. Yamada moved that H.B. No. 2111-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

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

"Mr. Speaker, this measure, as I see it, extends to commercial property the idea of the value of enhancement, which somehow accrues to a piece of property which exists on an area, and through years, goes up in value.

Now, when this idea of enhancement, property value enhancement, was applied to single family residents, as in the majority of pieces of lease legislation that came out of the Housing Committee over the last three years, I could see the effect of it and the benefit that was given to the individual residential lessee who was in the act of either reducing the value of the property so that the 4% limit put on the lease rent or the purchase price of the property would be reduced.

However, in my view, when you take this idea of property enhancement and put it on to commercial properties, and without any limitation on the size of the property or anything in that regard, I believe you are putting an unfair burden on a small businessman or a small landholder who might have a piece of property that he has put into the commercial arena. By putting it there, under the commercial arena, he has given someone in the community the chance to improve the property and build some kind of a commercial enterprise on it. I believe the idea that the small landholder or small businessman has to then give back the enhancement value that accrues to that commercial party is not equitable to him. If it's a major landholder, that's one thing, like in the case of the major estates.

In the case of the residential leaseholds, we always put in there a five acre minimum, so that guarantees that it is the large landholder who is losing his idea and his right to lease property, and is purchased by the residential owner.

In this situation, however, we're picking on a small landholder.

There's no limit on the size of the property that might be up for commercial improvement. In this case, I believe it is not equitable for a small landholder to be deprived of the enhancement value of the property that he has leased out to some commercial venture. I, therefore, would argue that this puts a burden on a small landholder as well as major landholders with no line of delineation between the two.

I, therefore, argue that we do not pass this measure and turn it back so that, if possible, we could make this delineation between small landholders and major landholders. I urge members to vote 'no' on this measure."

Representative D. Yamada, speaking in favor of the bill, stated:

"Mr. Speaker, I disagree that this bill would hurt the small landholder. Basically, all we're doing is to try to balance out or achieve some kind of fairness in renegotiation, whether a piece of land is large or small, that a lessee, regardless of the size of the land, that if he enhanced the value of that real property, that he should be able to offset the value of his enhancement. Otherwise, the lessor would be getting something that he did not do himself."

Representative Sutton then rose on a conflict ruling, stating:

"I lease to Laupahoehoe Sugar and Kukai Ranch, and I'm going to vote no."

The Chair then stated:

"There's no conflict. You have already stated how you are going to vote."

Representative Abercrombie, on a point of information, asked:

"In relation to the remarks that were made asking us to vote against it when the representative from Nuuanu stood up, was he standing up as a small land owner or a large land owner?"

The Chair replied:

"Irrespective, there's no conflict."

The motion to pass H.B. No. 2111-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASES", on Third Reading was put by the Chair and carried by a vote of 46 ayes to 2 noes, with Representatives Larsen and Sutton voting no, and Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2056-78, HD 1:

Representative D. Yamada moved that H.B. No. 2056-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

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

"I'd like to ask the chairman of the committee to yeild to a question?

My question, Mr. Speaker, is, is it the purpose of this law simply to cause the wording of unit in apartment synonymously interchangeable in order to make the law readable and workable, and that in fact this has nothing to do with time sharing?"

Representative D. Yamada replied:

"Mr. Speaker, the answer is 'yes'."

The motion to pass H.B. No. 2056-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", on Third Reading was put by the Chair and carried by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 2403-78, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 2403-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Naito and Ushijima being excused.

H.B. No. 1775-78, HD 1:

Representative Suwa moved that H.B. No. 1775-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, we have had an economy here in the State of Hawaii that has been almost stagnant. Through the great wisdom of our own Jack Suwa, this bill has come into being. It's an investment tax credit patterned almost exactly like the Federal tax credit that was put in by the late John Kennedy, when he was president of the United States,

to stimulate the economy. It served a very excellent purpose, and I think that Chairman Suwa had in mind duplicating the same performance here in the State of Hawaii. Anything that would stimulate our economy, give employment and bring Hawaii back into the same cycle that they enjoyed for ten years is something that I would urge all my colleagues to vote for."

Representative Abercrombie, upon being recognized, stated:

"Mr. Speaker, I rise reluctantly to ask that the 'no' vote be given.

Mr. Speaker, I haven't said in the past, but I believe that a comprehensive tax approach is necessary, given the financial circumstances of the State.

While I, in principle, do not disagree with the idea of the investment tax credit proposal and the possible, the theoretical economic implications that might accrue favorably to this State, I want to recognize that it's theoretical, we do not, at the same time, have before us a kind of comprehensive approach, I think, that would have a beneficial effect in conjunction with such an investment tax credit proposal.

Therefore, while the proposal may be sound in theory, because it is not part of a comprehensive tax package in which the possible results interchangeably can be sighted, I do not feel that it is wise practice to pass it."

The motion to pass H.B. No. 1775-78, 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 47 ayes to 1 no, with Representative Abercrombie voting no, and Representatives Baker, Naito and Ushijima being excused.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 434-78 (H.B. No. 1998-78, HD 1):

On motion by Representative Blair, seconded by Representative Kawakami and carried, the report of the Committees was adopted and H.B. No. 1998-78, 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 tomorrow, March 3, 1978.

The Chair directed the Clerk to note that printed copies of H.B. No. 1998-78, HD 1, were made available to the members of the House at 11:00 o'clock a.m.

At 2:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:16 o'clock p.m.

H.B. No. 2070-78, HD 1:

On motion by Representative Kawakami, seconded by Representative Caldito, H.B. No. 2070-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF WATER RESOURCES", passed Third Reading by a vote of 47 ayes to 1 no, with Representative Sutton voting no, and Representatives Baker, Naito and Ushijima being excused.

The Chair directed the Clerk to note that H.B. Nos. 1949-78, HD 1, and 2135-78 had passed Third Reading at 11:52 o'clock a.m.; 2094-78 at 11:53 o'clock a.m.; 2308-78, HD 1, and 1951-78 at 11:54 o'clock a.m.; 1967-78, HD 1, at 12:07 o'clock p.m.; 2312-78, HD 1, at 12:08 o'clock p.m.; 1881-78, HD 1, at 12:17 o'clock p.m.; 2784-78 and 1936-78, HD 1, at 12:18 o'clock p.m.; 2071-78, HD 1, and 2479-78, HD 1, at 12:19 o'clock p.m.; 1923-78, HD 1, at 12:20 o'clock p.m.; 1877-78, HD 1, at 1:43 o'clock p.m.; 1966-78 at 1:44 o'clock p.m.; 2095-78, HD 1, at 1:45 o'clock p.m.; 2148-78, 2416-78, HD 2, 2862-78, HD 1, and 2090-78 at 1:50 o'clock p.m.;

2252-78 at 2:00 o'clock p.m.; 2059-78, HD 1, 1960-78, HD 1, and 1937-78, HD 1, at 2:04 o'clock p.m.; 1938-78, HD 1, 1939-78, HD 1, and 3046-78 at 2:05 o'clock p.m.; 2111-78, HD 1, at 2:10 o'clock p.m.; 2056-78, HD 1, and 2403-78, HD 1, at 2:11 o'clock p.m.; 1775-78, HD 1, at 2:15 o'clock p.m.; and 2070-78, HD 1, at 2:17 o'clock p.m.

At 2:17 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:23 o'clock p.m.

H.B. No. 1889-78, HD 1:

At this time, Representative Garcia withdrew his motion and Representative K. Yamada withdrew his second, and action on H.B. No. 1889-78, HD 1, was deferred for one day.

THIRD READING

H.B. No. 2601-78, HD 1:

By unanimous consent, action was deferred for one day.

ADJOURNMENT

At 2:28 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 3, 1978, in honor and memory of the late Lokalia Montgomery.