

## FIFTY-SIXTH DAY

Monday, April 10, 1978

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 8:30 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by Reverend Edmond Walker of the Hawaii Baptist Convention, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Campbell, Cobb, Fong, Garcia, Kunimura, Larsen, Morioka, Naito, Nakamura, Peters, Shito, Takamura, Uechi, Uwaine, Wakatsuki and D. Yamada, who were excused.

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

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

At 8:35 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:39 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Campbell and Kunimura.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 444 to 453) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 444) transmitting Senate Concurrent Resolution No. 45, requesting an investigation of alternative plans and strategies to establish limits on State growth rates which are in harmony with the supply and distribution of natural resources, which was adopted by the Senate on April 7, 1978, was placed on file.

By unanimous consent, further action on S.C.R. No. 45 was deferred until tomorrow, April 11, 1978.

A communication from the Senate (Sen. Com. No. 445) transmitting

Senate Concurrent Resolution No. 130, commending the Laborers' International Union on its Diamond Anniversary, which was adopted by the Senate on April 7, 1978, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.C.R. No. 130 was adopted.

A communication from the Senate (Sen. Com. No. 446) returning House Concurrent Resolution No. 123, which was adopted by the Senate on April 7, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 447) returning House Bill No. 145, HD 1, which passed Third Reading in the Senate on April 7, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 448) returning House Bill No. 1923-78, HD 1, which passed Third Reading in the Senate on April 7, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 449) returning House Bill No. 2416-78, HD 2, which passed Third Reading in the Senate on April 7, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 450) returning House Bill No. 2570-78, which passed Third Reading in the Senate on April 7, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 451) returning House Bill No. 2837-78, which passed Third Reading in the Senate on April 7, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 452) returning House Bill No. 3041-78, which passed Third Reading in the Senate on April 7, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 453) returning House Bill No. 3042-78, HD 1, which passed Third Reading in the Senate on April 7, 1978, was placed on file.

At this time, Representative Kiyabu introduced to the members of the House 29 eighth grade students from Kaimuki Intermediate School. They were accompanied by their teacher, Miss Grace K. Yoshioka, and a parent, Mrs. Harriet T. Tamashima.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

S.C.R. Nos.      Referred to:

- 32                      Committee on State  
General Planning, then to the  
Committee on Finance
- 88                      Committee on Education,  
then to the Committee on Finance
- 91                      Jointly to the Committees  
on Ocean and Marine Resources  
and Water, Land Use, Development  
and Hawaiian Homes, then to the  
Committee on Finance
- 97                      Committee on Water,  
Land Use, Development and Hawaiian  
Homes
- 98                      Committee on Health
- 100                     Jointly to the Committees  
on Ocean and Marine Resources  
and Education, then to the Committee  
on Finance
- 113                     Jointly to the Committees  
on Ocean and Marine Resources  
and Water, Land Use, Development  
and Hawaiian Homes
- 114                     Jointly to the Committees  
on Public Employment and Government  
Operations and Finance
- 117                     Jointly to the Committees  
on Ocean and Marine Resources  
and Water, Land Use, Development  
and Hawaiian Homes, then to the  
Committee on Finance

## STANDING COMMITTEE REPORTS

Representatives Segawa and Stanley, for the Committees on Health and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 1027-78) recommending that H.R. No. 580 be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Stanley and carried, the joint report of the Committees was adopted and H.R. No. 580, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF JOB SHARING AMONG NURSES IN THE DEPARTMENT

OF HEALTH", was referred to the Committee on Finance.

Representatives Segawa and Stanley, for the Committees on Health and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 1028-78) recommending that H.C.R. No. 134 be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Stanley and carried, the joint report of the Committees was adopted and H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF JOB SHARING AMONG NURSES IN THE DEPARTMENT OF HEALTH", was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1029-78) recommending that H.R. No. 384, HD 1, be adopted.

On motion by Representative K. Yamada, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 384, HD 1, entitled: "HOUSE RESOLUTION CONDEMNING THE UNNECESSARY SLAUGHTER OF DOLPHINS AND REQUESTING THE UNITED STATES DEPARTMENT OF STATE TO TAKE APPROPRIATE ACTION", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1030-78) recommending that H.C.R. No. 46, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.C.R. No. 46, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO CREATE MORE PUBLIC SERVICE EMPLOYMENT", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1031-78) recommending that H.C.R. No. 129 be adopted.

On motion by Representative Cayetano, seconded by Representative Dods and carried, the report of the Committee was adopted and H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE NEED OF THIS STATE FOR ADEQUATE INTERISLAND SURFACE TRANSPORTATION AND SUPPORTING THE RE-ESTABLISHMENT OF AN INTERISLAND HYDROFOIL SYSTEM", was adopted.

Representatives Ushijima and Mizuguchi, for the Committees on Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 1032-78) recommending that H.R. No. 543, as amended in HD 1, be referred to the Committee on Health.

On motion by Representative Ushijima, seconded by Representative Campbell and carried, the joint report of the Committees was adopted and H.R. No. 543, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, IN CONSULTATION WITH THE UNIVERSITY OF HAWAII, TO IMPROVE THE DELIVERY OF NUTRITION EDUCATION PROGRAMS WITHIN THE PUBLIC SCHOOLS OF HAWAII", was referred to the Committee on Health.

Representatives Ushijima and Mizuguchi, for the Committees on Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 1033-78) recommending that H.C.R. No. 119, as amended in HD 1, be referred to the Committee on Health.

On motion by Representative Ushijima, seconded by Representative Campbell and carried, the joint report of the Committees was adopted and H.C.R. No. 119, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, IN CONSULTATION WITH THE UNIVERSITY OF HAWAII, TO IMPROVE THE DELIVERY OF NUTRITION EDUCATION PROGRAMS WITHIN THE PUBLIC SCHOOLS OF HAWAII", was referred to the Committee on Health.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1034-78) recommending that H.R. No. 547 be referred to the Committee on Finance.

Representative Campbell moved that the report of the Committee be adopted and H.R. No. 547 be referred to the Committee on Finance, seconded by Representative Ushijima.

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

"The purpose of this resolution is to request the Department of Education to develop and implement a comprehensive system for alternative education programs for students who do not benefit fully from the regular program of studies.

Mr. Speaker, I am in full support of this resolution, but with one minor reservation. It is my concern that the alternative programs which have been developed for students not become

entities in itself. In other words, in my judgment, an alternative program for learning for students who cannot adjust to our regular program ought to be designed so that those students return to the main stream, but the testimony before our Committee indicated that in many of these legislative programs, they are developing even a graduation and a diploma for students in the alternative setting and this means that the students will not return to the regular school program, and that is one of my concerns, and I think that our Department of Education ought to be put on notice that an alternative program ought to be temporary. It ought to give the students an opportunity for adjustment and that adjustment ought to return the student to our regular school program, so I urge the support of the resolution with those reservations.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 547, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND IMPLEMENT A COMPREHENSIVE SYSTEM FOR ALTERNATIVE EDUCATION PROGRAMS", was referred to the Committee on Finance.

At 8:46 o'clock a.m., on request by Representative Kamalii, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:55 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie, Fong, Garcia, Larsen, Morioka, Peters, Takamura, Uwayne and D. Yamada.

#### RECONSIDERATION OF ACTION TAKEN

Representative Segawa moved that the House reconsider action taken earlier on Stand. Com. Rep. No. 1028-78 on H.C.R. No. 134, seconded by Representative Stanley and carried.

Representative Suwa, with the members of the Finance Committee concurring, waived the referral of H.C.R. No. 134 to the Committee on Finance "because today is the cut-off day for House Concurrent Resolutions."

On motion by Representative Segawa, seconded by Representative Stanley and carried, H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF JOB SHARING AMONG NURSES IN THE DEPARTMENT OF HEALTH", was adopted.

At 8:58 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:00 o'clock a.m.

Representative Ushijima moved that the House reconsider action taken earlier on Stand. Com. Rep. No. 1033-78 on H.C.R. No. 119, HD 1, seconded by Representative Campbell and carried.

Representative Segawa, with the members of the Health Committee concurring, waived the referral of H.C.R. No. 119, HD 1, to the Committee on Health.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, H.C.R. No. 119, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, IN CONSULTATION WITH THE UNIVERSITY OF HAWAII, TO IMPROVE THE DELIVERY OF NUTRITION EDUCATION PROGRAMS WITHIN THE PUBLIC SCHOOLS OF HAWAII", was adopted.

At 9:02 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:03 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1035-78) recommending that H.R. No. 371, as amended in HD 1, be adopted.

Representative Garcia moved that the report of the Committee be adopted and H.R. No. 371, HD 1, be adopted, seconded by Representative K. Yamada.

Representative Abercrombie then rose and stated:

"Mr. Speaker, inasmuch as it is the . . . title, 'Commending the problem of pornographic films to the attention of the council of the City and County of Honolulu', some in the audience may be misled. They may feel that the problem for the council to get pornographic films in the various counties and, while that may be an amusing thought when one first reads it, it also points out the question of what is, in fact, pornographic, in respect of the constitutional privilege

that we would all like to enjoy.

My last recollection of this being in the media brought to public attention was the threat to children in one of the neighborhood areas. And in order to show this threat to children, it showed the children leaving school, all of whom were running down the street, none of them looking at the theatre. I suppose if you bring the threats to the children's attention, walk them over there, they may pay some brief attention to the posters that may be at the theatre prior to leaving and, perhaps continuing some game of pre-medical school studies that they may be engaged in, as I there say, every member on the floor was. The last time I checked, everybody, at one time, or virtually everybody, at one time, played doctor."

At this point, the Chair interrupted and asked:

"Representative Abercrombie, are you speaking for or against the resolution?"

Representative Abercrombie answered:

"I am sorry, I am speaking against it. I apologize.

The implication is, for example, in the second last 'Whereas, the House of Representatives is confident that the councils of the various county governments are deeply concerned about the problems posed herein;'

I realize that it is difficult to speak against such a thing and not be accused of being soft on pornography, but nonetheless, I think it is important for us not to exacerbate the situation by indicating the various kinds of possibilities like zoning regulations, licensing, imposition of a licensing moratorium, safety and building codes and construction standards and enforcement in these areas are generally within the responsibility and authority of the county governments. That is practically an invitation to the county governments to selectively decide when they are going to institute enforcement of the construction standards. This smacks very, very closely to the area of inspections being utilized for bad political purposes in other circumstances - shakedowns, so on and so forth. Once you started with this and once you indicate, even indirectly, as that particular 'Whereas . . .' does fourth down, you are, in effect, saying that the City and County and/or State, for that matter, can engage in these things. We generally, in the past, have found that when such practices are utilized; that is to say, building codes and inspectors being more closely . . .



requirement that they be more closely adhered to for certain businesses than others, this is generally a scandal. It generally means that there is some kind of pressure being put on for illegal uses or for questionable uses. If it comes down to the fact that government can do this when it deems proper and ignore it when it doesn't, then I think that we have crossed the line. If we are going to have strict enforcement of building codes and construction standards, then, let's have it for every building in the City.

Now, if that was the case, I could not live in my house. It may be the case that others on the floor could not live in their houses - I don't know. Most certainly, many of your constituents could not. Many of the buildings that are now utilized by public government itself could not be utilized. This licensing business, under the First Amendment, strikes me as a very, very short-sighted circumstance. It then can lead to a repressive atmosphere - the acceptance of it - at least the precedence, in that respect, and I cannot allow, in my mind, that simply by putting pornographic films, again a notorious instance, as a justification for these things will, in any way, alter or obviate our necessity to protect the First Amendment. . . not protect the First Amendment, but rather, to seek the protection of the First Amendment as individuals in this nation.

Therefore, I would urge that it be defeated on the grounds that a society that raises healthy children to have no problems with the fact that they will see what their mothers and fathers will look like if they had not already, and will have an attitude toward the sex which is healthy and in no way innovating, in terms of neurosis or perverse interest. Quite the contrary. I think that if children are given the opportunity in schools and in other forms available to us in public government, there is no reason to believe that they will not regard their sexual capacities in any more than what is healthy and normal and loving.

Thank you."

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

"Now, Mr. Speaker, in the fourth 'Whereas' clause, it states: '. . . these problems might be dealt with effectively through zoning regulations, licensing, imposition of a licensing moratorium, and safety and building codes and construction standards. . . ' and

it talks about the fact that the City and County government have these as their primary responsibilities.

Now, Mr. Speaker, I think if there was ever a more blatant violation of the First Amendment rights, it would be to have this House adopt this kind of a statement. For one thing, in addition to the First Amendment right of freedom of speech, there is implicit in this kind of a comment that a person who would be licensed to sell pornography and, hopefully, in violation of our law, would have to state, in effect, that he intended to sell pornography in order to apply for this type of a license which would, of course, immediately make them guilty.

The problem with this particular resolution is that the wording is basically reflective of what I think most of us feel here and I think that the idea behind the resolution is good. But, Mr. Speaker, at best, this is a half a loaf measure and I think that there is no question in anybody's mind, if he knows anything about law, that this particular responsibility lies very firmly with this State Legislature and certainly not with the City and County of Honolulu, and I see this as a buck-passing kind of a measure, and I think that it does not do us well - it does not serve our purposes here to pass this particular resolution.

I have had the opportunity to check with one of the deputies at the City and County to make sure that what I am talking about is essentially correct and, at the present time, the only types of licenses that are required for a bookstore are the gross income tax licenses and that they comply with the zoning regulations for the particular use. It is not like a bar or restaurant or anything of that sort, so I think these words all sound great but they really don't do anything at all, and I think that this kind of a measure is not going to supplant the basic task that we have and for that reason, I urge that we vote 'no'."

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

"Mr. Speaker, here again, is the attempt of this House to solve the issue by resolution that has no teeth. It certainly is unconstitutional as has been pointed out by other members of this House where zoning regulations are concerned and licensing, and if we are really sincere, why do we even introduce this kind of legislation - a House resolution - when we have an opportunity to strengthen our pornography laws by passing Senate Bill 331.

Here again, it is a lot of words that

mean nothing, and I urge my colleagues to stand up and be responsible."

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

"Mr. Speaker, you know, it is a little early for us to really get into the particular problems that we are trying to address ourselves to in this particular resolution. I would like to point out that I think they are reading more into this resolution than is really there.

In the fourth 'Whereas' clause, it does talk about zoning regulations, licensing, imposition of a licensing moratorium, but in no way was this meant to be a way in which they can control, limit the distribution, selling and showing of pornographic films. I believe the concept that the Committee was trying to get across when they adopted this resolution was that the City and County of Honolulu does have certain responsibilities in these areas as it relates to building codes and sign ordinances.

The primary thrust of this resolution came about as a result of the kinds of advertising that was being shown at certain theatres which showed explicit pictures across from elementary schools or intermediate schools and we felt that if there was some type of regulation that the Committee felt was needed to curb this kind of explicit advertising, we felt that the City Councils of the various counties should be the one that should look into it and determine whether or not any kind of an amendment to the sign ordinance was required.

Now, as far as addressing the question on the First Amendment, I, too, have reservations about this resolution. There is no question about that that there is a possibility of an infringement of the First Amendment. That is why, as Representative Carroll has mentioned earlier, we are passing the buck to the council because I would rather have them do it than us.

Thank you."

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

"Mr. Speaker, I don't have any problems with the First Amendment in looking at this resolution. All this resolution says is that there is a problem to the City Councils. You've got certain powers within you. We would like you to take a look at those

powers and see if you can use those powers to resolve some of those problems.

This resolution does not impose anything except to ask the councils to take a look at the problem so there is no First Amendment right, Mr. Speaker. We don't impose any kind of statutes or any regulation on the councils. All we are asking them to do is to take a look at the problems and see if it can be resolved within the powers which they have within them.

As far as the problem of buck-passing, that doesn't exist even, Mr. Speaker. We are trying to curb the growth of pornography here in the State of Hawaii by various means and this is one of them. That does not mean that the State Legislature has given up its authority to look into this area.

We have acted on several pornographic bills this year and we are in conference on at least one of them today, so there is no buck-passing. We are just trying to explore all the possible avenues that we can possibly look at to see how we can resolve this problem.

I think the speakers are all reading too much into the resolution, Mr. Speaker.

Thank you."

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

"Mr. Speaker, in California versus Miller, the Supreme Court talked about community standards - the community standards appropriate for that community as to what constitutes something that is artistic.

Mr. Speaker, we are the body that should pass a bill, not say to the City and County, we can't handle it, it's a hot potato - you handle it. We are the appropriate one. We, the Legislature of the State of Hawaii, are taking a default judgment. That is what we are taking - a default judgment - and we are so inconsistent because right this minute, they are holding joint conferences on the State General Plan which controls the various counties. Now, we say we can't handle this hot potato; let the county handle the hot potato on pornography, and this is a default judgment and I urge all of you to vote 'no'."

Representative Abercrombie, in rebuttal, stated:

"Mr. Speaker, I bring to the members attention again the idea that you do not solve these problems with this kind of an approach. We solve this kind of a problem to the extent it is a problem

by raising healthy children. I have had some experience teaching, including elementary school, and it is not my impression that you teach children in a way that will satisfy their natural curiosity in a healthy manner, does not leave him cruel or indifferent to other human beings. It does not leave them with a sense that other human beings are to be exploited - sexually or otherwise - by preventing them from learning in everyday life what constitutes sexuality in its various forms. If you take something and hide it, and tell them they can never see it, I can recall very well when I was a child; that is to say, pre-teens - pre-teenagers - having excess to the pornographic books that were entitled, 'Pornographic Books' and so on as opposed to the theatres, per se - you couldn't get into a theatre when I was a child to see a pornographic movie. All you could do was gamble at the church fairs. I learned that very well - play over and under. Might be something we do here for somebody's fund raiser. I'll show you how it works. Mostly under.

The fact of the matter is that I don't believe that those books did any real harm. Mostly, they confirmed what we had already discovered by the age of eight or nine, except that they were colored ladies, colored men. Other than that, all the equipment seemed to be in order. I don't think that the various signs, shall we say, that are involved - posters, what-have-you - are provocative in that sense, no more so than already appear in the newspaper every day. I notice the newspaper agencies in Hawaii, the ads in the newspaper - I wish I had one with me this morning. I am sure I could quote at random. If anybody has a newspaper, I'll be happy to try and prove that I can do it, by quoting at random from the movie page and the area not an adult theatre and show you pictures and language that any ten year old can read on the entertainment page of the ADVERTISER or the HONOLULU STAR-BULLETIN. It probably is as provocative if that is, in fact, the worry, as anything that is in the adult section of the newspaper. I believe it is pornographic to show the violent death in the sense of an obscenity of violence done to life. I notice that there was no outcry of the well publicized pictures of the death of Carl Olinda. On the contrary, they appeared as the best in my recollection two or three days running in the newspaper as they got more pictures and we were able to develop more of them.

Again, I am not sure that does any real harm to children in a healthy society other than to have them recognize that death is, in fact, a reality in life; that the reasons for wake, after all, wake is a celebration of life.

Now, the reason I am going into this at some length is that we continue to put these kinds of things into a circumstance in which children are bound to wish to see them, bound to think that something evil or bad about them, bound to find them attractive therefore, because no one wants to satisfy their curiosity, and so with this kind of an approach, constitutes the problem. It is not sex and its betrayal that is the problem; it is the attitude that adults take towards children in this respect. I don't think that it is necessary for us to do violence to the precepts of what I believe to be constitutional protection in order to attack what we apparently find ourselves inadequately prepared to do. Perhaps, if there were more sex education, in terms of the sheer exposure to the facts of human biology and anatomy in the grade school and less expense in bringing in high priced educators from other states for conferences in the tens of thousands of dollars in this State by the Department of Education, we might not have this problem.

As for the various churches and others that are named in the resolution, I believe there is a separation of in certain states in this country. Does that mean, for example, if we take the logic that is involved in here that there are some locations more sensitive than others. Apparently, private residences are included here with no particular references to what constitutes the limit where private residences are concerned. There are certain individuals whose private residences will be reflected and others who are not when you licensed it, for example. Are you going to say it is alright to do it on Hotel Street? That is where we will confine it because there are no children in Chinatown, or that nobody lives upstairs over a theatre, or that because somebody is 65 or 70 years old and is retired and has very little money and can afford a home only in that area, in their sensitivities, might be offended if that is tough for them?

Now, when you get to the practical realities of what this State is is that the people whose sensitivities are such that it doesn't control the council or they can influence their vote, then they'll see that the theatre or the book stores, or anything else, isn't where they want it to be. But for those people who may be equally sensitized to this kind of

thing, and to this kind of diet, but cannot afford to live in another place, they must suffer it. Now, I can't see that. It is invidious and it is discrimination against people who are poor, who are unable to alter their economic circumstances or bring their political views to bear in such a way as to relieve themselves of this so-called problem.

Churches. Synagogue. Why are we putting in temples? Can you put it next to a temple, or shall we say churches and synagogue? This is another thing that is brought up. It is that we are used to churches and the idea of synagogues, but we're not used to other religious activities that take place and which is not formalized religion. This is the kind of discrimination that we utilize unconsciously. So when you get into this whole business, it falls apart very, very quickly, in terms of its inherent or internal logic, and when it comes back to once again that the idea of pornography and the idea of pornography is such that we will trample everything in sight in order to get rid of it as if somehow that will clear up some kind of evil in our lives, whether in the State or any place in the country. You don't get rid of an evil by commending that it remain in the dark. You don't neutralize ignorance by commending that it remain underground. You get rid of ignorance by exposing whatever may be evil to the light of knowledge and you expose it in such a way that children learn through the institutions of learning, in a family and schools, learn that there is nothing shameful in their bodies and that the reality of life is such that activities take place that are not always understood by everyone, that there is a mystery to the relationships of men and women and to each other as human beings in a community, and that is why it is necessary to develop character rather than personality and not to be afraid. Above all, not to be afraid - ever be afraid, to learn anything and to ask questions. This is the kind of thing that a society with a school system that knows what it is doing and will be able to accomplish. Laws such as this with a recommendation to the various counties of the kinds of things that have been enumerated by the other speakers are most certainly a step away from that necessary serious step.

Thank you."

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

"Part of the ongoing process of

this resolution is recognizing that there is an ongoing and developing body of law relative to the subject of what is or what is not pornographic. How it may be handled, whether or not, given the idea of the so-called combat zone, may apply as being tried in several other cities, limited to an exclusively commercial area where there are no permits for residences. That is just one of the avenues to look at.

Another, when we met with the Police Department recently concerning their function of conducting raids in the community which is already going on - this is exclusively a county function. In fact, one of the police sergeants, as well as several of the detectives, as well as a number of attorneys present, indicated that now that the present Hawaii law on the subject of pornography has been upheld in the State Supreme Court, they can now be tested. If we added new laws to the books, then there would be a further delay because that would be re-tested.

Now, all this is asking is the councils to look at every possible function that they have, including the deceptive granting of licenses which apparently there is some evidence that it has already taken place, to see whether or not they can address the problem in that sense - not just limited to pornography, but any deception of a license. And we came across a case very recently where there was a deceptive granting of a license for a meat market. That, too, is a county function, and all we are asking the county to do in this is to report back to it what their functions are before the next session of the Legislature. I don't want to close out that avenue of approach for information.

Thank you."

Representative Carroll, in rebuttal, stated:

"Mr. Speaker, it was mentioned that these zoning laws and so forth could be used, and it reminds me of the fact that before the Judiciary Committee this year, there was a bill which proposed legislation which would restrict any sharp selling matter in the nature of pornographic material from within a pathway that is from within 500 feet of a pathway along which children went either to or from school. That particular measure was designed for Waikiki, but this particular measure, were it inserted in here, would give a constitutionally viable means to the City and County whereby they might adopt a zoning regulation and whereby they could effect what is sought in this particular resolution.

Unfortunately, that particular measure did not get a hearing and has not seen the light of day but if that kind of an amendment were made to this resolution, I think it might fly, and in its absence, I would urge that we vote against it."

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

"Although I feel that it is not going far enough because we are lacking something very, very sacred and that is law. But what is all the bone picking about half a loaf? I am satisfied with half a loaf if we can't get the whole loaf.

This State, Mr. Speaker, we have dealt with something that we felt was very bad long ago. There was gambling, and yet, what we did was a social gambling law because it took so much time away from the police to try and enforce the prohibition against gambling, so we said, alright, hereafter, you gamble in the residence under certain conditions; that it would be considered social gambling. Therefore, there would be no arrests, but if you took your gambling games to any commercial places - hotel rooms or the yard of a construction company, or telephone company - they will be subject to a police raid.

Now, I totally agree with the gentleman from Manoa about some things that he said - we got to raise our children so that they would learn what is right from wrong very early in life. But how are we going to do that? Until we find a way to teach our children, and even in school and very early - as early as possible - and even pre-school, teach them what is right, what is wrong and, maybe, we don't need these things, but until such time, I believe, like we used to be very strict - I think it is still strict in school - if the child has measles or whooping cough, or chicken pox, the child is isolated at home, because he or she might infect the rest of the school.

You know, it is very interesting. Sometimes, we jump up and down and we insist the whole loaf or nothing, and sometimes we say, half a loaf is better than none. I say, since the City and County of Honolulu and the rest of the counties have the powers granted by the Legislature, by law, that they have the right to zone, and if we treat this type of business as undesirable for the young minds of Hawaii, that it should be placed in an area that would be less detrimental

to our children; like we don't let an oil refinery in Waikiki. We say, you go out to the industrial zone.

Maybe, to live within the constitutional rights reserved in the Federal Constitution and the Supreme Court decision, that maybe, we ought to say that all pornographic enterprises should go to Campbell Industrial Park, and maybe, we would satisfy the constitutional rights of those who want to engage in such business. We are prohibiting them and I don't think children will be walking around in Campbell Industrial Park or Mapunapuna where there is no residence and, maybe, the City and County of Honolulu and the rest of the neighbor island counties can look at this, and at least until we can bring up our children in a proper manner, and when I say proper, I don't mean prim and proper, but bring them up from very early childhood to know what is right from wrong and to make a total human being rather than an academic cripple - what the Department of Education and the University of Hawaii is doing today.

Maybe, this resolution will be, not half a loaf, maybe it's one slice - so what? You come back and get the other nineteen slices because there is about twenty slices of bread in a loaf. You see, I used to be a baker before I ran for office, too.

Thank you very much, Mr. Speaker."

Representative Kamalii then rose and stated:

"I agree with some of the remarks that have been said as far as the raising of our children is concerned, but when we again, and many times, we, on the floor, have accepted half a loaf when we don't have to. To me, this is not addressing the problem. The introducer of this resolution, I am sure, has gotten a lot of heat from the constituents and residents of his area.

This resolution does not and will not solve the problem as we all know. A letter to the City Council and to all the mayors of the counties would have sufficed and would suffice right now without introducing this red herring, that we are doing something about pornography, and I, for one, am tired of taking one slice or a half a loaf.

I urge you to vote 'no'."

Representative Kunimura then rose and stated:

"One must understand - again, I speak for the resolution. One must understand



the animal before we could solve the problem, and one must understand and try to understand the function and the mechanics of the Legislature. At this time, when we do not have time to work out a bill because of the lateness, or whatever reason it was, but at least, before we go home, if we can, as a last full measure of devotion, that we try and get at least this out and let the people decide - the people of this State decide whether we have done a good job as a Legislature, or the House of Representatives, or individuals. That choice is coming this year and that is reserved unto the people.

But let us not say that there is a loaf of bread in the Committee, therefore, we should not consider this. I think we are penny wise and pound foolish, so let us take this slice of. . . at least in the right direction and, hopefully, that people come back next session and do a better job. That is all I am asking, Mr. Speaker.

This is a good resolution, but it is not the best. I didn't say it was the best, but how about it friend - half a loaf?

Thank you."

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

"Mr. Speaker, I am a piker and I do count the slices of bread in every loaf that I buy. There are seventeen slices, not twenty. Perhaps, the Representative from Kauai slices it a little thinner?"

Representative Kunimura then rose and stated:

"Yes, at times, you are right. Sometimes there are twenty also, but my very good friend, the Chairman of the Finance Committee asked me, as I talked about the bread, how about balloon loaf so it all depends on what kind of loaf you buy."

Representative K. Yamada then rose and stated:

"Mr. Speaker, I really don't know, but it is kind of confusing to me. We were talking about pornography and all of a sudden, we are talking about bread. In either case, Mr. Speaker, it was mentioned that half a loaf is better than none - I don't see it that way. But if it is half a loaf, are we going to refuse to eat bread because we get only half a loaf?"

Representative Sutton then rose and stated:

"Mr. Speaker, I would like this body to re-address their minds. The United States Supreme Court case which, in the lower court, was California versus Miller. Then, on appeal, they reverse the names, Miller versus California. The Supreme Court has said we can establish those community standards, not the City Council. They specifically refer to the state Legislature, not the City Council. . ."

Representative Garcia then rose and stated:

"The last speaker is missing the point entirely. This resolution does not address itself to the Miller standards or to urge the County Councils to adopt anything similar to the Miller standards. If he would please refrain from making these allegations that are not in the resolution."

The Chair then said:

"Point is well taken, Representative Garcia", and directed Representative Sutton to "proceed."

Representative Sutton continued his remarks, stating:

"Mr. Speaker, I am glad that he brought that up. He exactly answered the question. He couldn't have done it better. He said we are not telling the City Council to do that. In effect, we are not even giving them a half a loaf of Mr. Kunimura's bread; not even a slice of Mr. Poepoe's bread. We are giving him wet bread which he can't eat."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 371, HD 1, entitled: "HOUSE RESOLUTION COMMENDING THE PROBLEM OF PORNOGRAPHIC FILMS TO THE ATTENTION OF THE COUNCILS OF THE VARIOUS COUNTY GOVERNMENTS", was adopted, with Representatives Abercrombie, Ajifu, Evans, Kamalii and Sutton voting no.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1036-78) recommending that H.R. No. 548, as amended in HD 1, be adopted.

Representative Kawakami moved that the report of the Committee be adopted and H.R. No. 548, HD 1, be adopted, seconded by Representative Caldito.

Representative Caldito then rose to



speak in favor of the resolution, stating:

"Mr. Speaker, Kaho'olawe has become a prominent issue for residents of the State within the past two years. Military bombs, a stream of native trespassers, and the beauty of a long forgotten Hawaiian Island have caused a number of people to focus their thoughts on and seek an amicable solution to the enigma of Kaho'olawe.

Last summer, we met with Senator Daniel Inouye on this subject in Washington, D.C., and before he could take further action, he asked that we conduct a study and work on a united stand on this issue. This, we have done. Our study, 'Kaho'olawe. . . Aloha No', is a thorough, comprehensive look at the question of Kaho'olawe. Its main point is that the Navy has not substantiated its claims to the island for military purposes, and the major recommendations remain that the island should be returned to the State, conservation should be carried on a wide-scale basis, the goats which have damaged much of the vegetation should be removed, and the remnants of Hawaii's history there should be preserved.

For Hawaii, Kaho'olawe remains a symbol of a once proud past, for it has not yet been bulldozed into progress. When Hawaiians look back on that history, they see that the door was opened to something that eventually destroyed their life, and I think the people need to understand the feeling of Hawaiians - that something very precious began to die with the bombing of that island.

Today, the Hawaiian people are restoring and regaining their identity and their knowledge of the past, their love for it, their roots, and Kaho'olawe remains a symbol of those roots.

This House has done its homework on this subject. We have talked to the people; we have talked to the 'Protect Kaho'olawe O'Hana'; we have talked to the Navy; and we have talked to the Governor. It is time that an amicable solution be agreed upon and that the truth be told.

For these reasons, Mr. Speaker, I ask my colleagues to support this resolution.

Thank you."

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

"Mr. Speaker, Kaho'olawe stands as a dramatic symbol of the concerns of the people of Hawaii today. It has jolted many people out of their complacency and caused them to re-examine both themselves and the world in which they live.

After promises from our Senior Senator, we met with all the major Congressional concerns mentioned. We conducted a thorough, comprehensive, and objective study on the issues of Kaho'olawe. The published study which resulted is the first of its kind on the subject. We feel it is fair, well-substantiated, and a major tool for any further decision-making in this area, regardless of the Navy's attitude.

All parties were given in-put in the study. All principal parties were allowed to review the study before final publication, including the Navy. And unlike previous publications produced by the Navy, we feel that this study gives us a very fair and complete view of the Kaho'olawe situation.

The major findings include:

- (1) The need for conservation;
- (2) The need for immediate plans for clean-up for at least a portion of the island;
- (3) The removal of the cloven-hooved animals; and
- (4) The opening of a portion of the island for joint use on a limited and controlled basis.

Again, it must be emphasized that the Navy has not presented us sufficient information to substantiate their claim for the need of the entire island of Kaho'olawe.

We have been patient; we have met Congressional demands; we have thoroughly studied the subject. Now it's time for action and I urge my colleagues to support this resolution."

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

"Mr. Speaker, ever since the beginning of the 'Save Kaho'olawe' movement, it has been a highly emotional issue. The attitude and desire on the part of those involved gained the sympathy, but also the concern, of many in the community. Many of us in the halls of the Legislature could not condone some of the actions taken in the past two years. We did not necessarily disagree with the ultimate purpose of the movement,

but hoped that the achievement of it could be reasonably and amicably worked out.

Since the creation of this Ad Hoc Committee, a lot has been done to accomplish amicable relationships and attitudes. By having many meetings with the groups and individuals involved, I personally feel a new willingness to work together has been gained. We have properly utilized the heart of the legislative process of bringing opposing views together to reason and talk things out.

I, therefore, urge all members to support the continued work of this Ad Hoc Committee. We've made a good start, and we need to keep working at it.

Thank you, Mr. Speaker."

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

"First of all, I would like to thank each and every one of you here this morning for giving me the opportunity to be a participant in this Ad Hoc Committee. I am also very happy for you folks giving me the opportunity and the privilege of visiting the island of Kaho'olawe itself. The historic sites found on it - Hanakanaea - that is the small beach; Smugglers' Cove, the extremely large and beautiful adz quarry on the island; and also a point on the island which I felt was a very significant and emotional lift for me, it was Ke ala i Kahiki Point which is the route to Tahiti.

Being on the Ad Hoc Committee, I have gained a lot of knowledge about the historical aspects of the Hawaiian people. We conducted public forums or meetings with business leaders and the military, and was given the opportunity of going to Ford Island; also meeting with the kupunas. I hate to say 'old ones', but those who know about the secrets of how to make raw squid with ala ala. . . everything is really interesting. I wish everyone was given the opportunity of learning something significant of the historical past of these people I really respect. There is a lot to learn about the historical and living island itself.

When I first landed, the only response I could give to one of the Ad Hoc Committee members was, 'By God!'. Everything is red like the rug we have here today. It is red and orange and you ask yourself the question: Is it really a living island where it is trying to ask you spiritually to come and protect the

islands?

I have grown up on a taro farm with my grandparents and my uncle and it is really interesting to note that with working the land, you begin to appreciate the land - how much the land offers you. At this stage, being 26, I look back at my brothers and sisters, my friends and your children here, sometimes I ask the question myself: Will they be given the opportunity to appreciate what the land is offering you? I believe we all take it for granted now that everything is shipped in from the mainland, and at some point in time that we are just going to say that we don't have to worry about producing any agricultural crops, what have you, or aquaculture.

Being on the Ad Hoc Committee, I was given the opportunity also to see the 98. . . we didn't see the 98 historical sites, but there are 98 different historical sites on the State Register and I am hoping that someday, these 98 sites would be on the National Historic Registry.

Like the fellow Ad Hoc Committee member stated before, we are working at the conservation or the reforestation of the island, and I would like to thank the Ad Hoc Committee members for a wonderful participation of themselves, like catching the helicopter back. I think I told Representative Kamalii and Representative Minoru Inaba that I, being one of the youngest here today, that maybe 25 years, or maybe 50 years down the road, the return of the island will occur, and I could tell my kids, or my grandsons or granddaughters, that I was part of the Ad Hoc Committee that did this legislative study so, at this time, I would like to ask all of my fellow colleagues to vote in support of this measure.

Thank you."

Representative Campbell then rose to speak in support of the resolution, stating:

"Mr. Speaker, I am sorry that I did not have the opportunity to serve on the Ad Hoc Committee, but listening to the remarks of the previous speaker, and particularly the remarks of the immediate previous speaker, my desire to serve on the committee has increased considerably. I do want to indicate my strong support of the work of the Ad Hoc Committee and strongly support its continuation, so I urge all of my colleagues to vote in the affirmative on this resolution.

Thank you."

Representative Kamalii then rose and

stated:

"I just want to add to my remarks. I would like personally to thank the Chairman of this Ad Hoc Committee, Representative Jann Yuen, who has represented this committee in the negotiations between the Navy and the Governor, and he has done a fantastic job. But let me also say that we could not have accomplished this or produced the Special Committee Report without the help of the Legislative Reference Bureau and, in particular, Mrs. Bina Chun. She accompanied us on all of our trips to the neighbor islands and is continually and will continue, God willing, to work with this Ad Hoc Committee to further our desires, as far as the Kaho'olawe situation is concerned.

Thank you."

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

"The whole concept of wordiatrics, basically, refer back to words that you have often heard. Those words are 'aloha aina'. Brother Calvin talked about it. That showed that it was a way of life. We love our land - the Hawaiians. If you look across the way and look at the statue of Kamehameha the Great, you will notice that he is not pointing towards the ocean. He is extending his hands, pointing directly towards our land or mountain. Underneath that statue are the words that serve as a symbol to the State of Hawaii - 'Ua mau ke ea o ka aina i ka pono', which is translated: 'The life of the land is perpetuated in righteousness', and that is where it is at.

The Hawaiian people are very righteous. They know and they love their land from whence their food, their water, and all things that are important to Hawaiians, come. Some of you have noticed that in this Kaho'olawe movement, there may have been expressions of emotionalism as indicated by one of the previous speakers. Yes, it is. Hawaiians are very emotional people. When they love, they don't simply throw words at you. They give you from their hearts. They love with their life and their soul and their being, and it is for real. Just like we love our land. It certainly is not righteous to abuse the spirit of the aloha aina by condoning the bombs to destroy this land, this aina. I only hope that the Navy, those who are in a position or authority

to make decisions, relative to the disposition of land in this State, can incorporate within their decisions this feeling, this love for our land.

I know I can go on and on, but I leave it with that. All of you know my feelings on this and all of you have supported this resolution in the past. All of you have served as an impetus in the compilation of this report. I thank all of you, in behalf of the Hawaiian people, in behalf of all the people in this great State of ours, and I urge that you support again this resolution.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 548, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CONTINUED MONITORING OF THE KAHOLAWE SITUATION", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1037-78) recommending that H.C.R. No. 121, as amended in HD 1, be adopted.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.C.R. No. 121, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONTINUED MONITORING OF THE KAHOLAWE SITUATION", was adopted.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 1038-78) recommending that H.C.R. No. 127, as amended in HD 1, be referred to the Committee on Finance.

At this time, Representative Suwa, with all the members of the Finance Committee concurring, waived the referral of H.C.R. No. 127, HD 1, to the Committee on Finance.

Representative Kiyabu then moved that the report of the Committee be adopted and notwithstanding the recommendation of the Committee that H.C.R. No. 127, HD 1, be referred to the Committee on Finance, that H.C.R. No. 127, HD 1, be adopted, seconded by Representative Mina.

Representative Abercrombie then rose and stated:

"I just wish to commend to the members' attention, not just the title, but the Committee Report in reference to the third paragraph: '...your Committee finds that

there is a need to develop a feasible system for the continuing collection of accurate, comprehensive, and timely migration data which can be used to assess and formulate state population policies.'

Mr. Speaker, if we have had a State Plan in operation previously, I think that we would have had this kind of information available to us, and I think we might have been far more capable this term of making decisions, not just in respect of residency, but in respect of the implications and consequences of a population and whether the word 'residency' is associated with population; that is to say, perhaps living in the State of Hawaii.

The sad part of it is that we are just getting around to this right now. Hopefully, if we are able to conclude our negotiations with the Senate on the State General Plan in Conference Committee, this kind of activity will be, not something that needs to be sought by virtue of a resolution to be pointed out by the House as something necessary, but will be an expected and ongoing kind of collection of data which will enable us to make intelligent decisions devoid of emotion and subjectivity where they are not appropriate to the realities.

I do believe that it also indicates the shaky ground on which some of the things that we have attempted to do this term are founded and that if there is to be an overturning of any particular law which we have passed on to the Governor, or a bill which we have passed on to the Governor, that does not mean that the concerns embodied in the residency bills, or any other bills dealing with population, do not need to be addressed in the future or cannot be addressed in the future, except in terms of the residency circumstance.

It is my hope that the success of this State General Planning Committee's activities with the Senate will be such that the necessity for these things in the future and the kind of arguments that we have had this term and last term will no longer be a part of our process.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and notwithstanding the recommendation of the Committee, H.C.R. No. 127, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO DATA ON MIGRATION", was adopted.

Representative Mizuguchi, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 1039-78) recommending that H.R. No. 32 be adopted.

Representative Campbell moved that the report of the majority of the Committee be adopted and H.R. No. 32 be adopted, seconded by Representative Ushijima.

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

"The objective of this resolution is to request a review of the Department of Education's program in public schools designed to bring about student awareness and understanding of the role of the business community in Hawaii.

Mr. Speaker, your Committee on Education discovered that there is indeed a lack of information in our public schools on the role of the business community in Hawaii, and since business industries have played such an important role in Hawaii's economy, the Committee felt that it is of considerable importance that students have a better understanding of the private enterprise system.

On the basis of those findings, I urge that all of my colleagues support this resolution.

Thank you."

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

"Mr. Speaker, over the past number of years, as I have sat here, I have heard many, many comments made that are really anti business in nature. I've heard and seen myself even described as a free enterpriser and that was supposed to, at that time, been a direct derogatory comment.

This resolution recognizes and I think it is long overdue that we are making this particular step. The impact that business has on our community - we are always talking about spending; we are always talking about programs; we are always talking about what we can do for the people, but the thing that we never seem to address and the point that we never really go after around here is where this money is generated and how it actually gets into our coffers so that we can spend it in all the multitude of ways that we choose.

I think, Mr. Speaker, that the Depart-

ment of Education indeed has a very inadequate approach to the question of the impact of business in our community, and I think that after we pass this resolution, we should be watching very closely to see that the Department of Education does what it is directed here, and I urge all members to vote 'aye'."

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

"Mr. Speaker, I draw the members' attention to page 2, the second last paragraph: 'However, your Committee finds that the DOE does not have prescribed procedures for teachers to follow in securing these resource speakers. The individual teacher has to do his or her own research in finding an appropriate speaker and make arrangements for a time and place to meet. Your Committee feels that teachers should be given more assistance in bringing in these types of resource people. It is in this area that your Committee feels that better communication between teachers, DOE administrators, and the business community must be established.'"

Mr. Speaker, if I was the taxpayer and was involved in having to decide whether or not the State had adequately addressed the public employee collective bargaining contract for teachers, in terms of what the teachers were worth, in terms of salary, that the last paragraph would say that the average teacher has the brain of a three-year old, and we now have prescribed procedures for teachers to follow securing these resource speakers. It is impossible for me to believe that a teacher is so incapable as to not be able to understand or to figure out, or to find out, where he or she may have resource to a particular business, and it also indicates that the individual teacher has to make their own arrangements for an appropriate speaker and a time and place to meet. The indication here is that the teachers need notes pinned to their coats, or perhaps, the speaker coming on the campus has to carry a sign because they will be unable to understand where it is they should meet.

I think that what this indicates really here is that the Department of Education administrators want to filter through who is an appropriate person to speak, and once they have exercised a censorious control over who will speak, in respect of business, if you can do it here in business, then you can do it with labor and you can do it with any other

resource persons and soon we will have inappropriate speakers who can't come to the campuses because they haven't followed the proper procedures, and we will have teachers being reprimanded because they have not followed prescribed procedures. I love those prescribed procedures from the Department of Education. Now, we have people that are fired from the Department of Education - right now, today - because of prescribed procedures.

This kind of thing is censorship. This kind of thing, regardless of its good intentions, leads to the possibility the Department of Education citing such a resolution coming out of the Legislature as giving it the sanction for filtering through who our students can hear, regardless of the individual teacher's desires as to who may or may not speak to that teacher's class.

I can recall circumstances during the conflict in Vietnam in which students assigned to get speakers for their classes found great difficulty in securing. . . not in securing speakers who wished to see a peaceful solution in the war, but who were pro-peace, but found great difficulty because of the controversial nature of it. The teachers who expressed to me their desire to have more debate and dialogue in their classes but were fearful that their circumstances as teachers would be compromised as a result. You can have the same kind of circumstances, whether it is something as emotionally trying as a war, or anything else, for that example.

I don't think that it is necessary, for example, for a teacher to decide who is best to come and represent a business point of view about the fixed guideway, for example. Are they going to be approved speakers on the fixed guideway, less approved business speakers and others who would not be approved? I can't see it, and if you think I am reading too much into this, I think that you ought to pay close attention to that paragraph and its implications and think about it once again.

This should be defeated. There is nothing that I am able to determine that prevents anyone in the business community in Hawaii from being either asked to participate in a class by a teacher, or from representing other various teachers in the school system of the State of Hawaii that they are, in fact, available for speaking engagements. All the various associations and so on have speakers available and this is well known in the schools. This may satisfy some business people to whom one wants to address a positive attitude that you are all for

them, being in there, but the implication in the way it is written is such that we are inviting censorship and we are inviting the Department of Education to prescribe for individual teachers who they may or may not have in their classes and the circumstances under which they may speak, and I am opposed to that.

As a dues paying member of the teachers union, I oppose that attitude and will never, in my classes, should I have the opportunity to teach again, oppose absolutely any administrator trying to tell me who I may or may not bring into my classroom and under what circumstances, and I would oppose adamantly any teacher feeling that he or she would be threatened because they did not follow prescribed procedures in having me or anyone else in this Legislature, or anyone in the business community, or any other individual in the State of Hawaii, in their classes. This is the implication from it.

I think this is a direct assault on academic freedom and this kind of thing is the insidious assault. It is the kind of thing that is done on the basis that on the surface all looks good and, afterwards, you find out what it did, and then some administrator takes advantage of it and points to it and says they are all for it because they didn't think clearly what they wanted to do. They were trying to satisfy one particular segment and put together some language and then you end up with this kind of a thing which implies censorship, and I don't think anybody who is for academic freedom can approve of it.

Thank you."

Representative Campbell, in rebuttal, stated:

"Mr. Speaker, I think that the previous speaker has expressed some concerns to which I agree. But the concerns, I do believe, may be directed more at what may be a practice of the Department of Education than what is implied in the resolution. I feel that there could be some criticism of some of the wording of the resolution, but I do feel that if the Department of Education has any procedure or procedures for censorship or for limiting the choice on the part of the teachers for speakers, whether they are for business or labor, this resolution does not condone that practice.

Therefore, on that basis, I urge support of the resolution."

Representative Kamalii then rose

and stated:

"Mr. Speaker, I rise to speak in favor of this resolution and because we are giving out loaves of bread, I will take a half a loaf when it comes to recognition of business, and I am very happy to see that this session, we are recognizing the role that business has been playing in our community.

I do hope, though, that when we come next session, that we might look at the possibility of having a television program on ETV like 'Rice and Roses'. I think that is an area that business can also and the students can also be made aware of the contributions that business made in this community as well as labor, and food for thought."

Representative Abercrombie, in rebuttal, stated:

"Mr. Speaker, one of the previous speakers indicated that we are not encouraging that we do not condone censorship and referred to in the schools and required to a circumstance in which practices may be going on now in the Department of Education.

Now, that has an ominous sound to me. The practices which may now be ongoing in the Department of Education. The implication of that is that there are already censorship activities, perhaps unwritten, operating in the Department of Education and if this does not condone it, it most certainly encourages it.

In respect of another speakers' indication about the television program, 'Rice and Roses', which is sponsored from the legislative funds on educational television, it is precisely what it purports to be - an indication to the community at large as to what the role of labor has been from labor's point of view - a historical approach which does not do, as far as I can see, in this particular respect, anything to enlighten us about this resolution here. That is a separate argument in my judgment which might be addressed in another resolution - either the Culture and the Arts or Higher Education, or both.

In this resolution, I can see very easily that you could have a circumstance in which someone might find that their presentation, for example, the American Friendship Field Service presentation on Castle and Cooke, would be discouraged unless there was balance. Who will decide what is balance? Why should there be any balance?

If teachers want to bring people into their classrooms, let them bring them



in. Another teacher wants to bring somebody else in, let him bring them in. I am not going to have some principal deciding if I was the teacher who the hell I can have in my classroom and under what circumstance. If someone is advocating the violent overthrow of government or some damn thing that you might find that violates the laws, then have somebody arrested short of having somebody violate the law. There is no way, shape or form that you can tell me that there is going to be a prescribed procedure for teachers to have individuals and/or groups address their classes. Nobody is going to tell me that you got to have Malcolm McNaughton come in and follow a presentation by the Quakers, in respect of their activities as a multi-international corporation or vice versa. If some class in the Department of Education wants to have Malcolm McNaughton come in and talk and not invite the Quakers, that is their business. If people don't think that is fair in the classroom, that's the way the Constitution is written. It is to give everybody the opportunity to express themselves. For instance, you can talk about smoking, you can talk about health, you can get into discussions of who has paid medicare and who has not. You may wish to present a speaker simply because that speaker is available that day, passing through town, and you happen to know of that person who may hold views that are totally alien to the overall majority of public opinion in the State, but you wish to have someone come into your class so that the children in your class, for once, can see somebody who is controversial. It isn't made out of white bread -homogenized and desensitized, and whatever the hell else they do to bread these days. That's my point. You have business coming in all the time. I haven't seen the Chamber of Commerce crying about this and if they are crying, they are just throwing so much bull around and they are wasting the efforts of their lobbyists.

This resolution gives a license, I think explicitly, and at the very least, if implicitly, for the Department of Education to censure teachers as to who they may have or not have in their classrooms, and it also implies that the Department of Education may require some kind of. . .I cannot remember that legal term all the time - give me this, give me that - I can never remember that. Quid pro quo - right. That's what it is. My counsel just told me here - quid pro quo, which I believe, means, in order to give, you have to got, and that is what it comes down to, and teachers

will feel this. You don't even have to write it down in the book. They will feel this - gee, I better not invite this fellow to come in or that gal to come because if I do, the next thing, the principal is going to be knocking on my door, saying, hey, you have to get this other fellow in there. You have to get this other gal in there. What for? Why, or for balance? Whose balance? Who is going to tell me what the balance is - the principal? The principals are scared to go down the halls to the classrooms anyway. They hide out in their offices, half of them. They don't know what is going on.

That is what this does. This is what happens when you pass stuff out that you haven't paid sufficient attention to because you think it looks good on the surface and it doesn't. It isn't. The individual teacher has to do his or her own research in finding an appropriate speaker. My God, you think the teachers were morons! You mean they got to pick up the phone and call the Chamber of Commerce? You mean if they want to hear from somebody who grows pineapples that they have to call the pineapple company? Call up Dole? Why the hell shouldn't teachers do his or her own research? Does that mean that somebody else is going to do it for him - to get a speaker to come to their classes? It's moronic. More assistance in bringing in these types of resource people - what type? It doesn't say and I can't find all the types we are talking about in here.

Personnel for vocational/technical programs. The Department of Education has an information directory entitled: 'Resource Personnel for Vocational/Technical Programs.' I direct your attention to the fourth paragraph in the first page. The Department of Education already has this. . ."

At this point, the Chair interrupted and said:

"Representative Abercrombie, you have two minutes."

Representative Abercrombie continued his remarks, stating:

"Thank you.

So the Department of Education already has a directory for resource personnel and it says, 'This directory has a list of available resource people within the business community.' It is right in the first page.

So, if we are going to pass a resolution requesting that they bring about student

awareness and understanding, does that mean now that the Department of Education is going to be encouraged to, or asked to actually start assigning people to come to classes? I will also be damned if I was the teacher and somebody assigns somebody to come into my class and tell me who is going to speak in my class. No way that is going to happen, and no self-respecting teacher in this State would put up with it.

Now, if we can say we are going to pass the resolution and we will let the teachers union take care of it, well, they are not getting my vote. I am not going to fob it off on to the teachers and say, okay now, on your next contract negotiations, make sure you don't get censured even though the Department of Education can wave in your face a resolution like this that says that prescribed procedures should be utilized for securing resource speakers, and that the teachers are too damned stupid to find an appropriate speaker on his or her own part, including a time and a place to meet. It sounds like a dope deal. We can get the business community over from Kona or from over in Puna - bring a little Puna butter and a little Kona gold over and we can meet in front of the Administration Building at just the right time, and we can talk about free enterprise in the State of Hawaii, and Hawaii's only unsubsidized major agricultural industry, growing dope.

Teachers do not need more assistance in bringing these types - whoever the hell that is - of resource people. It is an insult to the teachers and an invitation to censorship, and if you pass it, it doesn't matter. That is exactly what it says, and that is what it means, and that is what the people want in the Department of Education who would like to see this thing come through. That is why I have 'I don't concur' on there. You know, I just think it is too bad that we pass these resolutions, and I've done this kind of thing before. I try to stop myself when I can - when I catch myself as having gone and signed something, or be ready to vote for something that I really did not consider what it means. The only thing that bothers me is that the teachers union should have been down here a hell of a lot sooner, paying more attention to this kind of thing. . . ."

The Chair interrupted and informed Representative Abercrombie that his time was up.

Representative Abercrombie then

thanked the Chair.

Representative Campbell, in rebuttal, stated:

"Mr. Speaker, I do respect the. . ."

Representative Kamalii interrupted on a point of order and stated:

"I think the Speaker has already used up his two times."

The Chair responded, stating:

"I believe Representative Kamalii is correct, Representative Campbell. You have spoken twice on the issue."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.R. No. 32, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE DEPARTMENT OF EDUCATION'S PROGRAM IN PUBLIC SCHOOLS DESIGNED TO BRING ABOUT STUDENT AWARENESS AND UNDERSTANDING OF THE ROLE OF THE BUSINESS COMMUNITY IN HAWAII", was adopted, with Representative Abercrombie voting no.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1040-78) recommending that H.C.R. No. 136 be adopted.

On motion by Representative Kunimura, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REVIEW OF THE MANAGEMENT AND OPERATIONS OF THE COUNTY/STATE HOSPITAL SYSTEM", was adopted.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1041-78) recommending that H.C.R. No. 112 be adopted.

Representative Kunimura moved that the report of the Committee be adopted and H.C.R. No. 112 be adopted, seconded by Representative Lunasco.

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

"Mr. Speaker, the purpose of this concurrent resolution is evidently to try and get the Legislative Auditor to conduct a management audit. Evidently, those are words of art. We usually speak of an audit. This is called a

management audit, and then, we are told that they are going to review organizational structure, management curricula, personnel management, and then we go into the part where an audit is appropriate - financial administration - and they define the issues, the appropriate levels and kinds of decision making, and the undertaking of a systems office on the various campuses. That would be the community colleges. We don't have junior colleges in our system and the extent to which they should be autonomous granted to each one of these community campuses so as to get rid of the paper work and to implement decisions in a timely manner, and the procedures and practices in recruitment. We are going way over to recruitment, election and appointment of personnel.

Now, Mr. Speaker, this is an immensely broad, unbelievable in-depth study to be conducted by whom - the Legislative Auditor? One of the committee reports said, oh, the Legislative Auditor is in the Constitution so they are the appropriate one. There is nothing in the Constitution that says they are the appropriate one - nothing. They are mentioned. Mr. Speaker, if you read your Constitution, the University of Hawaii is established in the Constitution. That is why the Constitution is the strong point.

Now, our University is the pride of our people. It is the pride of a great many of those who are in this room. I bet there is not any one of these legislators that has not been educated in some way or other, taken courses, been a part of the University of Hawaii educational system, community colleges - there are various campuses on Hilo and Manoa, and I can assure you that all of us have had a feeling that this is a remarkably good thing.

Now, Mr. Suwa's Committee on Finance goes over these community colleges with a fine tooth comb. Not only that, but fourteen hours last Saturday, we went over it all over again, and we looked at it with a very fine tooth comb. This is not something that has not been looked at, and all of a sudden, we say, okay, we are going to investigate this.

Now, Mr. Speaker, we have a unique educational system here in Hawaii - unique because of the fact that we are the only place most of the people on these islands can go to. We're 2,500 miles, Mr. Speaker, in the middle of the Pacific - 2,500 miles. There is no alternative educational institution to go to. This is it. This is the ball

game by the vast majority, and it is remarkable, utterly remarkable, to see the amount of educational exposure to various students that is accomplished within this system. It is unbelievable and for the amount of money - the amount of money is unbelievably low per student - unbelievably low. When you consider that to educate somebody at Annapolis, or West Point, will cost a quarter million dollars per student, and you realize that we educate at our community colleges for less than \$2,200 for the whole curriculum year. Just think of that.

This is an immensely complicated situation for a man like Dr. Matsuda to handle. This man was an engineer - former head of our Transportation Department. He has done a magnificent job. We come in with an audit of this nature to audit him on management. It comes to harassment. We do not recognize the uniqueness of this type of educational institution. We do not recognize the basic fact that our people here do not always have the educational advantages of being able to go into a major degree arts and sciences college and, therefore, we have made what we call a community college. I would equate them in many ways to the junior colleges you would find in the state of California, but they are more vocationally oriented.

I, myself, have been utterly amazed. Now, I have marched in eleven commencements. It is my conflict of interest. They can't find another doctorate in this Legislature so they ask me, and I keep going. I wear my beautiful Stanford robes; I get on TV with Bambie Weil, not so much with Leslie Wilcox, but everytime with Bambie, and I am proud of that University. I got a lot of identification with that University, and I don't think we should engage in a type of harassment that this represents. I don't think we accomplish anything for the students. I don't think we accomplish anything for Dr. Matsuda, and I don't think we, ourselves, should meddle to this extent. But, Mr. Speaker, if you want to meddle, let me tell you how to do it. Appoint, not the Legislative Auditor who has no expertise on any of this - some of them don't even have degrees, I can tell you that - but appoint an Ad Hoc Blue Ribbon Committee. Get Herbert Cornuelle to leave the Dillingham Corporation. They are making enough. They can release him for a little. Have him as the head. He is a man that is very knowledgeable on these things and then put somebody like Tony Kunimura to represent us. Very, very knowledgeable man - very practical. We have been on the Finance Committee. I have learned some things from him - great deal I have learned from him. He is a man

that respects education much more than those of us that were given it on the silver platter. He respects it. There's our Ad Hoc Committee. We've got Herbert Cornuelle; we've got Tony Kunimura; and I think we ought to have Ben Cayetano give us a little legal flavor; then we get a little culture and arts from Calvin Say. Then we go over on the Senate side and we pick some of those that don't have a conflict. . ."

The Chair interrupted and stated:

"Representative Sutton, this is why we are having the management audit, probably, so that we don't have to name all of those people."

Representative Sutton then said:

"Sir, under the privilege of the House, I am able to show you why my argument. . . it should be done by an Ad Hoc Committee."

If you will go back to the Committee Report - the Committee Report in front of us - you will find that it discusses this very thing and if you had gone to any of the hearings, the proposition of an Ad Hoc Committee - Blue Ribbon Committee - to study the management of our University of Hawaii system is very much an alternative.

I want to show to you that what we need is not harassment but people sympathetic, people that would be understanding; therefore, Mr. Speaker, I would ask my colleagues here to vote against it, knowing that it constitutes a degree of harassment, and to think in their minds of next session, if we're all back, to have a Blue Ribbon Committee study the University of Hawaii educational system.

I would ask you, too, Mr. Speaker, who has done so much for the Leeward Community College to give thought to this Blue Ribbon Committee as an alternative rather than having our Legislative Auditor who lacks expertise, who does not have any background in education, and who does not understand why decision making in an academic institution is very, very different from decision making in the line of authority of the average department of the State of Hawaii.

Thank you."

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

"Mr. Speaker, I wish my friend

from Nuuanu just kept quiet and didn't say anything because I did not want to chastise and harass the University of Hawaii. Very truly, I respect that great institution, and for that very reason, I felt it was most necessary for us to consider and pass this resolution and, hopefully, the body across the rotunda will do likewise because this great institution called the University of Hawaii, that we are no longer a cow college. We've grown into a tremendous size institution now and we have a state-wide administration with various campuses; we have two four-year systems, and seven community colleges under one banner called the University of Hawaii, and this institution was constitutionally created within the Constitution and spelled out the powers of the Board of Regents.

But, Mr. Speaker, the very argument used by the gentleman from Nuuanu provoked my curiosity - should we treat anybody that is constitutionally created as a sacred cow? It was President Matsuda's proposal to the Higher Education Committee, this very reason, an argument, that because of the creation and the genesis of the creation lies in the Constitution; therefore, we should have a Blue Ribbon Committee.

Now, what is a Blue Ribbon Committee? A Blue Ribbon Committee has no constitutional creation, no statutory creation; it has no authority; and many, many times Blue Ribbon Committees today, because of people's apathy to government and the mistrust of government by our electorate, have referred to the findings whether they were good or bad. They were always negative. A large portion believed that it was a white-wash job and we would be doing a greater disservice to the University of Hawaii if we went through that route because if we have a Blue Ribbon Committee and whoever is going to appoint the Blue Ribbon Committee must be of political entity and, immediately, they would have no respect from the community.

Mr. Speaker, our University is so large today and so huge that one President cannot control or understand what is going on. The Leeward Community College fiasco and the selection committee - that clearly points out that the President approves and said, go ahead, the change of position title did not change the responsibility of that position so go ahead. But he was undercut and he didn't know he was being undercut by some underling in the University statewide administration because the little boy had some favors to deliver, maybe, and then it is tarnished again -

the image of this great institution.

I have a communication. I did not want to bring it up, but maybe I ought to. There is a communication last year February from the Vice President for Academic Affairs, University of Hawaii, Manoa, and it is addressed to Chancellor Amioka, Chancellor of the Community College System, and Provost Thomas Ige, and there is no such animal as Provost Thomas Ige. There is a Provost, Philip Ige. Now, these people don't even realize and don't understand who work for them. There are only seven Provosts and they don't even know the Provosts. Now, this doesn't speak well. Lot of people up there - we're paying them over \$30,000 and they don't know which side is up and which side is down. This is how indifferent and lack of understanding and lack of responsibility, I suspect.

There is another incidence. No wonder the vocational education system in the community colleges are suffering today because the State Board for Vocational Education that we tried to amend and separate them from the present system because the present system is the Board of Regents of the University of Hawaii, changed their hats and called themselves the State Board of Vocational Education. But this time, they did a pretty good job and they approved the allocation of the Federal funds - vocational funds - to the community colleges, and it took four months because the Chancellor's office when this matter was taken up by the State Board in October, in late February, the Chancellor's office notified all the community colleges what amounts of Federal vocational funds they were going to have.

Now, February is well into the second semester and by the time they go through setting up the priorities and getting qualified bidders of writing the specifications, the school year would have been over. A waste of money, and waste of money is not too bad because we can always use whatever we bought for the next class, but when we waste time - students' time - this is criminal because they can never get back the time they lost. And these are the things and many, many more reasons.

Now, the gentleman from Nuuanu clearly pointed out what a Blue Ribbon Committee should be or will be. People like us, and he just said before that, that the Legislative Auditor just created by the Constitution to do exactly these things - an impartial audit. The Legislative Auditor's findings are even respected

in the halls of the Legislature. Can you imagine Tony Kunimura. The only claim to fame about higher education that I can lay my fingers on is, way back in 1941, after I graduated from the Kauai High School campus, I visited the Manoa campus to see the sausage tree. That's about all my educational background as far as higher education. I was nominated. Now, can you imagine what the people of this State is going to say about the Blue Ribbon Committee? And for these reasons, I say, we ought to pass this resolution because if we don't, then the FBI, the CIA - they are so sensitive, they are so important, so they should not be investigated by Congress? Look at all the shenanigans and the dirty linen that came out. The President of the United States, if he does anything wrong, he is created by the Constitution of the United States; therefore, Congress should not investigate? We end up with a dictatorship!

I say, rather than a Blue Ribbon Committee, I say, let us follow the route prescribed by the Constitution of the State of Hawaii and let the Legislative Auditor look into and not harass, because if the Blue Ribbon goes in, it is harassment because we are not, especially, I am very emotional. If I had my druthers, I would knock some heads off up there, so let the Legislative Auditor go in. He has done a good job up until now and I know they are going to do a good job. Their findings are going to be sound, reasonable and fair. I cannot say of any other body that can investigate and do that so, Mr. Speaker, may I ask all members of this House to support the passage and adoption of this concurrent resolution."

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

"Mr. Speaker, for the past two sessions now, your Committee on Higher Education, has been closely working with the problems of the University of Hawaii system. Mr. Speaker, attempts have been made to solve some of the problems, not by interfering with the daily operations of the University, but through the working with the administrators of the system diligently, and I must admit, patiently.

Mr. Speaker, while we were doing that, we were able to solve some of the problems. However, in many instances, the task is not completed. As a consequence, this resolution calling for a management audit of the University of Hawaii system is not necessarily harassment, but is a logical action to take, for you see, Mr. Speaker, there are many, many concerns that we have had that could



possibly be studied and perhaps cited in the audit report.

I need not go into specifics for the previous speaker has cited some of the concerns that we had. However, I should like to point, Mr. Speaker, as I urge my colleagues in this honorable body to support this resolution, that I had one concern and that concern is the Senate. This being a concurrent resolution, action is required by the Senate. I do not know what action the Senate will be taking on this resolution, Mr. Speaker, but I do hope, in their wisdom and with great sense of responsibility, they, too, will feel as we do - that of doing a good job, basically, and adopt this resolution, for I believe that you and all of us realize that an audit such as this, Mr. Speaker, will be most beneficial to a Legislature as well as to the University of Hawaii system.

Thank you, Mr. Speaker."

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

"Mr. Speaker, some of the previous speakers have covered some of the areas I had planned to cover, and I shall make this very short.

Mr. Speaker, I am concerned and dismayed that at least one member of this House feels that responsible legislative inquiry is harassment. Indeed it is unfortunate that attempts on the part of the Legislature to exercise its legal responsibility of oversight is confused with harassment.

The Legislative Auditor did a very good job with the Department of Education and, as a result of that auditing, there were several changes in procedures and operations of the Department of Education.

It is my hope that the Legislative Auditor will do a similar job with the University of Hawaii. Therefore, I urge all of my colleagues to vote in the affirmative."

Representative Abercrombie then rose and stated:

"Mr. Speaker, as Vice Chairman of the Higher Education Committee, I spoke previously on this when it was passed on to the Legislative Management Committee so I won't pursue that, but the reason I rise then is that the Chairman has addressed his attention to the essence of the

problem. I do believe that it is necessary to get the broadest possible vote in favor of this and I wish then to rebut the arguments that my friend from Nuuanu presented.

Mr. Speaker, when he asked us to think of just \$2,200, Mr. Speaker, that is one of the problems that we have in the State - the allocation of funds. This is why we want the management audit in terms of the financial structure and the management of curriculum. The \$2,200 - just think of that. I have thought about it a lot. I have thought about hiring lecturers in the UH system in place of instructors. I thought about how the quality of education is being impaired. I have thought about a person who, when queried as to whether or not that particular individual would apply for the job of Chancellor of the community colleges told me that that person would not apply on the grounds that the individual knew full well that the University intended to have a lower quality of teaching in the community colleges than that individual could swallow. Can you imagine that? For somebody who is an administrator in this State. . . in the University system, tells me to my face that the individual knows damn well that the quality of instruction is going to go down in the community colleges and doesn't want any part of it, and I am glad in a certain way, Representative Kunimura said, perhaps our friend from Nuuanu has not just given us an opportunity but an obligation to stand up and say a little bit what's behind this.

When an individual refuses to apply for a job because the individual knows the quality of education is going down and doesn't want to be associated with it and that individual is already in the UH system.

That's for the community college. The Chancellorship of the community college, not just the Provost in the individual schools - the one who runs the whole system. We can't even get our own people and this isn't somebody from California. You know, Mr. Speaker, this whole argument about bringing somebody in at the expense of our own; I am talking about people here - well schooled and knowledgeable in the circumstances and won't even apply for the job.

Yes, \$2,200 - that's right. The speaker from Nuuanu, our good friend, indicated that the budget has been gone over with a fine tooth comb in the conference committee, and I trust



that means that our friend fought for the restoration of instructional funds. I am sure that the Chairman and myself would be overjoyed to find that the instructional funds have risen because we know that the administrative funds have catapulted virtually out of sight while instruction is cut.

Our Committee, as you know, Mr. Speaker, restored more than \$200,000 in its budget presentation to the Finance Committee. Hopefully, that was protected and further, as I say, even more was put back in. The University wanted to cut \$586,000 out of the budget - more - on top of what we did when we passed the biennium budget which is the very minimum and everybody here remembers that struggle that went on. You take it away from the students and the teachers.

The junior college concept. It does direct violence to the concept that the late Governor Burns enunciated in the founding of the community college system. The idea that was embodied in the Governor's presentation and subsequently put into law, on a bi-partisan basis, was not a junior college concept. The community college degree - the AA and AS degree is a degree in and of itself, not only commendable to receive, but one which will enable one to go forward if we have the proper quality of education in the higher institution, able to earn a living and to be an educated man or woman, capable of taking his or her place in the society that we have today.

The problem has been there. The articulation - we addressed that in another resolution that we have had to deal with. It is not a junior college system; it is a community college system which offers the opportunity to obtain degrees and if one wishes to pursue a higher education for the BA, BS, or higher, that one should be able to transfer those credits without the slightest doubt that they will be accepted and honored, not only in our own school system, but any school system in the country.

It is not we who are harassing the University of Hawaii. It is the University who has harassed our Committee for the four years that I have been on it, and our Committee, in turn, is responding in this fashion because who is it that is ultimately harassed? It is the students of the State and the taxpayers.

When you speak of the community colleges, you are talking about an overwhelming majority of people who

have to work for a living and go to school at the same time. It is no coincidence that that the average age of the people attending community colleges in our State is 26 plus. 26 - not 18, not 19, not 20 - 26 plus, because these are working adults. They are trying to take advantage of the system that was utilizing the foresight of the late Governor and passed on this bi-partisan basis that I mentioned. That is why we need it. We have been unable to gain satisfaction on behalf of the students and taxpayers.

Much has been made of this Blue Ribbon Committee. I want to indicate to the members who are here, just in case it comes up, when Representative Cayetano attempted to inquire of the President as to what the content of the Blue Ribbon Committee should be, the President was unable to answer the question. Our good friend from Nuuanu came up with more answers on the floor, just off the top of his head, starting around the room, than the President was able to come up with in the Committee hearing, and the reason is simple. With the introduction of this resolution on an audit for the University of Hawaii system, the President made it up when he got up in the morning. The phrase, 'Blue Ribbon Committee', hasn't the slightest capacity or capability to answer even the meagerest, the most minimal question concerning the conduct of that, and I want to assure you, and I want this in the record that our Committee held a hearing virtually, I believe, for three hours, giving the University President every possible avenue to convince us and to have on the record why our approach was inadequate.

The reason that we are so adamant about this is that this is going to be a very, very profound audit. It is going to have implications far beyond the individual instances that may or may not be cited. The entire structure of our higher educational system is at a crucial stage with the State General Plan underway. There is not the slightest doubt in my mind that we can put together the planning coming out this session with the plan well in order that the University system is going to be fundamental to its execution in a proper form, and the present Administration leaves our Committee with no confidence in its capacity to conduct an internal investigation of itself and come back with answers to us that makes any sense to the taxpayers and students whom we serve.

The Legislative Auditor has been chosen, not because of the Constitution, but because the constitutional establishment and the record of that particular constitutionally established body is such that

the confidence of the public will be retained when the report is published. That doesn't mean they aren't to say things that will be controversial, it can't be argued with. Nothing will be written etched in cement. There are no tablets brought up in Mount Sinai, but we know that we are going to have an objective appraisal. We know that we are going to have one that can be depended and we know that we are going to get one that we can get to work on with some meat on its bone.

I want to conclude by reminding our good friend from Nuuanu that subsequent to the management. . . just prior to the management audit resolution being heard — just prior — the very resolution before the management one was heard, the University adamantly argued with our Committee for at least half an hour on the wrong resolution. They did not even have the proper resolution before them. I found myself arguing the language of House Draft 1 of the resolution while the President adamantly argued for the original draft, unaware of the fact we had written a House Draft and informed them a week before that a hearing will be held on House Draft 1. We were required to give the President and his staff a few minutes to read what the hearing was about while we took testimony from the students and others who knew what it was about.

Now, I would grant you that that could occur in any circumstance when you have to deal with as many things that have to be dealt with there, but that is indicative and symbolic of the kind of problems that we have had at the University and you can't solve them by a Blue Ribbon Committee. You can only solve them by an honest appraisal of the management policies that have put us into the situation we are in today where no one — students and faculty and taxpayers — have confidence in its administration.

Thank you."

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

"Mr. Speaker, the previous speakers gave much testimony as to the reason and purpose of the resolution so I will not tread over the same ground. However, I would like to focus a bit on the recommendation of the University that the audit be done by a Blue Ribbon Committee. This subject has also been touched upon by previous speakers and as one could tell by listening to

them that it was and is a great matter of concern, not only to the Committee on Higher Education, but also the members of this body.

One of the previous speakers is correct when he says that the University President was unable to answer detailed questions about the makeup of the Blue Ribbon Committee and one could not help but come away from that hearing with the conclusion that this was something. . . recommendation that the audit be done by the Blue Ribbon Committee was something that the University did not give much thought to.

What concerns me, Mr. Speaker, is the University's attitude with respect to this subject. After approximately three hours of discussion, three hours of questioning, after the Committee members had made it clear to the University President that it did not want the Blue Ribbon Committee to do the audit, that we felt that it would be better for the Legislative Auditor's Office to do the audit, I asked the University President this question: 'Dr. Matsuda, now that you have a grasp or feel for the Committee's feeling on the recommendation for a Blue Ribbon Committee, if we pass this resolution, do you intend to go to the Senate and ask the Senate to amend the resolution and have the audit done by a Blue Ribbon Committee?' The answer I got was, 'yes', and this concerns me. It concerns me because the practical ramifications of that answer would be to kill this House Concurrent Resolution. Given our deadlines — it is Monday today; the session is slated to end Friday — and given our Rules, I don't see how that resolution is going to survive with the Senate amendments. Certainly, an audit done by the Blue Ribbon Committee, whose members would be appointed by the Governor, in an election year, would not be acceptable to us, and yet, the University persists in telling us that it will go down to the Senate and ask that the Senators do this.

I truly hope that this will not happen. I truly hope that the University, having had a chance to get the feel of the Higher Education Committee, will leave things as they are and, instead, I hope that the University President will support this resolution when and if it is ever heard before the Senate Committee on Higher Education."

Representative Sutton, in rebuttal, stated:

"Mr. Speaker, I hold in my hand, right here, House Rules of this body and these House Rules were made by an Ad Hoc Committee headed by General

of the Army, Scott. . . Ad Hoc Committee gave us our own House Rules because they had expertise. Were we to establish and amend on this floor, right this minute, and put an Ad Hoc Committee, what would we do? We would have an Ad Hoc Committee that knew about curriculum - curriculum is a very delicate subject. We would have an Ad Hoc Committee that knew about personnel management and selection of a community college integrated to an academic institution.

This institution that we are talking about is unique - absolutely unique in the United States of America. It is used throughout the Pacific Basin. We are just in the process of practically adopting a new territory - Micronesia. They are meeting in Hilo today and they sent all of their people here. This is an international institution and to have a Legislative Auditor with people that do not have the expertise to determine even a proper curriculum, who would not understand the goals of the late Governor John A. Burns, who has just been referred to by the distinguished Representative from Manoa - would not understand the delicacy in handling an educational institution.

You and I know today that the two greatest educational institutions in the world are private universities - private universities. Why are they private universities and not State universities? That tells the tale in and of itself, because they are not subject to a legislative audit like the state of California or the state of Massachusetts. That's why, and they are the greatest educational places of higher learning in the world. That's why. They are not subject to any of this harassment and if there are any studies made, they select Blue Ribbon Committees and we had a Blue Ribbon Committee give us our own House Rules - right here - General of the Army, Scott, brought this to us and we ratified them and he was appointed. Why? Because he had expertise.

Let us, right here and now, Mr. Speaker, amend this and put in an Ad Hoc Committee and then I will go along with the distinguished arguments of the other people, Mr. Speaker.

Thank you very much."

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

"Mr. Speaker, the problems that exist that this resolution addresses itself to exist within the University of Hawaii system. It does not exist within the office of the Legislative Auditor.

I think this whole argument has taken a very strange twist because, you know, what we are talking about are serious problems within the complex University system and we are not trying to, you know, talk about the problems which I don't believe exist within the office of the Legislative Auditor.

The Legislative Auditor, as far as I am concerned, has an unblemished reputation. They won awards in the past; this body has often referred to the studies they have done for us, to help us resolve these problems. I believe the Speaker himself that spoke against this resolution has referred to the Legislative Auditor's studies in the past in regards to certain criticisms regarding the Hawaii Housing Authority. It seems to me that the office of the Legislative Auditor is the best body that we have in this State to look into this problem. I believe the experience that we have had with the Legislative Auditor of their past performance are, I think, should give all of us, both in the House and in the Senate, the greatest confidence that they will do an excellent job. Also, devoid of, I think, any kind of political overtones, that I think we should admit exist in this particular situation. Therefore, I think it is incumbent upon us to make sure we focus upon the fact that the problems exist in the University, and the issue at hand is which is the proper way for us to go about trying to resolve those problems to help the University, not to harass them, and I think we should make a very strong stance here and express our confidence in the office of the Legislative Auditor as being that body.

Thank you."

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

"Mr. Speaker, I hadn't planned to say anything on this, but some of the comments have engendered, I think, what is necessary as a response.

First of all, when we had the example cited to us from our own House Rules, I hate to claim any sort of seniority rights around here, but I think myself, and a few others in this room who had some experience in dealing with writing, formulating, revising and amending the Rules of the House, as I recall the recommendations of the Blue Ribbon Panel we had on our House Rules, we

decided collectively, as a body, against 50 percent of them. We accepted about 15 or 20 percent of them with modifications and the others we referred to the subject matter committees or to the next Con Con.

Now, the fact that a panel may have a Blue Ribbon on it does not depoliticize it. I recall, just recently, we had a so-called Blue Ribbon Panel that is at odds, relative to the site of the next Con Con. I have seen other Blue Ribbon Panels quick very sharply along their business lines or partisan lines or lines of interest. There is no guarantee at all that it will be objective. If anything, the individual who is a member of such a panel has an axe to grind, that's the place to do it.

I have also learned through experience in this body that when a committee of the Legislature wants to audit something, they have the right to do so regardless of whether we may agree or disagree with them.

I think the central point is that the Legislative Auditor is set up to be independent. If they don't do the job correctly, we have an immediate and direct recourse with them because that body is a creature of the Legislature and getting into something as complex as this, we want to have an individual that can devote basically full time to it with experience in doing past audits and with the ability to get down and answer the nitty-gritty kinds of questions that have been raised by the Committee - the subject matter committee in this House. Not only do I think the Committee has the right or the obligation once they have made this determination, but then, we have an obligation to take a look at whatever report the Legislative Auditor comes up with in the next session and if it is not up to par, we have immediate recourse with the creature of our Legislature.

For all of those reasons, Mr. Speaker, I would urge support of the resolution."

Representative Kunimura then rose and stated:

"For the final word, Mr. Speaker, I would rise now with great satisfaction that nobody speaks against an audit - everybody here, seems like, is for the audit and the only bone of contention before this body is, should we have the Legislative Auditor do it, or should a Blue Ribbon Committee do it.

Therefore, Mr. Speaker, I will read the second to the last paragraph

of the Committee Report: 'Your Committee agrees with the Higher Education Committee that the Legislative Auditor would be more appropriate than a Blue Ribbon Committee to conduct an audit of such scope and magnitude. The Office of the Legislative Auditor is constitutionally established and has well-trained and experienced staff. The proposed Blue Ribbon Committee, on the other hand, does not have constitutional or statutory status. Moreover, your Committee is concerned that because the Blue Ribbon Committee is subject to appointment by a political entity, the public may question the integrity of the Committee even if it conducts an objective, thorough and honest review. Your Committee strongly feels that an audit as important as this should not have a "cloud" over its findings and recommendations.'

Thank you very much, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE UNIVERSITY OF HAWAII SYSTEM", was adopted, with Representative Sutton voting no.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1042-78) recommending that H.R. No. 540, as amended in HD 2, be adopted.

On motion by Representative Suwa, seconded by Representative Blair and carried, the report of the Committee was adopted and H.R. No. 540, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE DESIGNATION OF CERTAIN GOVERNMENT LANDS IN THE KAKAOKO DISTRICT, OAHU, (FORT ARMSTRONG-KEWALO PENINSULA) FOR USE AS A WATERFRONT PARK AND EARLY DEVELOPMENT OF SAID PARK", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1043-78) recommending that H.C.R. No. 118, as amended in HD 2, be adopted.

On motion by Representative Suwa, seconded by Representative Blair and carried, the report of the Committee was adopted and H.C.R. No. 118, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DESIGNATION OF CERTAIN GOVERNMENT LANDS IN THE KAKAOKO DISTRICT, OAHU, (FORT ARMSTRONG-KEWALO PENINSULA) FOR USE AS A WATERFRONT PARK AND EARLY DEVELOPMENT OF SAID PARK", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1044-78) recommending that H.R. No. 471, as amended in HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 471, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT APPROPRIATE LEGISLATION WHICH WILL TRANSFER TOTAL RESPONSIBILITY FOR FINANCING PUBLIC ASSISTANCE PROGRAMS TO THE FEDERAL GOVERNMENT", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1045-78) recommending that H.C.R. No. 95, as amended in HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 95, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT APPROPRIATE LEGISLATION WHICH WILL TRANSFER TOTAL RESPONSIBILITY FOR FINANCING PUBLIC ASSISTANCE PROGRAMS TO THE FEDERAL GOVERNMENT", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1046-78) recommending that H.R. No. 535, as amended in HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 535, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY OF THE ESTABLISHMENT OF A HAWAII CAREER EXECUTIVE SERVICE AND MANAGEMENT COMPENSATION PLAN", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1047-78) recommending that H.C.R. No. 115, as amended in HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 115, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY OF THE ESTABLISHMENT OF A HAWAII CAREER EXECUTIVE SERVICE AND MANAGEMENT COMPENSATION

PLAN", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1048-78) recommending that H.C.R. No. 114, as amended in HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 114, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A CURRENT GENERAL PLAN FOR THE CONTINUING RESTORATION OF THE IOLANI PALACE COMPLEX", was adopted.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1049-78) informing the House that House Resolution Nos. 661 to 663, and Standing Committee Report Nos. 979-78 to 1025-78, have been printed and distributed.

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

At 11:21 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

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

At this time, Representative Segawa introduced to the members of the House his daughter-in-law's sister and her family, Mr. and Mrs. Larry Perkins, and sons, Greg, Kent and Bryan, from Collinville, Illinois.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1050-78) recommending that H.R. No. 353, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 353, HD 1, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Suwa, for the Committee



on Finance, presented a report (Stand. Com. Rep. No. 1051-78) recommending that H.C.R. No. 72, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 72, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1052-78) recommending that H.R. No. 460, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 460, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY CONCERNING A MULTI-PURPOSE SLAUGHTERHOUSE COMPLEX FOR OAHU", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1053-78) recommending that H.C.R. No. 90, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 90, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY CONCERNING A MULTI-PURPOSE SLAUGHTERHOUSE COMPLEX FOR OAHU", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1054-78) recommending that H.R. No. 486 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 486, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF INDEPENDENT SUGAR GROWERS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1055-78) recommending that H.C.R. No. 99 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 99, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF INDEPENDENT

SUGAR GROWERS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1056-78) recommending that H.R. No. 524, as amended in HD 2, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 524, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE AGRICULTURE COORDINATING COMMITTEE, OFFICE OF THE GOVERNOR, TO ESTABLISH POLICY GUIDELINES FOR AGRICULTURE MARKET DEVELOPMENT AND PROMOTION PROGRAMS AND ACTIVITIES WITHIN THE EXECUTIVE BRANCH AND TO COORDINATE AND MONITOR THEIR IMPLEMENTATION", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1057-78) recommending that H.C.R. No. 107, as amended in HD 2, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 107, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AGRICULTURE COORDINATING COMMITTEE, OFFICE OF THE GOVERNOR, TO ESTABLISH POLICY GUIDELINES FOR AGRICULTURE MARKET DEVELOPMENT AND PROMOTION PROGRAMS AND ACTIVITIES WITHIN THE EXECUTIVE BRANCH AND TO COORDINATE AND MONITOR THEIR IMPLEMENTATION", was adopted.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1058-78) recommending that H.C.R. No. 98 be adopted.

On motion by Representative Cobb, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION URGING ADOPTION OF NATIONAL ASSOCIATION OF BROADCASTERS POLICIES, PARTICULARLY WITH REGARD TO CHILDREN'S TELEVISION AND NUTRITION", was adopted.

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 11:42 o'clock a.m.



## INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 674 to 679) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 674) honoring internationally-known champions of bodybuilding, Boyer Coe (Mr. Universe), Dave Johns (Mr. America), and Arnold Schwarzenegger (Mr. Olympia) was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Aki, Caldito, Campbell, Carroll, Cobb, Dods, Evans, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Mizuguchi, Morioka, Peters, Poepoe, Say, Segawa, Shito, Stanley, Takamine, Takamura, Toguchi, Uechi, Ueoka, K. Yamada and Yuen.

On motion by Representative Ushijima, seconded by Representative Cobb and carried, H.R. No. 674 was adopted.

A resolution (H.R. No. 675) honoring Takumi Shirakawa for the dedication and expertise in his public service career was jointly offered by Representatives Suwa, Baker, Caldito, Campbell, Carroll, Cayetano, Dods, Evans, Fong, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Mina, Morioka, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Takamine, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada and Yuen.

On motion by Representative Suwa, seconded by Representative Peters and carried, H.R. No. 675 was adopted.

A resolution (H.R. No. 676) congratulating the Enchanted Lake Athletics Club on their contributions to the community was jointly offered by Representatives Yuen, Medeiros and Poepoe.

On motion by Representative Yuen, seconded by Representative Medeiros and carried, H.R. No. 676 was adopted.

A resolution (H.R. No. 677) congratulating and extending warm aloha and best wishes to Mr. and Mrs. Rockne Freitas on the birth of their first child was jointly offered by Representatives Ushijima, Kunimura, Peters, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwayne, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Kunimura and carried, H.R. No. 677 was adopted.

A resolution (H.R. No. 678) extending congratulations to the Kaneohe National Little League District All-Star Major Team was jointly offered by Representatives Evans, Ajifu, Aki, Campbell, Carroll, Dods, Fong, Ikeda, Inaba, Kamalii, Kawakami, Larsen, Machida, Medeiros, Morioka, Naito, Narvaes, Poepoe, Say, Segawa, Shito, Takamine, Takamura, Toguchi, Ueoka and Ushijima.

On motion by Representative Evans, seconded by Representative Ajifu and carried, H.R. No. 678 was adopted.

A resolution (H.R. No. 679) extending congratulations to the Kaneohe National Little League District All-Star Minor Team was jointly offered by Representatives Evans, Ajifu, Aki, Campbell, Carroll, Dods, Fong, Ikeda, Inaba, Kamalii, Kawakami, Larsen, Machida, Medeiros, Morioka, Naito, Narvaes, Poepoe, Say, Segawa, Shito, Takamine, Takamura, Toguchi, Ueoka and Ushijima.

On motion by Representative Evans, seconded by Representative Ajifu and carried, H.R. No. 679 was adopted.

At 11:46 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 12:05 o'clock p.m.

At this time, Representative Abercrombie rose and stated:

"Just a very brief announcement on behalf of Representative Ushijima and myself. As you know, Representative Kunimura is not a member of our Committee, but he attends with regularity as a whip for Finance Committee, and he asked us to assure all of the other members that when he saw the sausage tree up at the University of Hawaii many years ago, this inspired him to slice the baloney very thinly since that time."

Representative Kunimura, in response, stated:

"If I may share, in reference to what was said by the gentleman from Manoa/Makiki, now I know what the delegate to Congress from Hawaii felt like when I sit on the Higher Education Committee because it is voice and no vote, and I would like to say that

I shall never again accept any responsibility without vote."

Representative Carroll then rose and stated:

"There seems to be quite an interest now in the Leeward Islands and I have a number of feet of movie films at my office and a projector, and if anyone wishes to see first hand movies of these islands and some of the birds, and seals and turtles and so forth that abound thereon, if you call my gal. . . I mean my legislative aide, then, I will arrange to show them individually to the Representatives in my office, if they wish, or in a conference room, if they wish.

I think it would be most instructive for everyone to take a look at those films so they will know what we are talking about when we talk about the Leeward Islands."

Representative Kunimura then rose and asked whether or not the Representative from Waikiki would yield to a question, to which Representative Carroll replied in the affirmative.

Representative Kunimura asked:

"Might I ask what the admission is?"

Representative Carroll answered:

"No admission and everyone is welcome."

Representative Naito then rose and stated:

"I just wanted to say that I am very glad to be back with this body and that if my speech is a little slow and my walk is a little erratic, it has nothing to do with my brain power, hopefully, but it is just another element which is affecting my motor senses and, hopefully, not my brain senses.

Thank you."

The Chair then said:

"Representative Naito, we are very happy to see you back."

Representative Kondo then rose and stated:

"Tomorrow, I want all members to know that all of the bills that were. . . announcements were made to agree, will be taken up except those of the Judiciary Committee, so we are going to have a long day tomorrow. The open majority caucus will be held

at 8:00 o'clock a.m. tomorrow morning.

Just a reminder to all chairmen - tomorrow, midnight, is the deadline on conference drafts to be decked so meet with your conference."

At 12:15 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess, subject to the call of the Chair, for the purpose of receiving Conference Committee Reports for decking purposes.

#### CONFERENCE COMMITTEE REPORTS

Representative Cayetano, for the Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2166-78, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 1) recommending to the respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 1 on H.B. No. 2166-78, HD 2, SD 1, CD 1, was deferred until tomorrow, April 11, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2166-78, HD 2, SD 1, CD 1, were made available to the members of the House at 10:25 o'clock p.m.

Representative Cayetano, for the Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2756-78, SD 2, presented a report (Conf. Com. Rep. No. 2) recommending to the respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 2 on H.B. No. 2756-78, SD 2, CD 1, was deferred until tomorrow, April 11, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2756-78, SD 2, CD 1, were made available to the members of the House at 10:25 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 3012-78, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 3) recommending to the respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 3 on H.B. No. 3012-78, HD 1, SD 1, CD 1, was deferred

until tomorrow, April 11, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3012-78, HD 1, SD 1, CD 1, were made available to the members of the House at 10:25 o'clock p.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2689-78, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 4) recommending to the respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 4 on H.B. No. 2689-78, HD 1, SD 1, CD 1, was deferred until tomorrow, April 11, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2689-78, HD 1, SD 1, CD 1, were made available to the

members of the House at 10:25 o'clock p.m.

#### GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 103) informing the House that on March 31, 1978, he signed the following bills into law:

Senate Bill No. 1623-78 as Act 5, entitled: "RELATING TO GENERAL AND SPECIAL FUND REALIZATIONS";

Senate Bill No. 2599-78 as Act 6, entitled: "RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS".

#### ADJOURNMENT

At 12:00 o'clock, midnight, the House of Representatives adjourned to 8:30 o'clock a.m. tomorrow, Tuesday, April 11, 1978.

## FIFTY-SEVENTH DAY

Tuesday, April 11, 1978

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 8:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Jerry Appleby of the Church of the Nazarene Honolulu First Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Aki, Peters and Toguchi, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 104 to 107) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 104) transmitting copies of a report prepared by the University of Hawaii in response to H.R. No. 24-78, requesting report on the tourist industry related to education and job training programs prior to the adjournment of the 1978 legislative session, was placed on file.

A message from the Governor (Gov. Msg. No. 105) transmitting copies of a report by the Executive Office on Aging, entitled: "Annual Report - July 1, 1976 - September 30, 1977", was placed on file.

A message from the Governor (Gov. Msg. No. 106) transmitting copies of the "Report of Achievements of Programs for the Aging" for fiscal year 1976-77, prepared by the Executive Office on Aging, was placed on file.

A message from the Governor (Gov. Msg. No. 107) informing the House that he had signed the following bills into law: Senate Bill No. 1641-78 as Act 7, entitled: "RELATING TO HEALTH CARE FACILITIES IDENTIFICATION AND REGULATIONS

GENERALLY", on April 4, 1978; Senate Bill No. 2612-78 as Act 8, entitled: "RELATING TO REVENUE BONDS ISSUED BY THE STATE OF HAWAII", on April 6, 1978; Senate Bill No. 1759-78 as Act 9, entitled: "RELATING TO LEAVES OF ABSENCE", Senate Bill No. 1799-78 as Act 10, entitled: "RELATING TO THE ESTABLISHMENT OF STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICES IN STATE GOVERNMENT", and Senate Bill No. 2414-78 as Act 11, entitled: "RELATING TO RETIREMENT SYSTEM INVESTMENTS", on April 7, 1978; and Senate Bill No. 1129 as Act 12, entitled: "RELATING TO COFFEE INSPECTORS", on April 8, 1978, was placed on file.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 454 to 472) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 454) returning House Concurrent Resolution No. 131, HD 1, which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 455) returning House Concurrent Resolution No. 137, which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 456) transmitting Senate Concurrent Resolution No. 41 requesting Congress to create more public service employment which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 457) transmitting Senate Concurrent Resolution No. 38 expressing concern over the existence of certain serious roadway hazards on or adjacent to the Likeline Highway, Oahu, and requesting the State Department of Transportation to initiate a study to alleviate the hazardous conditions which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 458) transmitting Senate Concurrent Resolution No. 51 respectfully urging Hawaii's Congressional delegation to actively support passage of the revised Humphrey-Hawkins full employment and balanced growth bill which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 459) transmitting Senate Concurrent Resolution No. 53 urging labor unions and employers to cooperate in the development and implementation of safety training programs which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 460) transmitting Senate Concurrent Resolution No. 54, SD 1, requesting the Department of Labor and Industrial Relations to coordinate with insurers for safety training which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 461) transmitting Senate Concurrent Resolution No. 63 requesting the State Ethics Commission to determine possible conflicts of interest of regulatory boards and commissions which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 462) transmitting Senate Concurrent Resolution No. 64 opposing enactment of a federal no-fault automobile insurance law which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 463) transmitting Senate Concurrent Resolution No. 70, SD 1, directing the Department of Transportation to adopt a system of material procurement for drivers licenses which would provide maximum security against falsification which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 464) transmitting Senate Concurrent Resolution No. 77, SD 1, requesting that twin engine helicopter aircraft be assigned in support of the United States Army Military Assistance to Safety and Traffic (MAST) program in Hawaii to provide service to the neighbor island communities of the State which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 465) transmitting Senate Concurrent Resolution No. 79, SD 1, requesting the Executive Office on Aging, Office of the Governor, to continue efforts to seek federal support for purposes relating to

a comprehensive feasibility study concerning income requirements of the State's needy elderly which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 466) transmitting Senate Concurrent Resolution No. 90 requesting the State Department of Agriculture to create a special logo to identify locally produced agricultural commodities which are certified as being of Hawaiian origin which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 467) transmitting Senate Concurrent Resolution No. 95 providing for the operation of a committee to study governmental tort liability during the interim between the adjournment of the Regular Session of 1978 and the convening of the Regular Session of 1979 which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 468) transmitting Senate Concurrent Resolution No. 102, SD 1, relating to renting of transient accommodations which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 469) transmitting Senate Concurrent Resolution No. 105 relating to the preservation of the fishing and other rights of the people of Hawaii in the Leeward Islands of the State of Hawaii which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 470) transmitting Senate Concurrent Resolution No. 111 recognizing the need of this State for adequate interisland surface transportation and supporting the re-establishment of an interisland hydrofoil system which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 471) transmitting Senate Concurrent Resolution No. 119, SD 1, requesting a review of laws relating to guardianship, civil commitment, and protective services, which was adopted by the Senate on April 10, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 472) transmitting Senate Concurrent Resolution No. 131 requesting the Governor of Hawaii



to encourage the increased utilization of USDA Good grade beef which was adopted by the Senate on April 10, 1978, was placed on file.

By unanimous consent, action on S.C.R. Nos. 41; 38; 51; 53; 54, SD 1; 63; 64; 70, SD 1; 77, SD 1; 79, SD 1; 90; 95; 102, SD 1; 105; 111; 119, SD 1; and 131, was deferred until later in the calendar.

#### ORDER OF THE DAY

#### DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

#### S.C.R. Nos.      Referred to:

- 38              Committee on Energy and Transportation, then to the Committee on Finance
- 41              Jointly to the Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations
- 45              Committee on State General Plan, then to the Committee on Finance
- 51              Jointly to the Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations
- 53              Committee on Employment Opportunities and Labor Relations
- 54              Committee on Employment Opportunities and Labor Relations
- 63              Jointly to the Committees on Consumer Protection and Commerce and Judiciary
- 64              Committee on Consumer Protection and Commerce
- 70              Committee on Energy and Transportation, then to the Committee on Finance
- 77              Committee on Health
- 79              Jointly to the Committees on Youth and Elderly Affairs and Public Assistance and Human Services, then to the Committee on Finance
- 90              Committee on Agriculture, then to the Committee on Finance
- 95              Committee on Judiciary, then to the Committee on Legislative Management

102              Committee on Consumer Protection and Commerce

105              Committee on Water, Land Use, Development and Hawaiian Homes

111              Committee on Energy and Transportation

119              Committee on Judiciary, then to the Committee on Finance

131              Committee on Agriculture

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 802-78 on S.B. No. 1627-78 (Deferred from March 31, 1978):

By unanimous consent, action was deferred for one day.

S.B. No. 2620-78, SD 2 (Deferred from March 31, 1978):

By unanimous consent, action was deferred for one day.

#### STANDING COMMITTEE REPORTS

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1059-78) recommending that S.C.R. No. 78, SD 1, 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 S.C.R. No. 78, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO HORIZONTAL PROPERTY REGIMES", was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1060-78) recommending that H.R. No. 275, as amended in HD 1, be referred to the Committee on Water, Land Use, Development and Hawaiian Homes.

On motion by Representative Ushijima, seconded by Representative Mizuguchi and carried, the report of the Committee was adopted and H.R. No. 275, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT MANOA TO TRANSFER LAND UNDER EXECUTIVE ORDER #1807 TO THE CITY AND COUNTY OF HONOLULU

FOR PARK AND RECREATIONAL PURPOSES, was referred to the Committee on Water, Land Use, Development and Hawaiian Homes.

At 8:38 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:49 o'clock a.m.

Representatives Ushijima and Mizuguchi, for the Committees on Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 1061-78) recommending that H.R. No. 258, HD 1, be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Mizuguchi and carried, the report of the Committees was adopted and H.R. No. 258, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII COLLEGE OF EDUCATION TO CONDUCT A FEASIBILITY STUDY CONCERNING THE INCLUSION OF A HEALTH EDUCATION COURSE OR PROGRAM AS A MANDATORY REQUIREMENT IN THE ELEMENTARY AND SECONDARY TEACHER PREPARATION 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. 1062-78) recommending that H.R. No. 520, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 520, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY AND SUBMIT A REPORT OF FINDINGS AND RECOMMENDATIONS CONCERNING FLOODING PROBLEMS IN THE EWA PLAINS AREA, OAHU", 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. 1063-78) recommending that H.R. No. 586, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 586, HD 1, entitled: "HOUSE RESOLUTION

MAKIKI/TANTALUS PARK", was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1064-78) recommending that H.R. No. 268, as amended in HD 1, be adopted.

On motion by Representative Garcia, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 268, HD 1, entitled: "HOUSE RESOLUTION EXTENDING CONGRATULATIONS TO AMNESTY INTERNATIONAL", was adopted, with Representatives Carroll and Sutton voting no.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1065-78) recommending that H.R. No. 156 be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 156, entitled: "HOUSE RESOLUTION REQUESTING EVALUATION OF THE LAWS RELATING TO SPOUSE ABUSE", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1066-78) recommending that H.R. No. 522, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 522, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH DEVELOP RECOMMENDATIONS FOR THE IMPLEMENTATION OF A STATE-WIDE MANDATORY SANITATION TRAINING COURSE AND CERTIFICATION PROGRAM", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1067-78) recommending that H.R. No. 202, HD 2, be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 202, HD 2, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO PROVIDE ASSISTANCE IN THE ESTABLISHMENT OF CHILD CARE FACILITIES AND PROGRAMS FOR THE UNIVERSITY OF HAWAII SYSTEM", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1068-78) recommending

that H.R. No. 414 be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 414, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH IN CONSULTATION WITH THE STATE RETIREMENT SYSTEM TO CONDUCT A FEASIBILITY STUDY CONCERNING THE STATE HIRING OF RETIREES FROM THE PATIENT LABOR FORCE TO WORK AT KALAUPAPA SETTLEMENT WITHOUT HAVING THE RETIREES RELINQUISH THEIR PENSIONS OR OTHER BENEFITS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1069-78) recommending that H.R. No. 338, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 338, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT PUBLIC HEARINGS TO DETERMINE THE MEANS TO MEET THE NEEDS OF BOTH RECREATIONAL AND COMMERCIAL FISHERMEN", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1070-78) recommending that H.R. No. 236, as amended in HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 236, HD 1, entitled: "HOUSE RESOLUTION URGING INCREASED SUPPORT FOR THE DEPARTMENT OF EDUCATION'S GIRLS ATHLETIC PROGRAM", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1071-78) recommending that H.R. No. 591, as amended in HD 2, be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 591, HD 2, entitled: "HOUSE RESOLUTION REQUESTING A REPORT FROM THE FOUNDATION ON CULTURE AND THE ARTS RECOMMENDING A BUDGETARY PROCEDURE AND SELECTION CRITERIA FOR THE ACQUISITION OF HAWAIIAN ARTIFACTS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1072-78) recommending that H.R. No. 590, as amended in HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 590, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE AND ITS AD HOC COMMITTEE ON THE ANIMAL QUARANTINE STATION TO INVESTIGATE THE POSSIBILITY OF MILITARY ASSISTANCE TO THE HALAWA FACILITY", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1073-78) recommending that H.R. No. 406 be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 406, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE DEVELOPMENT OF A PARK AT ONOMEA BAY", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1074-78) recommending that H.R. No. 575, as amended in HD 2, be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 575, HD 2, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE AIR POLLUTION CONTROL REGULATIONS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1075-78) recommending that H.R. No. 271, as amended in HD 2, be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 271, HD 2, entitled: "HOUSE RESOLUTION RELATING TO A PILOT PROJECT ON HEALTH COUNSELING IN PUBLIC HIGH SCHOOLS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1076-78) recommending that H.R. No. 514 be adopted.

Representative Suwa moved that the report of the Committee be adopted and that H.R. No. 514 be adopted,

seconded by Representative Lunasco.

Representative Campbell then rose "to speak briefly in favor of the resolution", stating:

"Mr. Speaker, the purpose of this resolution is to request the Department of Education to establish uniform standards and procedures to identify gifted and talented students within the public schools and to provide programs for such students.

Our Committee heard testimony on this resolution and all too often, as testimony indicated, that this important segment of our school population is not given the proper attention. Gifted and talented students of our public school system have long been without programs designed to augment their education; as our Committee has found.

And on the basis of that, I urge my colleagues to vote in the affirmative on this resolution.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 514, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH UNIFORM STANDARDS AND PROCEDURES TO IDENTIFY GIFTED AND TALENTED STUDENTS WITHIN THE PUBLIC SCHOOLS AND TO PROVIDE PROGRAMS FOR SUCH STUDENTS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1077-78) recommending that H.R. No. 74 be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 74, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO REPORT ON ITS ACTIVITIES RELATING TO GUARDIANSHIP MATTERS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1078-78) recommending that H.R. No. 544 be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 544, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL

RESOURCES TO DEVELOP A STATE LAND INVENTORY SYSTEM", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1079-78) recommending that H.R. No. 464, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 464, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A FEASIBILITY STUDY FOR A BEACH PARK ADJACENT TO COCONUT ISLAND, HILO BAY, HAWAII", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1080-78) recommending that H.R. No. 506 be adopted.

Representative Suwa moved that the report of the Committee be adopted, and that H.R. No. 506 be adopted, seconded by Representative Lunasco,

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

"Mr. Speaker, I would just like to say to the members of the House that a person can see what the First Lady is trying to do at Washington Place - trying to restore Queen Liliuokalani's things. It amazes me to see how much she has acquired and what she is doing so that the citizens of the State of Hawaii can enjoy and cherish the memory of Queen Liliuokalani. Furthermore, I think many of the important properties of Queen Liliuokalani are slowly coming back to the State of Hawaii.

For that reason, I ask you all to support this measure. Also, sometime or another, members should visit Washington Place."

The motion was put by the Chair and carried and the report was adopted and H.R. No. 506, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR OF HAWAII TO ESTABLISH A WASHINGTON PLACE OVERSIGHT COMMITTEE", was adopted.

At 8:58 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:59 o'clock a.m.

Representative Garcia, for the Committee

on Judiciary, presented a report (Stand. Com. Rep. No. 1081-78) recommending that H.R. No. 383 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.R. No. 383, entitled: "HOUSE RESOLUTION 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 referred to the Committee on Finance.

Representative Segawa, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 1082-78) recommending that S.C.R. No. 24 be referred to the Committee on Finance.

Representative Segawa moved that the report of the majority of the Committee be adopted and that S.C.R. No. 24 be referred to the Committee on Finance, seconded by Representative Shito.

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

"Mr. Speaker, the purpose of this concurrent resolution is to endorse and encourage increased efforts to teach people about reproductive activity. I feel that this should be learned in the home, that more and more we are trying to replace the parents' responsibility by some third party, and I think as we make society more and more dependant upon third parties, where it's actually the family responsibility, we undercut the family.

Therefore, I would urge you, Mr. Speaker, and all of my colleagues to vote 'no'."

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and S.C.R. No. 24, entitled: "SENATE CONCURRENT RESOLUTION AFFIRMING SUPPORT FOR A COMPREHENSIVE STATE FAMILY PLANNING PROGRAM", was referred to the Committee on Finance, with Representative Sutton voting no.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1083-78) recommending that H.R. No. 581, HD 1, be referred to the Committee on Finance.

On motion by Representative Takamura, seconded by Representative Blair and carried, the report of the Committee was adopted and H.R. No. 581, HD 1, entitled: "HOUSE RESOLUTION REQUESTING DISCUSSION OF POSSIBLE SOLUTIONS TO CONCERNS REGARDING INTERISLAND SURFACE TRANSPORTATION", was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1084-78) recommending that H.R. No. 113 be referred to the Committee on Finance.

On motion by Representative Takamura, seconded by Representative Blair 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 Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1085-78) recommending that H.R. No. 117 be referred to the Committee on Finance.

On motion by Representative Takamura, seconded by Representative Blair 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 Finance.

Representatives Segawa, Baker and Aki, for the Committees on Health, Public Assistance and Human Services and Youth and Elderly Affairs, presented a joint report (Stand. Com. Rep. No. 1086-78) recommending that H.R. No. 516, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Campbell and carried, the report of the Committees was adopted and H.R. No. 516, HD 1, entitled: "HOUSE RESOLUTION REQUESTING TRANSPORTATION SERVICES FOR RESIDENTS OF CARE AND BOARDING HOMES", was referred to the Committee on Finance.

Representatives Say and Kawakami, for the Committees on Culture and the Arts and Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1087-78) recommending that S.C.R. No. 99 be referred to the Committee on Finance.



On motion by Representative Say, seconded by Representative Kawakami and carried, the report of the Committees was adopted and S.C.R. No. 99, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A CURRENT GENERAL PLAN FOR THE CONTINUING RESTORATION OF THE IOLANI PALACE COMPLEX", was referred to the Committee on Finance.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1088-78) informing the House that House Resolution Nos. 664 to 673 and Standing Committee Report Nos. 1027-78 to 1048-78 have been printed and distributed.

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

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 680 to 685) and concurrent resolution (H.C.R. No. 148) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 680) honoring June J. N. Yamashita on her selection as Windward Teacher of the Year was jointly offered by Representatives Evans, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cobb, Dods, Fong, Ikeda, Kamalii, Kihano, Kiyabu, Larsen, Lunasco, Medeiros, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwayne, D. Yamada and Yuen.

On motion by Representative Evans, seconded by Representative Ajifu and carried, H. R. No. 680 was adopted.

A resolution (H.R. No. 681) congratulating the Kailua High School football team for capturing the Oahu Interscholastic Association Eastern Division football championship crown was jointly offered by Representatives Evans, Ajifu, Campbell, Carroll, Cayetano, Fong, Ikeda, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Larsen, Machida, Medeiros, Morioka, Narvaes, Peters, Poepoe, Say, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka, Uwayne, K. Yamada and Yuen.

On motion by Representative Evans, seconded by Representative Ajifu and carried, H.R. No. 681 was adopted.

A resolution (H.R. No. 682) extending congratulations to Kailua High School's Teens Against Cancer League (TACL) for their efforts to educate the public on the health hazards of cancer and cigarette smoking was jointly offered by Representatives Evans, Ajifu, Aki, Campbell, Carroll, Dods, Fong, Ikeda, Inaba, Kamalii, Kawakami, Larsen, Machida, Medeiros, Morioka, Naito, Narvaes, Poepoe, Say, Segawa, Shito, Takamine, Takamura, Toguchi, Ueoka, Ushijima and Yuen.

On motion by Representative Evans, seconded by Representative Ajifu and carried, H.R. No. 682 was adopted.

A resolution (H.R. No. 683) extending congratulations to the Nanakuli winners of the Governor's Outdoor Beautification awards was jointly offered by Representatives Peters, Aki, Cayetano, Lunasco, Morioka, Takamine, Uwayne and Yuen.

On motion by Representative Yuen, seconded by Representative Kihano and carried, H.R. No. 683 was adopted.

A resolution (H.R. No. 684) recognizing Jack Sakai for his forty years of service with the State of Hawaii was jointly offered by Representatives Kihano, Abercrombie, Aki, Baker, Caldito, Campbell, Carroll, Dods, Evans, Fong, Garcia, Ikeda, Kawakami, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwayne, D. Yamada and K. Yamada,

On motion by Representative Kihano, seconded by Representative Shito and carried, H.R. No. 684 was adopted.

A resolution (H.R. No. 685) congratulating the Laborers' International Union on the occasion of its Diamond Anniversary, seventy-five years of accomplishments for the working man was jointly offered by Representatives Wakatsuki, Abercrombie, Aki, Baker, Blair, Caldito, Campbell, Cayetano, Cobb, Dods, Inaba, Kawakami, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Medeiros, Mina, Morioka, Narvaes, Poepoe, Say, Shito, Stanley, Takamine, Takamura, Toguchi, Ueoka, Uwayne and Yuen.

On motion by Representative Takamine, seconded by Representative Kihano and carried, H.R. No. 685 was adopted.

A concurrent resolution (H.C.R. No. 148) congratulating the Laborers' International Union on the occasion of its Diamond Anniversary, seventy-five years of accomplishments for the working man was jointly offered by Representatives Wakatsuki, Abercrombie, Aki, Baker, Blair, Caldito, Campbell, Cayetano, Cobb, Dods, Evans, Inaba, Kawakami, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Medeiros, Mina, Morioka, Narvaes, Poepoe, Say, Shito, Stanley, Suwa, Takamine, Takamura, Toguchi, Ueoka, Uwaine and Yuen.

On motion by Representative Takamine, seconded by Representative Kihano and carried, H.C.R. No. 148 was adopted.

At 9:05 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:07 o'clock a.m.

#### SUSPENSION OF RULES

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

At 9:08 o'clock a.m., upon the request of Representative Cayetano, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:09 o'clock a.m.

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

By unanimous consent, H.B. No. 2934-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Cayetano moved that the House agree to the amendments proposed by the Senate to H.B. No. 2934-78, HD 1, and H.B. No. 2934-78, HD 1, as amended, having been read throughout, pass Final Reading, seconded by Representative Takamura.

Representative Cayetano then rose and stated:

"Mr. Speaker, the purpose of this bill is to allow agricultural vehicles to cross highways without a permit.

The Senate amended the bill by imposing some additional requirements on the owners of agricultural vehicles, and those include requiring the owner to construct and maintain the pavement at the point of crossing, requiring the owner to clean any debris caused by the crossing, limiting the length of vehicles on transporting agricultural products to 80 feet, and also limiting the maximum length of vehicles supporting the agricultural equipment to 100 feet. Those amendments are acceptable."

The motion was put by the Chair and carried, and H.B. No. 2934-78, as amended, passed Final Reading by a vote of 47 ayes, with Representatives Abercrombie, Aki, Peters and Toguchi being excused.

At 9:11 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:12 o'clock a.m.

By unanimous consent, H.B. No. 450, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 450, HD 1, and H.B. No. 450, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Abercrombie, Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 1911-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1911-78, HD 1, and H.B. No. 1911-78, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Abercrombie, Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 1917-78, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1917-78, and H.B. No. 1917-78, as amended, having been read

throughout, passed Final Reading by a vote of 47 ayes, with Representatives Abercrombie, Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 2480-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Lunasco, the House agreed to the amendments proposed by the Senate to H.B. No. 2480-78, HD 1, and H.B. No. 2480-78, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Abercrombie, Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 49, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 49, HD 1, and H.B. No. 49, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Abercrombie, Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 617, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 617, HD 1, and H.B. No. 617, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Abercrombie, Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 1870-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1870-78, HD 1, and H.B. No. 1870-78, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Abercrombie, Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 1934-78, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1934, and H.B. No. 1934, as amended, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Abercrombie, Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 2379-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2379-78, HD 1, and H.B. No. 2379-78, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Abercrombie, Aki, Peters and Toguchi being excused.

At 9:21 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:24 o'clock a.m.

By unanimous consent, H.B. No. 2390-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2390-78, HD 1, and H.B. No. 2390-78, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 46 ayes to 1 no, with Representative Sutton voting no, and Representatives Abercrombie, Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 2462-78, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the

Senate to H.B. No. 2462-78, HD 2, and H.B. No. 2462-78, HD 2, as amended, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Abercrombie, Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 2499-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2499-78, HD 1, and H.B. No. 2499-78, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 46 ayes to 1 no, with Representative Ajifu voting no, and Representatives Abercrombie, Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 2765-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2765-78, HD 1, and H.B. No. 2765-78, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Abercrombie, Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 2816-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2816-78, HD 1, and H.B. No. 2816-78, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Abercrombie, Aki, Peters and Toguchi being excused.

At 9:28 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:30 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Abercrombie.

By unanimous consent, H.B. No.

2318-78, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2318-78, and H.B. No. 2318-78, as amended, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 3033-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3033-78, HD 1, and H.B. No. 3033-78, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Aki, Peters and Toguchi being excused.

At 9:31 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

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

By unanimous consent, H.B. No. 1822-78, HD 2, as amended by the Senate, was taken from the Clerk's desk.

Representative Kawakami moved that the House agree to the amendments proposed by the Senate to H.B. No. 1822-78, HD 2, and that H.B. No. 1822-78, HD 2, as amended, having been read throughout, pass Final Reading, seconded by Representative Caldito.

Representative Machida then asked that his prepared statements in favor of the bill be inserted into the Journal. The Chair, noting that there were no objections, "so ordered". Representative Machida's speech is as follows:

"Mr. Speaker, I rise to speak in favor of H.B. No. 1822-78, HD 2, SD 2. My remarks will be familiar to all of you since we are again recommending the establishment of an Office of Tourism. I believe that this concept is important enough to the future of our State to speak in favor of it as I have on other occasions on this House floor.

By establishing an Office of Tourism, we are simply making good our promise of exerting more guidance and direction to the growth of tourism in Hawaii. The House passed a bill in 1975 establishing this office. We've put appropriations for this purpose in the budget for the past three years. We passed another bill last year to establish this Director.

And in the meantime, facts and reports continue to come to our attention which only confirm the need for coordination between public and private sector efforts in the visitor industry. Reports have confirmed the key role that tourism will be playing in the State's economy and overall growth.

The need has only become stronger for a partnership between government, the private sector, and the people of Hawaii.

An Office of Tourism is a means by which we can begin to achieve this partnership. There are many areas of concern which will have detrimental effects on the industry unless taken care of. We have problems such as hotel overbooking, uncoordinated tourism promotion, uncoordinated research activities, a lack of systematic training of personnel, increased crimes against visitors, and the deterioration of resort areas. At the present time, there is no one agency that carries our full confidence to diligently look into these problems.

There are also many things that the visitor industry can do to promote greater public receptiveness. For one thing, more beach access and shoreline setbacks can be provided in the development of resort areas. Educating the visitor on Hawaii's culture, customs and people is another.

This bill would require the Director of Tourism to address these concerns and establish an advisory committee to assist him. The director will work with both the public and private sectors since both agree to the need for a partnership.

Mr. Speaker, this is but a first and basic step toward making good our promise of bringing quality growth to the visitor industry. I therefore recommend that H.B. No. 1822, HD 2, SD 2, pass Final Reading.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 1822-78, HD 2, as amended, passed Final Reading by a vote of 46 ayes to 1 no,

with Representative Abercrombie voting no, and Representatives Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 3045-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Blair, seconded by Representative Larsen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3045-78, HD 1, and H.B. No. 3045-78, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 2496-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Say, seconded by Representative Shito and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2496-78, HD 1, and H.B. No. 2496-78, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 2601-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Say, seconded by Representative Shito and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2601-78, HD 1, and H.B. No. 2601-78, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 2169-78, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2169-78, HD 2, and H.B. No. 2169-78, HD 2, as amended, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Aki, Peters and Toguchi being excused.

By unanimous consent, H.B. No. 592, as amended by the Senate, was taken from the Clerk's desk.



On motion by Representative Suwa, seconded by Representative Lunasco and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 592, and H.B. No. 592, as amended, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Aki, Peters and Toguchi being excused.

The Chair directed the Clerk to note that H.B. No. 2934-78, HD 1, SD 1, had passed Final Reading at 9:11 o'clock a.m.; 450, HD 1, SD 1 at 9:13 o'clock a.m.; 1911-78, HD 1, SD 1, at 9:15 o'clock a.m.; 1917-78, SD 1, at 9:16 o'clock a.m.; 2480-78, HD 1, SD 1, and 49, HD 1, SD 1, at 9:17 o'clock a.m.; 617, HD 1, SD 1, at 9:18 o'clock a.m.; 1870-78, HD 1, SD 2, at 9:19 o'clock a.m.; 1934-78, SD 1 at 9:20 o'clock a.m.; 2379-78, HD 1, SD 2, at 9:21 o'clock a.m.; 2390-78, HD 1, SD 1, at 9:25 o'clock a.m.; 2462-78, HD 2, SD 2, at 9:26 o'clock a.m.; 2499-78, HD 1, SD 1, and 2765-78, HD 1, SD 1, at 9:27 o'clock a.m.; 2816-78, HD 1, SD 2, at 9:28 o'clock a.m.; 2318-78, SD 1, at 9:30 o'clock a.m.; 3033-78, HD 1, SD 1, at 9:31 o'clock a.m.; 1822-78, HD 2, SD 2, at 9:38 o'clock a.m.; 3045-78, HD 1, SD 1, at 9:39 o'clock a.m.; 2496-78, HD 1, SD 1, at 9:40 o'clock a.m.; 2601-78, HD 1, SD 2, and 2169-78, HD 2, SD 1, at 9:47 o'clock a.m.; and 592, SD 1, at 9:48 o'clock a.m.

At this time, Representative Dods introduced 11 children from the 5th and 6th grades of Haihaione Elementary School. They were accompanied by their teacher, Mrs. Emily Takeshita, and parent, Mrs. Akelbe.

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

The Chair would like to remind all members that we will convene at 8:30 o'clock a.m. tomorrow. It is intended that we recess to run out the clock today for the purpose of having all your conference committee reports decked, if at all possible."

Representative Kunimura then made the following announcement:

"Mr. Speaker, emergency committee meeting of this proforma of Legislative Management immediately after the recess this morning, right here on the floor."

At 9:51 o'clock a.m., on motion by Representative Yuen, seconded

by Representative Kamalii and carried, the Chair declared a recess, subject to the call of the Chair.

#### CONFERENCE COMMITTEE REPORTS

Representative Cayetano, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2166-78, HD 2, presented a report (Conf. Com. Rep. No. 1) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 1 on H.B. No. 2166-78, HD 2, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2166-78, HD 2, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2756-78, presented a report (Conf. Com. Rep. No. 2) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 2 on H.B. No. 2756-78, SD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2756-78, SD 2, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3012-78, HD 1, presented a report (Conf. Com. Rep. No. 3) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 3 on H.B. No. 3012-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3012-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2689-78, HD 1, presented a report (Conf.

Com. Rep. No. 4) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 4 on H.B. No. 2689-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2689-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Garcia, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2248-78, presented a report (Conf. Com. Rep. No. 5) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 5 on H.B. No. 2248-78, SD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2248-78, SD 2, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2054-78, HD 1, presented a report (Conf. Com. Rep. No. 6) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 6 on H.B. No. 2054-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2054-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Garcia, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2764-78, HD 2, presented a report (Conf. Com. Rep. No. 7) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 7 on H.B. No. 2764-78, HD 2, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State

of Hawaii, printed copies of H.B. No. 2764-78, HD 2, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Garcia, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1879-78, HD 1, presented a report (Conf. Com. Rep. No. 8) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 8 on H.B. No. 1879-78, HD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1879-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Uechi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2005-78, SD 1, presented a report (Conf. Com. Rep. No. 9) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 9 on S.B. No. 2005-78, SD 1, HD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2005-78, SD 1, HD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1643-78, presented a report (Conf. Com. Rep. No. 10) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 10 on S.B. No. 1643-78, HD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1643-78, HD 2, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2170-78, HD 2, presented a report

(Conf. Com. Rep. No. 11) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 11 on H.B. No. 2170-78, HD 2, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2170-78, HD 2, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Machida, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2523-78, SD 2, presented a report (Conf. Com. Rep. No. 12) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 12 on S.B. No. 2523-78, SD 2, HD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2523-78, SD 2, HD 2, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2386-78, SD 2, presented a report (Conf. Com. Rep. No. 13) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 13 on S.B. No. 2386-78, SD 2, HD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2386-78, SD 2, HD 2, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Blair, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2293-78, HD 2, presented a report (Conf. Com. Rep. No. 14) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 14 on H.B. No. 2293-78, HD 2, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State

of Hawaii, printed copies of H.B. No. 2293-78, HD 2, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 893, SD 2, presented a report (Conf. Com. Rep. No. 15) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 15 on S.B. No. 893, SD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 893, SD 2, HD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1622-78, SD 1, presented a report (Conf. Com. Rep. No. 16) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 16 on S.B. No. 1622-78, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1622-78, SD 1, HD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3049-78, HD 1, presented a report (Conf. Com. Rep. No. 17) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 17 on H.B. No. 3049-78, HD 1, SD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3049-78, HD 1, SD 2, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Blair, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2464-78, SD 2, presented a report (Conf. Com. Rep. No. 18) recommending to their respective Houses the final passage of the bill with

certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 18 on S.B. No. 2464-78, SD 2, HD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2464-78, SD 2, HD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Mizuguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 491, HD 2, presented a report (Conf. Com. Rep. No. 19) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 19 on H.B. No. 491, HD 2, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 491, HD 2, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3060-78, presented a report (Conf. Com. Rep. No. 20) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 20 on H.B. No. 3060-78, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3060-78, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Aki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1838-78, HD 2, presented a report (Conf. Com. Rep. No. 21) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 21 on H.B. No. 1838-78, HD 2, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section

16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1838-78, HD 2, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2403-78, HD 1, presented a report (Conf. Com. Rep. No. 22) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 22 on H.B. No. 2403-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2403-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1939-78, HD 1, presented a report (Conf. Com. Rep. No. 23) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 23 on H.B. No. 1939-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1939-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2085-78, HD 1, presented a report (Conf. Com. Rep. No. 24) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 24 on H.B. No. 2085-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2085-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No.

992, presented a report (Conf. Com. Rep. No. 25) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 25 on H.B. No. 992, SD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 992, SD 2, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Aki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2185-78, HD 2, presented a report (Conf. Com. Rep. No. 26) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 26 on H.B. No. 2185-78, HD 2, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2185-78, HD 2, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Garcia, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2118-78, HD 1, presented a report (Conf. Com. Rep. No. 27) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 27 on H.B. No. 2118-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2118-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 425, HD 1, presented a report (Conf. Com. Rep. No. 28) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 28 on H.B. No. 425, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and

in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 425, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 429, presented a report (Conf. Com. Rep. No. 29) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 29 on H.B. No. 429, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 429, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Garcia, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2312-78, HD 1, presented a report (Conf. Com. Rep. No. 30) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 30 on H.B. No. 2312-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2312-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3039-78, HD 1, presented a report (Conf. Com. Rep. No. 31) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 31 on H.B. No. 3039-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3039-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments



proposed by the Senate to S.B. No. 2202-78, SD 1, presented a report (Conf. Com. Rep. No. 32) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 32 on S.B. No. 2202-78, SD 1, HD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2202-78, SD 1, HD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1779-78, HD 1, presented a report (Conf. Com. Rep. No. 33) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 33 on H.B. No. 1779-78, HD 1, SD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1779-78, HD 1, SD 2, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1987-78, HD 1, presented a report (Conf. Com. Rep. No. 34) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 34 on H.B. No. 1987-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1987-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 227, presented a report (Conf. Com. Rep. No. 35) recommending to their respective

Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 35 on H.B. No. 227, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 227, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2895-78, HD 1, presented a report (Conf. Com. Rep. No. 36) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 36 on H.B. No. 2895-78, HD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2895-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2611-78, HD 1, presented a report (Conf. Com. Rep. No. 37) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 37 on H.B. No. 2611-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2611-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Cayetano, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2102-78, HD 2, presented a report (Conf. Com. Rep. No. 38) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 38 on H.B. No. 2102-78, HD 2, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2102-78, HD 2, SD 1, CD 1, were made available

to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3046-78, presented a report (Conf. Com. Rep. No. 39) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 39 on H.B. No. 3046-78, SD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3046-78, SD 2, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Cayetano, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 514, presented a report (Conf. Com. Rep. No. 40) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 40 on H.B. No. 514, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 514, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1920-78, presented a report (Conf. Com. Rep. No. 41) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 41 on H.B. No. 1920-78, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1920-78, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Garcia, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2319-78, HD 1, presented a report (Conf. Com. Rep. No. 42) recommending to their respective Houses the final

passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 42 on H.B. No. 2319-78, HD 1, SD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2319-78, HD 1, SD 2, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Cayetano, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1938-78, HD 1, presented a report (Conf. Com. Rep. No. 43) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 43 on H.B. No. 1938-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1938-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Blair, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2436-78, presented a report (Conf. Com. Rep. No. 44) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 44 on S.B. No. 2436-78, HD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2436-78, HD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1937-78, HD 1, presented a report (Conf. Com. Rep. No. 45) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 45 on H.B. No. 1937-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1937-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59

o'clock p.m.

Representative Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2850-78, HD 1, presented a report (Conf. Com. Rep. No. 46) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 46 on H.B. No. 2850-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2850-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Cayetano, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 782, SD 1, presented a report (Conf. Com. Rep. No. 47) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 47 on S.B. No. 782, SD 1, HD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 782, SD 1, HD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Blair, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the House to H.B. No. 1998-78, HD 1, presented a report (Conf. Com. Rep. No. 48) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 48 on H.B. No. 1998-78, HD 1, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1998-78, HD 1, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2332-78, SD 1, presented a report (Conf. Com. Rep. No. 49) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 49 on S.B. No. 2332-78, SD 1, HD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2332-78, SD 1, HD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Mizuguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 490, HD 2, presented a report (Conf. Com. Rep. No. 50) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 50 on H.B. No. 490, HD 2, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 490, HD 2, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Mizuguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2114-78, presented a report (Conf. Com. Rep. No. 51) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 51 on S.B. No. 2114-78, HD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2114-78, HD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Garcia, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2239-78, HD 2, presented a report (Conf. Com. Rep. No. 52) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 52 on H.B. No. 2239-78, HD 1, SD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2239-78, HD 2, SD 2, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2827-78, HD 2, presented a report (Conf. Com. Rep. No. 53) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 53 on H.B. No. 2827-78, HD 2, SD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2827-78, HD 2, SD 2, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Garcia, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1885-78, HD 2, presented a report (Conf. Com. Rep. No. 54) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 54 on H.B. No. 1885-78, HD 2, SD 2, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1885-78, HD 2, SD 2, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1820-78, SD 2, presented a report (Conf. Com. Rep. No. 55) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 55 on S.B. No. 1820-78, SD 2, HD 1, was deferred until tomorrow, April 12, 1978, and

in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1820-78, SD 2, HD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Garcia, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2595-78, SD 1, presented a report (Conf. Com. Rep. No. 57) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 56 on S.B. No. 2595-78, SD 1, HD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2595-78, SD 1, HD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1803-78, HD 2, presented a report (Conf. Com. Rep. No. 57) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 57 on H.B. No. 1803-78, HD 2, SD 1, was deferred until tomorrow, April 12, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1803-78, HD 2, SD 1, CD 1, were made available to the members of the House at 11:59 o'clock p.m.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 8:30 o'clock a.m. tomorrow, Wednesday, April 12, 1978.

## FIFTY-EIGHTH DAY

Wednesday, April 12, 1978

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 8:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Ruth Senter of the Waialua United Church of Christ, after which the Roll was called showing all members present with the exception of Representatives Caldito, Cobb, Evans, Fong, Garcia, Ikeda, Kiyabu, Kunimura, Machida, Mizuguchi, Morioka, Naito, Poepoe, Shito, Takamura, Toguchi, Uwayne and D. Yamada, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 473 to 480) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 473) returning House Bill No. 1909-78, entitled: "A BILL FOR AN ACT RELATING TO INTEREST PAYMENT ON REFUND OF TAXES", which passed Third Reading in the Senate on April 11, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 474) returning House Bill No. 1918-78, entitled: "A BILL FOR AN ACT RELATING TO AUDIT AND ACCOUNTING", which passed Third Reading in the Senate on April 11, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 475) returning House Bill No. 1926-78, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF MONEYS IN THE LOAN FUND", which passed Third Reading in the Senate on April 11, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 476) returning House Bill No. 1927-78, entitled: "A BILL

FOR AN ACT RELATING TO THE EXECUTIVE BUDGET", which passed Third Reading in the Senate on April 11, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 477) returning House Bill No. 1931-78, entitled: "A BILL FOR AN ACT RELATING TO THE STATE MORTGAGE GUARANTEE FUND", which passed Third Reading in the Senate on April 11, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 478) returning House Bill No. 1940-78, entitled: "A BILL FOR AN ACT RELATING TO THE STADIUM AUTHORITY", which passed Third Reading in the Senate on April 11, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 479) returning House Bill No. 2098-78, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE STATE", which passed Third Reading in the Senate on April 11, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 480) returning House Bill No. 3051-78, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT AND HARBOR REVENUE BONDS", which passed Third Reading in the Senate on April 11, 1978, was placed on file.

## MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 30 to 38) were read by the Clerk and were disposed of as follows:

A communication from Carl A. Farden (Misc. Com. No. 30) acknowledging receipt of and expressing appreciation for H.R. No. 446, honoring the family for its contribution to island music and art, was placed on file.

A communication from Tosh Ishikawa, Planning Director, Planning Department, County of Maui (Misc. Com. No. 31) acknowledging receipt of H.R. No. 41, relating to the reduction of housing costs through increased density allowances, was placed on file.

A communication from Carl J. Kent, Vice President and General Manager (Misc. Com. No. 32) acknowledging receipt of a copy of H.R. No. 647, congratulating and recognizing Miss Hawaii and the Miss Hawaii Scholarship Pageant, was placed on file.

A communication from James S. Ushijima, County Clerk, County of Maui (Misc. Com. No. 33) acknowledging receipt of a copy of H.R. No. 41, relating to the reduction of housing costs through increased density allowances, was placed on file.

A communication from the Honorable Elmer F. Cravalho, Mayor, County of Maui (Misc. Com. No. 34) acknowledging receipt of a copy of H.R. No. 637, recognizing the observance of National Secretaries Week, April 23 to 29, 1978, was placed on file.

A communication from the Honorable Spark Matsunaga, United States Senator (Misc. Com. No. 35) acknowledging receipt of a copy of H.R. No. 123, requesting a moratorium on Federal encroachment upon State waters in the Northwestern Hawaiian Islands, was placed on file.

A communication from Edwin L. Johnson, Deputy Assistant Administrator for Pesticide Programs, United States Environmental Protection Agency (Misc. Com. No. 36) acknowledging receipt of H.R. No. 42, supporting the continued EPA registration of ethylene dibromide (EDB) for use in papaya, pineapple, and other agricultural production, was placed on file.

A communication from the Honorable Walter F. Mondale, Vice President of the United States (Misc. Com. No. 37) acknowledging receipt of H.R. No. 372, was placed on file.

A communication from the Honorable William S. Richardson, Chief Justice (Misc. Com. No. 38) acknowledging receipt of H.R. No. 97, relating to restitution of crime victims, was placed on file.

#### 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. 686 and 687) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 686) congratulating the Commandant of the 14th

Naval District, Rear Admiral R.S. Wentworth, Jr., Commanding Officer of the Naval Station at Pearl Harbor, Captain Peter Conrad, Administrative Assistant to the Special Service Director, Paul Gates, and JFL Concerts was jointly offered by Representatives Abercrombie, Aki, Baker, Caldito, Campbell, Carroll, Cayetano, Dods, Fong, Ikeda, Kawakami, Kihano, Machida, Medeiros, Mina, Naito, Narvaes, Peters, Poepoe, Say, Shito, Sutton, Takamine, Takamura, Uechi, Ueoka, Ushijima, Uwaine, K. Yamada and Yuen.

Representative Abercrombie moved that the resolution be adopted, seconded by Representative Ushijima.

Representative Abercrombie then rose and stated:

"Mr. Speaker, I would like to indicate to the members that I inadvertently left off a gentleman who was strategic - I think it is a military term here to a whole affair - Mr. Richard Smith, who is Paul Gates' boss, and who has been instrumental in bringing this particular affair to the people of the State of Hawaii and whose appreciation is well deserved by all of us and, of course, that will be corrected and I am going to introduce him subsequently."

The motion was put by the Chair and carried, and H.R. No. 686 was adopted.

The Chair then recognized Representative Abercrombie and he stated:

"Thank you, Mr. Speaker.

Mr. Speaker, on that note, I would like to introduce first then, Administrative Services Director for the Navy, the one who has, I think, put together with Mr. Gates a really unprecedented capacity for military and civilian cooperation and an area that is most easily accessible to people in the entire island - the Richardson Field facility - Dick Smith."

Representative Abercrombie then went on to introduce Paul Gates and an "old friend of mine from JFL Concerts, John Leonard."

Red carnation leis were presented to the honorees by Representatives Kamalii and Stanley, and Representative Abercrombie presented them with certified copies of the resolution.

A resolution (H.R. No. 687) honoring Boris Stanfield was jointly offered



by Representatives Abercrombie, Aki, Baker, Caldito, Campbell, Carroll, Cayetano, Dods, Fong, Ikeda, Kawakami, Kihano, Kiyabu, Machida, Medeiros, Mina, Mizuguchi, Naito, Narvaes, Peters, Poepoe, Say, Shito, Sutton, Suwa, Takamine, Takamura, Uechi, Ueoka, Ushijima, Uwayne, K. Yamada and Yuen.

On motion by Representative Abercrombie, seconded by Representative Uwayne and carried, H.R. No. 687 was adopted.

Representative Abercrombie then proceeded to introduce the honoree, stating:

"Mr. Speaker, I have had occasion on the floor of this House to present individuals to it which made me very proud when I am able to stand here and do so.

Today is a particular pleasure for me. I cannot recall, in my academic experience, meeting a professor who so fascinated me with the capacity that he had for instigating your imagination into an area which was only an abstraction previously. Professor Stanfield has the capacity for instilling in those who meet him an almost instantaneous comradery, a feeling that here indeed is a man who represents the very best there is in scholarship.

I know that my good friend from Nuuanu, Representative Ike Sutton, will be very happy to know that Professor Stanfield was a guest at the Hoover Institute at Stanford in 1976 for some twelve hours of recording in their oral history project.

The man that I am about to introduce to you, my friends, has not just recorded history, not just commented on history, but has witnessed and participated in history in one of the most cataclysmic events of modern times. It is our good fortune in the State of Hawaii that he now makes his home here and is available to us and to our students to bring the first hand perspective of a gentleman scholar to all of us here in the State. Would you please give the warmest of welcome to my very good friend, Professor Boris Stanfield."

Representative Abercrombie then presented Professor Stanfield to the members of the House. Accompanying Professor Stanfield were Mr. and Mrs. Manfred Henningsen.

Representative Stanley then presented

Professor Stanfield with a red carnation lei, and a certified copy of the resolution was presented by Representative Abercrombie.

At 8:50 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of extending our warm welcome and aloha to the honorees."

Upon reconvening at 10:12 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Caldito, Cobb, Evans, Fong, Ikeda, Kiyabu, Kunimura, Mizuguchi, Morioka, Naito, Poepoe, Shito, Takamura, Toguchi, Uwayne and D. Yamada.

#### SUSPENSION OF RULES

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

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 802-78 on S.B. No. 1627-78 (Deferred from April 11, 1978):

By unanimous consent, action was deferred until tomorrow, April 13, 1978.

At 10:14 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:15 o'clock a.m.

S.B. No. 2620-78, SD 2 on Third Reading (Deferred from April 11, 1978):

Representative Suwa moved that S.B. No. 2620-78, SD 2, having been read throughout, pass Third Reading, seconded by Representative Lunasco.

Representative Suwa then offered the following amendment to S.B. No. 2620-78, SD 2:

"S.B. No. 2620-78, S.D. 2, entitled: 'A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE', is amended in the following respects:

(1) SECTION 4, as set forth on pages 2 to 11 inclusive, is deleted

in its entirety.

(2) SECTIONS numbered 5, 6, 7, 8, 9 and 10 are renumbered to read SECTIONS 4, 5, 6, 7, 8 and 9, respectively."

Representative Suwa moved that the amendment be adopted, seconded by Representative Lunasco and carried.

By unanimous consent, further action on S.B. No. 2620-78, SD 2, was deferred until tomorrow, April 13, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2620-78, SD 2, HD 1, were made available to the members of the House at 10:14 o'clock a.m.

Conf. Com. Rep. No. 1 on H.B. No. 2166-78, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 2 on H.B. No. 2756-78, SD 2, CD 1:

On motion by Representative Kawakami, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2756-78, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATED TO LAND USE", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Garcia and Machida being excused.

Conf. Com. Rep. No. 3 on H.B. No. 3012-78, HD 1, SD 1, CD 1:

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 3012-78, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNICABLE DISEASES", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Garcia and Machida being excused.

Conf. Com. Rep. No. 4 on H.B. No. 2689-78, HD 1, SD 1, CD 1:

On motion by Representative Kawakami, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 2689-78, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", having been read throughout, passed Final Reading by a vote of

48 ayes to 1 no, with Representative Sutton voting no, and Representatives Garcia and Machida being excused.

The Chair directed the Clerk to note that H.B. No. 2756-78 had passed Final Reading at 10:18 o'clock a.m.; H.B. No. 3012-78 at 10:19 o'clock a.m.; and H.B. No. 2689-78 at 10:20 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1089-78) recommending that H.R. No. 135, as amended in HD 1, 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.R. No. 135, HD 1, entitled: "HOUSE RESOLUTION URGING THE STATE BOARD OF AGRICULTURE TO STREAMLINE AND FACILITATE PROCEDURES FOR PROCESSING OF REQUESTS FOR AGRICULTURAL LOANS AND REQUESTING A HOUSE COMMITTEE TO REVIEW RECENT LEGISLATIVE AUDIT REPORT ON THE DOA LOAN AND GRANT PROGRAMS AND ADMINISTRATION AND OPERATIONS OF AGRICULTURAL LOAN PROGRAM", was referred to the Committee on Finance.

Representative Stanley, for the majority of the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 1090-78) recommending that S.B. No. 1639-78, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the majority of the Committee was adopted and S.B. No. 1639-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE EMPLOYEES' RETIREMENT SYSTEM", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 13, 1978.

The Chair directed the Clerk to note that printed copies of S.B. No. 1639-78, SD 1, were made available to the members of the House at 8:30 o'clock a.m.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1091-78) recommending that H.R. No. 286, HD 1, be adopted.

On motion by Representative Takamura, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 286, HD 1, entitled: "HOUSE RESOLUTION URGING EXPEDIENCY IN THE DECISION REGARDING ACCESS THOROUGHFARE POSSIBILITIES TO THE HOOMALUHIA PARK BY THE UNITED STATES CORPS OF ENGINEERS, STATE DEPARTMENT OF TRANSPORTATION, CITY AND COUNTY DEPARTMENT OF TRANSPORTATION SERVICES, AND THE DEPARTMENT OF PARKS AND RECREATION", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1092-78) recommending that H.R. No. 519, as amended in HD 1, be adopted.

On motion by Representative Takamura, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 519, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO SUBMIT A PROGRESS REPORT CONCERNING THE WIDENING, REALIGNMENT, AND IMPROVEMENTS TO FORT WEAVER ROAD, OAHU", was adopted.

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. 1093-78) recommending that H.R. No. 594 be adopted.

On motion by Representative Kawakami, seconded by Representative Blair and carried, the joint report of the Committees was adopted and H.R. No. 594, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU'S DEPARTMENT OF PARKS AND RECREATION TO INVESTIGATE THE FEASIBILITY OF CONSTRUCTING A JOGGING PATH THROUGH PEARL HARBOR PARK", was adopted.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1094-78) recommending that H.R. No. 567, as amended in HD 1, be adopted.

On motion by Representative Shito, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.R. No. 567, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON THE IMPLEMENTATION OF COUNTY PARK DEDICATION ORDINANCES", was adopted.

Representative D. Yamada, for the

Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1095-78) recommending that H.R. No. 487 be adopted.

On motion by Representative Cobb, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.R. No. 487, entitled: "HOUSE RESOLUTION URGING ADOPTION OF NATIONAL ASSOCIATION OF BROADCASTERS POLICIES, PARTICULARLY WITH REGARD TO CHILDREN'S TELEVISION AND NUTRITION", was adopted.

Representatives Stanley and Suwa, for the Committees on Public Employment and Government Operations and Finance, presented a joint report (Stand. Com. Rep. No. 1096-78) recommending that S.C.R. No. 71 be adopted.

On motion by Representative Stanley, seconded by Representative Suwa and carried, the joint report of the Committees was adopted and S.C.R. No. 71, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE REPORT ON THE FINAL COMPENSATION PLAN AND THE COST THEREOF", was adopted.

At 10:23 o'clock a.m., on request by Representative Kawakami, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:25 o'clock a.m.

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. 1097-78) recommending that S.C.R. No. 103 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 S.C.R. No. 103, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO REPORT ON THE QUANTITY AND QUALITY OF WATER RESOURCES IN THE STATE OF HAWAII", was referred to the Committee on Finance.

At 10:26 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

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

Representative Kawakami, for the

Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1098-78) recommending that S.C.R. No. 73 be referred to the Committee on Housing.

At this time, Representative Shito, with all of the members of the Housing Committee concurring, waived the referral of S.C.R. No. 73 to the Committee on Housing.

Representative Kawakami then moved that notwithstanding the recommendation of the Committee, that S.C.R. No. 73 be adopted, seconded by Representative Caldito.

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

"Mr. Speaker, this resolution is an extremely important one to many people in this State. It suggests very clearly that what we need to do is reduce the areas included in the Federal insurance stipulation for insurance for homes that are built on flood plains. What this resolution does, in essence, is to cut in half the areas that are included under this Federal insurance act and it makes it much easier on the people of this State as far as paying the required Federal insurance on areas that are subject to tsunami and to flood hazards.

I hope that our people in Congress will pay attention to this resolution and to do what they can to impose a restriction on the areas which will be covered by this type of Federal insurance. What it does is increase the cost of housing, increase the cost of building new areas in any flood zones or tsunami areas.

I hope all members of the House will vote for this and I so recommend. Thank you very much."

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

"Mr. Speaker, I am not speaking against the good work of the Corps of Engineers, but sometimes, when you have people from outside of Hawaii come and do certain survey, they do not take into consideration that Hawaii does not have the very cold winter where you have ground freezing over and it takes time to thaw out and also the saturation of the soil with the melting snow. We have an altogether different kind of situation compared with other parts of the mainland

United States and, therefore, because of our soil condition and our rivers do not meander hundreds and thousands of miles before they reach the ocean, that although we may have the required acreage in the basin area, it takes, maybe. . . they talk about the hundred year flood and the thousand year flood, but maybe for the mainland, you would have some good track record because they have been doing that in the mainland for many, many years as far as the U.S. Corps of Engineers is concerned, but in Hawaii, with a totally different structure in our soil, in our insular nature, as far as the State is concerned, that I hope this resolution will cause Congress and the Corps of Engineers to review again that the present designation of a flood plain area in the State of Hawaii is certainly a detrimental effect on the insurance for the people and the ability to build within the flood plain as designated today."

The motion was put by the Chair and carried, and the report of the Committee was adopted and notwithstanding the recommendation of the Committee, S.C.R. No. 73, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE CONGRESS OF THE UNITED STATES REDUCE THE BASE FLOOD STANDARD OF THE NATIONAL FLOOD INSURANCE ACT FROM 100 YEARS TO 50 YEARS", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1099) recommending that S.C.R. No. 74, SD 1, be referred to the Committee on Housing.

At this time, Representative Shito, with all the members of the Housing Committee concurring, waived the referral of S.C.R. No. 74, SD 1, to the Committee on Housing.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and notwithstanding the recommendation of the Committee, S.C.R. No. 74, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNCIL OF HOUSING AND CONSTRUCTION INDUSTRY TO EXAMINE THE ECONOMIC IMPACT OF THE RESTRICTIONS AND REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE ACT IN THE STATE OF HAWAII", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1100-78) recommending that S.C.R. No.

65, SD 1, HD 1, 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 S.C.R. No. 65, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION 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 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. 1101-78) recommending that S.C.R. No. 60, SD 1, be referred to the Committee on Energy and Transportation.

At this time, Representative Cayetano, with all of the members of the Energy and Transportation Committee concurring, waived the referral of S.C.R. No. 60, SD 1, 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 notwithstanding the recommendation of the Committee, S.C.R. No. 60, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION, THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE COUNTIES TO DEVELOP JOGGING TRAILS THROUGHOUT THE STATE", was adopted.

At 10:33 o'clock a.m., on request by Representative Medeiros, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:34 o'clock a.m.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 688 to 694) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 688) congratulating the Kahuku High School "Red Raider" Band for their fine performance at the State Capitol was jointly offered by Representatives Nakamura, Lunasco, Caldito, Cayetano, Dods, Kunimura,

Machida, Peters, D. Yamada and Yuen.

On motion by Representative Nakamura, seconded by Representative Lunasco and carried, H.R. No. 688 was adopted.

A resolution (H.R. No. 689) extending congratulations and best wishes to Mike Ciacci for being named to the first team of College Football Division III 1977 All-American Team was jointly offered by Representatives Narvaes, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kunimura, Larsen, Lunasco, Mina, Morioka, Poepoe, Say, Segawa, Shito, Sutton, Takamine, Takamura, Toguchi, Uechi, Ueoka and Uwaine.

On motion by Representative Narvaes, seconded by Representative Sutton and carried, H.R. No. 689 was adopted.

A resolution (H.R. No. 690) recognizing and extending a warm mahalo to Junior Ah You and Clifton Alapa was jointly offered by Representatives Narvaes, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Medeiros, Mina, Morioka, Peters, Poepoe, Say, Segawa, Shito, Sutton, Takamine, Takamura, Toguchi, Uechi, Ueoka and Uwaine.

On motion by Representative Narvaes, seconded by Representative Sutton and carried, H.R. No. 690 was adopted.

A resolution (H.R. No. 691) extending congratulations and best wishes to Roxanne Flemming, Miss Kalihi 1978 was jointly offered by Representatives Narvaes, Mina, Sutton, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Medeiros, Mina, Morioka, Poepoe, Say, Segawa, Shito, Takamine, Takamura, Toguchi, Uechi, Ueoka and Uwaine.

On motion by Representative Narvaes, seconded by Representative Yuen and carried, H.R. No. 691 was adopted.

A resolution (H.R. No. 692) extending a warm mahalo to Gary Shimabukuro for his efforts to promote and improve the quality of the sport of basketball was jointly offered by Representatives Narvaes, Mina, Sutton, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans,

Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Medeiros, Morioka, Poepoe, Say, Segawa, Shito, Takamine, Takamura, Toguchi, Uechi, Ueoka and Uwaine.

On motion by Representative Narvaes, seconded by Representative Sutton and carried, H.R. No. 692 was adopted.

A resolution (H.R. No. 693) thanking Carl L. Henke for his "kokua" to Hawaii's sheet metal workers was jointly offered by Representatives Kihano, Abercrombie, Ajifu, Caldito, Campbell, Carroll, Cobb, Dods, Evans, Ikeda, Inaba, Kamalii, Kondo, Kunimura, Larsen, Lunasco, Machida, Mina, Mizuguchi, Morioka, Naito, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Takamine, Uechi, Ushijima, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Kihano, seconded by Representative Yuen and carried, H.R. No. 693 was adopted.

A resolution (H.R. No. 694) congratulating the National Sudden Infant Death Syndrome Foundation and the Hawaii State Chapter of National Sudden Infant Death Syndrome Foundation on their charter and for their efforts to combat sudden infant death syndrome was jointly offered by Representatives Ikeda, Uwaine, Abercrombie, Aki, Baker, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Kamalii, Kunimura, Lunasco, Machida, Medeiros, Mina, Naito, Peters, Poepoe, Say, Segawa, Shito, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima and K. Yamada.

On motion by Representative Ikeda, seconded by Representative Uwaine and carried, H.R. No. 694 was adopted.

At 10:37 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:38 o'clock a.m.

#### CONFERENCE COMMITTEE REPORT

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2581-78, SD 2, presented a report (Conf. Com. Rep. No. 58) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of

Conf. Com. Rep. No. 58 on S.B. No. 2581-78, SD 2, HD 1, CD 1, was deferred until tomorrow, April 13, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2581-78, SD 2, HD 1, CD 1, were made available to the members of the House at 8:30 o'clock a.m.

#### DEFERRED MATTER FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 1 on H.B. No. 2166-78, HD 2, SD 1, CD 1:

On motion by Representative Takamura, seconded by Representative Dods and carried, the report of the Committee was adopted and H.B. No. 2166-78, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES", having been read throughout, passed Final Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no, and Representatives Garcia and Machida being excused.

The Chair directed the Clerk to note that H.B. No. 2166-78 had passed Final Reading at 10:40 o'clock a.m.

At 10:41 o'clock a.m., on request by Representative Takamura, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:44 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Representatives Blair and Segawa, for the Committees on Ecology and Environment and Health, presented a joint report (Stand. Com. Rep. No. 1102-78) recommending that S.C.R. No. 84, SD 1, be referred to the Committee on Finance.

On motion by Representative Blair, seconded by Representative Segawa and carried, the joint report of the Committees was adopted and S.C.R. No. 84, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE AIR POLLUTION CONTROL REGULATIONS", was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1103-78) recommending that H.R. No. 566 be referred to the Committee on Legislative Management.

On motion by Representative Cayetano,



seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 566, entitled: "HOUSE RESOLUTION REQUESTING AN INTERIM REVIEW OF THE STATE HIGHWAY SYSTEM AND MASS TRANSIT", was referred to the Committee on Legislative Management.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1104-78) recommending that H.R. No. 427, as amended in HD 1, be referred to the Committee on Water, Land Use, Development and Hawaiian Homes.

At this time, Representative Kawakami, with all of the members of the Committee concurring, waived the referral of H.R. No. 427, HD 1, to the Committee on Water, Land Use, Development and Hawaiian Homes.

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.R. No. 427, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN INVESTIGATION AND REVIEW OF THE BARBERS POINT LAND EXCHANGE AGREEMENT BETWEEN THE STATE OF HAWAII AND THE JAMES CAMPBELL ESTATE", was adopted.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1105-78) recommending that S.B. No. 2596-78, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative K. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 2596-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESS IMMUNITY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 13, 1978, with Representative Sutton voting no.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1106-78) recommending that S.B. No. 1649-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative K. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 1649-78, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS", passed Second Reading and was placed on the calendar for Third Reading

tomorrow, April 13, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1107-78) recommending that S.B. No. 1824-78, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative K. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 1824-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNSELING SERVICES FOR MINORS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 13, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1108-78) recommending that S.B. No. 1919-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative K. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 1919-78, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF DEFENDANTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 13, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1109-78) recommending that S.B. No. 2545-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative K. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 2545-78, entitled: "A BILL FOR AN ACT RELATING TO PROBATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 13, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1110-78) recommending that S.B. No. 1664-78, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative K. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 1664-78, SD 1, 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, April 13, 1978.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1111-78) recommending that S.B. No. 2147-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative K. Yamada, seconded by Representative Jobb and carried, the report of the majority of the Committee was adopted and S.B. No. 2147-78, entitled: "A BILL FOR AN ACT RELATING TO MINORS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 13, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1112-78) recommending that S.B. No. 1705-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative K. Yamada, seconded by Representative Jobb and carried, the report of the committee was adopted and S.B. No. 1705-78, entitled: "A BILL FOR AN ACT RELATING TO JURISDICTIONAL LIMIT OF THE CLERK IN HANDLING ALL ESTATES OF PERSONS LEAVING NO KNOWN RELATIVES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 13, 1978, with Representative Sutton voting no.

The Chair directed the Clerk to let that printed copies of S.B. Nos. 196-78, SD 1; 1649-78; 1824-78, SD 1; 1919-78; 2545-78; 1664-78, SD 1; 2147-78; and 1705-78 were made available to the members of the House at 8:30 o'clock a.m.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1113-78) informing the House of House Resolution Nos. 674 to 679, Standing Committee Report Nos. 10-78 to 1087-78, and Conference Committee Report Nos. 1 to 4, have been printed and distributed.

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

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1114-78) recommending that H.R. No. 34, as amended in HD 3, be adopted.

Representative Kunimura moved that the report of the Committee be adopted and H.R. No. 34, HD 3, be

adopted, seconded by Representative Lunasco.

Representative Kunimura then rose and stated:

"Mr. Speaker, just for the record, this, I believe. . ."

Representative Suwa then interrupted on a point of order and stated:

"Either you have to redesign my chair or not, but somehow, today, I cannot look at your signals. Mr. Speaker, I don't know what's causing it, but anyway, I'll let it go for today, but I would like my seat designed so when he stands up, my view won't be blocked and I can see your signals."

The Chair remarked:

"My observation is that it is like a bright sunlight that's blinding Representative Suwa at this time," and directed Representative Kunimura to "proceed."

Representative Kunimura then requested a recess, and at 10:48 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:49 o'clock a.m., Representative Kunimura rose and stated:

"Mr. Speaker, painfully, and very painfully and in embarrassment, this is the wrong resolution."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 34, HD 3, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE COMMITTEE ON WATER, LAND USE, DEVELOPMENT, AND HAWAIIAN HOMES AND THE COMMITTEE ON HOUSING AND THE COUNTIES TO REVIEW THE PARK DEDICATION STATUTE, THE COUNTY PARK DEDICATION ORDINANCES, AND THE RULES AND REGULATIONS IMPLEMENTING THE COUNTY PARK DEDICATION ORDINANCES", was adopted.

Representatives D. Yamada and Garcia, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 1115-78) recommending that H.R. No. 495, HD 1, be adopted.

On motion by Representative D. Yamada, seconded by Representative K. Yamada and carried, the joint report of the Committees was adopted and H.R. No. 495, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE INCORPORATION OF PROVISIONS IN ZONING AND

OTHER APPROPRIATE ORDINANCES AND RULES TO PROTECT THE SUNRIGHTS OF PROPERTY OWNERS", was adopted.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 1116-78) recommending that S.C.R. No. 15 be adopted.

On motion by Representative Takamine, seconded by Representative Peters and carried, the report of the Committee was adopted and S.C.R. No. 15, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES SECRETARY OF LABOR TO CERTIFY THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM OF THE STATE OF HAWAII AND RESPECTFULLY URGING HAWAII'S DELEGATION TO THE CONGRESS OF THE UNITED STATES TO SUPPORT CERTIFICATION FOR HAWAII AND TO REVIEW THE BASIC INTENT OF THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH LAW", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1117-78) recommending that S.C.R. No. 99, as amended in HD 1, be adopted.

Representative Suwa requested that action be deferred one day and the Chair, noting that there were no objections, so ordered.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1118-78) recommending that H.R. No. 520, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 520, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY AND SUBMIT A REPORT OF FINDINGS AND RECOMMENDATIONS CONCERNING FLOODING PROBLEMS IN THE EWA PLAINS AREA, OAHU", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1119-78) recommending that H.R. No. 374, HD 1, be adopted.

Representative Suwa moved that the report of the Committee be adopted and H.R. No. 374, HD 1, be adopted, seconded by Representative Peters.

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

"Mr. Speaker, I speak as a concerned member of the House with a background in the health field and, more importantly, as a mother of a fifteen-year-old daughter who has scoliosis. She has two lateral curvatures of the spine; one in the thoracic region and the other in the lumbar region.

The experience that my own family has had with scoliosis has been very revealing as to the problems that surround the incidence of this physical impairment and its prevention. We encountered the dearth of information about the disease. We encountered the total lack of screening, both in schools and among private physicians, which would help to prevent the disease. And, of course, we encountered the trauma and painful adjustments that face the adolescent who has this condition.

The diagnosis of scoliosis in my child came later than it could have because our pediatrician at the time - the same pediatrician for twelve years - did not check for scoliosis, or was not cognizant of it, and her schools also did not screen for scoliosis. This lack of screening is surprising and, I might add, inexcusable, in light of the fact that two out of every one hundred adolescents can be expected to have a severe case of scoliosis as to require medical treatment. The incidence is five times as high among girls as among boys. Scoliosis screening should be as commonplace as vision and hearing screening.

Fortunately, the diagnosis of scoliosis in my daughter was made at a time when her condition could be corrected through wearing a back brace. Difficult as this is for her, it is much better than the corrective back surgery that is sometimes required in later stages of scoliosis.

In its later stages, scoliosis causes a spine curvature which can severely limit the person's mobility. Moreover, severe scoliosis can constrict the heart and lungs, causing resultant cardiopulmonary problems and a reduced life expectancy. Because scoliosis is a progressive disease which worsens over time, early screening is essential. Because its incidence is related to the changes that occur during puberty, it is essential that this early screening be carried out among children in their early adolescence.

Scoliosis screening should be carried out in schools to insure that all children are covered. Not all children in the early adolescent age group receive yearly check-ups from physicians, and even when they do, the back area is not carefully checked. School scoliosis screening

has been recommended by the American Academy of Orthopedic Surgeons and the Scoliosis Research Society. Such screening is already being practiced in California, Colorado, Illinois, Iowa, Minnesota, and several other states. A scoliosis screening program in Delaware was so successful that cases of scoliosis which had advanced to the point where they needed corrective surgery became a rarity.

If we establish a routine scoliosis screening program in Hawaii, it should be focused on the critical 10-14 year old age group. We can expect to find over 7 percent of our students in this age group with spine curvature, and over 2 percent requiring medical treatment, in this age group which covers grades 5-8. This means, out of the 51,500 students in grades 5-8, that 3,600 would be found to have spinal curvature and over 1,000 would require medical treatment. Among this sizeable student group, the early identification of scoliosis would help diagnose the development of the disease in its early stages and thus increase the chances for successful treatment of the disease, allowing these students to lead a normal life.

In January of this year, I observed a scoliosis screening program at Kaimuki Intermediate School for grades 7 and 8. The school health complex nurse volunteered her efforts into this pilot project. Out of all the 7th and 8th graders who were screened, 140 students were referred to the physician who volunteered his time. He rescreened all 140 students and referred 27 students to their personal physicians. That is a 20 percent occurrence. The physician has stated that 30 students other than those referred to their physicians have been kept on a holding pattern. That is, those 30 students will be screened again, to determine whether the individual curvatures have progressed.

The road ahead for my child is still a long one - she'll probably wear the brace for two years - and an unsure one. However, if we can, through proper screening, prevent another child from wearing a brace or undergoing corrective surgery, that is all I ask.

Thank you."

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

"Mr. Speaker, I would like our colleagues in this House to know the tremendous contribution made by State Representative Faith Evans, and the

very brave testimony which she gave before the Committee which insured its passage. I am deeply indebted to her, and I know that all the members of this body are likewise.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 374, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY TO DETERMINE THE FEASIBILITY OF ROUTINE SCOLIOSIS SCREENING IN HAWAII'S PUBLIC SCHOOLS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1120-78) recommending that S.C.R. No. 78, SD 1, as amended in HD 2, be adopted.

Representative Suwa requested that action be deferred one day and the Chair, noting that there were no objections, so ordered.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1121-78) recommending that H.R. No. 113 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 113, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON BUS POLLUTION", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1122-78) recommending that H.R. No. 258, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 258, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII COLLEGE OF EDUCATION TO CONDUCT A FEASIBILITY STUDY CONCERNING THE INCLUSION OF A HEALTH EDUCATION COURSE OR PROGRAM AS A MANDATORY REQUIREMENT IN THE ELEMENTARY AND SECONDARY TEACHER PREPARATION PROGRAM", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1123-78) recommending that H.R. No. 117 be adopted.

On motion by Representative Suwa, seconded by Representative Peters 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1124-78) recommending that H.R. No. 581, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 581, HD 1, entitled: "HOUSE RESOLUTION REQUESTING DISCUSSION OF POSSIBLE SOLUTIONS TO CONCERNS REGARDING INTERISLAND SURFACE TRANSPORTATION", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1125-78) recommending that H.R. No. 383 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 383, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1126-78) recommending that H.R. No. 547 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 547, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND IMPLEMENT A COMPREHENSIVE SYSTEM FOR ALTERNATIVE EDUCATION PROGRAMS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1127-78) recommending that H.R. No. 373, as amended in HD 1, be adopted.

Representative Suwa moved that the report of the Committee be adopted and H.R. No. 373, HD 1, be adopted, seconded by Representative Peters.

Representative Larsen then rose and stated:

"Mr. Speaker, I had the pleasure of going on an investigative trip along with the Chairman of the Water, Lands Committee, to take a look at this piece of land on the Kona Coast. Mr. Inaba was there also, representing the people in that district, and I think, without a question, this Kamoia Point property will be one of the most beautiful and most necessary parks for that side of the island. . ."

At this point, the Chair interrupted and stated:

"Representative Larsen, we are on H.R. No. 373, HD 1."

Representative Larsen answered:

"That is correct, sir. . . I am sorry, I was on the other one. In the point that you just made, I would like to speak in favor of this, but express some reservations."

The Chair asked:

"You are now speaking on H.R. No. 373, HD 1?"

Representative Larsen said:

"That is correct, sir. I correct my earlier testimony and refer to this piece of property as one we also visited and to point out that it, in general, has certain attributes, but I believe we should make the point here, and I would like to stand and do that, that the exchange as it is stipulated is a 23-acre parcel that does not include a beautiful beach area which is adjacent to this 23 acres with a minimum sand strip and a rocky coastline.

Now, I believe that we should, when we go into negotiations. . . I believe that the resolution states that it is recommending that we go into negotiations, but we do not approve the land sale as it is constituted for the land exchange, I should say. In this event, I would like to make clear before the Department of Land and Natural Resources that I think we should negotiate for the whole beach - not just the fringe of it and to leave access for the little corner of the remaining beach for the property owner, but definitely include in our specs for this land exchange that the State include possession of a major part of the beach.

In that regard, with those remarks, I believe we should pass this resolution, but to make aware to the Department of Land and Natural Resources that as it is set now, it is not adequate and that we should include a beach area along with the 23 acres of rocky coast.

Thank you."

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

"Mr. Speaker, this question of exchanges of land is a very difficult situation and we have seen through the years many advantages given to those who have received the land from the State of Hawaii and the exchanges that they have made.

Now, in this particular case, the most valuable part is the gorgeous sand beach. I use that, Mr. Speaker, on occasion, for moonlight fishing. I do not wish to see this particular property owner take advantage in this exchange and urge all of my colleagues to vote 'no'."

Representative Kunimura then rose and stated:

"Mr. Speaker, I would like to speak in favor of this resolution and before I do, I would like to thank the Chairman of the House Finance Committee because it takes an old dog like the Chairman of the Finance Committee to really know, and I made reference to a dog as a loving phrase - old dog. Well, they call us worse things than old dog, but this is a loving old dog.

You see, with many, many years of experience, the Chairman of the Finance Committee, understanding the ramifications of this resolution if it was not worded correctly, would give prior approval to the exchange and, therefore, he made sure that the language of the resolution did not, in any sense of the word of the law, give prior approval, but instead, encouraged by the negotiations and present to the Legislature a package that we can buy.

I am not fearful about this resolution and any resolutions hereafter because many years ago, when the terrible exchanges - when the Territory of Hawaii and the State of Hawaii always ended up with the short end of the stick, but we made that correction because at one time, the statutes said that all land exchanges must be approved, but this particular requirements made it very, very difficult because in case the State was in a more advantageous position because of the exchange having some effect on the land owners property right that sometimes when the Legislature delay too long, the land owner would withdraw and, therefore, we changed the law to make it the opposite, that subject to disapproval, and if the Legislature does not disapprove, then

the land exchange becomes final and, therefore, today, with such laws on the books, that we need not fear that the Legislature reserve the right to veto any land exchange that would be detrimental to the State of Hawaii and urge all my colleagues to vote in favor of this resolution."

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

"Mr. Speaker, I would like to correct, probably a misconception, that some of you may have on the exchange of the beach front which the resolution addresses itself is a beach front in a 23-acre lot, and this beach front is a beautiful sand beach.

Now, the proposed exchange for this 23 acres with a beautiful sand beach frontage is for barren lava land, whatever the acreage in the proposed exchange will be, and as you know, on the West side of the island of Hawaii, there are very few sand beaches, particularly in the Kona area, and the acquisition of this sand beach which later may be developed into a park, I think, will be a definite asset for the district, and I urge all of you to support this resolution.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 373, HD 1, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 1128-78) recommending that H.R. No. 334, as amended in HD 1, be adopted.

Representative Suwa moved that the report of the majority of the Committee be adopted and H.R. No. 334, HD 1, be adopted, seconded by Representative Peters.

Representative Larsen then rose and stated:

"Mr. Speaker, this is the resolution that I was speaking in favor of when I first got up the last time, and I would like to say that without any qualification whatsoever, this resolution addresses itself to a piece of property that will probably be one of the most historic and most necessary additions to the



State park complex, and Mr. Inaba and the Chairman of Water, Lands took a trip over there, and we are very much impressed with the valuable historic background for this site and it makes a beautiful addition to the Kona Coast.

Thank you very much."

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

"Mr. Speaker, I am still wary of these exchanges and I am still wary of the fact that, sort of like a church ceremony, that we have on our statutes now, you know - forever hold your peace or speak up now in the church when you are supposed to break up a wedding.

We have a negative concept. All these land exchanges should come to us first. We should never have changed that statute because the exchange process requires very difficult appraisals. It is far better for our State, with its resources, to come in with a power of condemnation, use that power of condemnation, condemn, have a court determine the appraisal, and buy the land rather than exchanging.

Therefore, I would urge my colleagues to again vote 'no' on this resolution."

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

"This resolution also, with the wisdom of the Chairman of the Finance Committee, reserves the right to the Legislature to disapprove and only addresses our concern to initiate the exchange and in this manner, I believe that our rights are still protected."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.R. No. 334, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE TO ACQUIRE THROUGH AN EXCHANGE OF LAND THE HISTORIC KAMOA POINT OF THE KONA COAST OF THE ISLAND OF HAWAII", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1129-78) recommending that S.C.R. No. 97 be adopted.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee

was adopted and S.C.R. No. 97, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE POSSIBLE TRANSFER OF CERTAIN STATE PARKS TO COUNTY JURISDICTION BY EXECUTIVE ORDER", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1130-78) recommending that H.R. No. 275, as amended in HD 2, be adopted.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 275, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT MANOA TO TRANSFER LAND UNDER EXECUTIVE ORDER #1807 TO THE CITY AND COUNTY OF HONOLULU FOR PARK AND RECREATIONAL PURPOSES", was adopted.

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. 1131-78) recommending that S.C.R. No. 92, SD 1, be adopted.

On motion by Representative Blair, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and S.C.R. No. 92, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE DEPARTMENT OF HEALTH IN REVISING CHAPTER 37A WATER QUALITY STANDARDS", was adopted.

At this time, Representative Ueoka introduced a former member of the House, Mr. Harold Duponte, of Maui.

#### RECONSIDERATION OF ACTIONS TAKEN

Representative Segawa moved that the House reconsider its action taken on April 3, 1978, in disagreeing to the amendments proposed by the Senate in H.B. No. 3011-78, HD 1, SD 1, seconded by Representative Shito and carried.

Representative Segawa then gave notice of his intention to agree to the amendments proposed by the Senate in H.B. No. 3011-78, HD 1, SD 1.

At this time, the Chair discharged the conferees on H.B. No. 3011-78, HD 1, SD 1.

At 11:11 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 11:12 o'clock a.m.

Representative Kawakami moved that the House reconsider action taken earlier on Stand. Com. Rep. No. 1101-78 on S.C.R. No. 60, SD 1, seconded by Representative Caldito and carried.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, notwithstanding the action taken by the House, S.C.R. No. 60, SD 1, was referred to the Committee on Finance.

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 11:25 o'clock a.m.

Representative Kawakami moved that the House reconsider action taken earlier on Stand. Com. Rep. No. 1099-78 on S.C.R. No. 74, SD 1, seconded by Representative Caldito and carried.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, notwithstanding the action taken by the House, S.C.R. No. 74, SD 1, was referred to the Committee on Finance.

At this time, Representative Kawakami rose and extended birthday greetings to Representative Kunimura, stating:

"Mr. Speaker, by tradition, when a male reaches his 61st birthday, his offsprings are obligated to dress their father in bright red garment to symbolize the entry into the third phase of his life, and this third phase is usually referred to as 'second childhood.'

Mr. Speaker, this morning, I am very privileged and very happy to announce, in behalf of Representative Yamada and myself, the birthday of our colleague and senior member of the Kauai delegation, Tony Kunimura, that he has finally arrived."

Representative Takamura then rose and asked:

"I wonder if I could ask the honoree to tell us his age and whether or not he will now be initiated into the start of a Senior Citizen's Club here in the House of Representatives."

The Chair remarked:

"Judging by his looks and appearance, there is no question about his age."

Representative Kunimura then rose and stated:

"First of all, thank you very much. My two colleagues have been waiting for this for a long time because, you see, it is still illegal and it is a felony to bump off anybody, but they just sat around and hoped that age will catch up, but may I say this: You know, I always refer to the, you know, sophomore member, not the freshman, but the sophomore member of the Kauai delegation, and Representative Yamada and I always refer to him as. . . we always refer to our dear beloved Representative as Richard "Jack Benny" Kawakami, and true to form again, he doesn't even buy a lei today. You know what I mean. I think it is traditional, but, anyway, I am going to be 'laid' all over today.

Mr. Speaker, I don't want any impressions cast here, you know, on the calendar this morning that I am 65 or 60, and the reason I have a red cap and red tie is that I have just emerged into the realm of senior citizen. I am already 65, and to answer the query raised by the Representative from Moiliili that, today, this morning, we have formed, without, or we may, later on, ask for your permission, but we certainly, without your permission, formed a Senior Citizens' Club of the House and since Representative Inaba is senior of all us seniors, he was elected President and the Vice President, of course, is the immortal gentleman from Nuuanu, because it is that nip and tuck. . . I guess he may be a little older than Mr. Inaba, but Mr. Inaba has one thing going - he is a majority member. You see how bi-partisan we are, and then, the other officers are Meyer Ueoka, because he is third, and we have a couple more here - Takamine looks like but we had to disqualify him, and Morioka is also past 55, and myself, so we looked around and we have exactly five members and this doesn't speak well, so we started and we amended our proposed Constitution to include those people that look like 55 and over, and so we have Jack Suwa also a member. . ."

At this point, Representative Suwa interrupted on a point of order and stated:

"Here again, I may look old, but my brother Jack is young as ever and mischievous."

Representative Kunimura continued his remarks, stating:

"And, of course, we had to include the Vice Speaker of the House and Neil Abercrombie because he doesn't have hair and so we now have a very viable Senior Citizens' Club and, Mr. Speaker, I hope you will be around here although sometimes lately, I have been disagreeing with you, that you will be around for a long time so you can also join this Club. Honestly, at age 55, I would like to share with you that I don't feel old. I think I look very young also, but long ago, you know, the Chinese calendar, Mr. Speaker, has a cycle, you know. All these things are not just. . ."

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

"Mr. Speaker, the speaker has spoken for more than ten minutes and unless somebody yields his time, I think. . ."

Representative Kunimura interrupted and asked:

"Mr. Speaker, can't I have a little extra today?"

Representatives Kawakami and Peters then yielded their time to Representative Kunimura.

Representative Kunimura continued, stating:

"But, anyway, you know, the Japanese especially, celebrate the 60th birthday as the rebirth. I had this researched and the Chinese calendar has the 60 cycle - it goes round until 60 and then it starts all over from one, and this is the reason why they celebrate the 60th. . .you know, 60th in Japan is 61 and, therefore, the rebirth, but I am not 60 years yet, you know, but I am entering, therefore, I had the red hat and red tie, but thank you very much. I am very happy to enter into this realm, and I appreciate the concerns of my colleagues from Kauai, but I have not announced my retirement so I am still the senior until Friday.

Thank you."

Representative Kihano then rose and stated:

"Mr. Speaker, the only reason why I look old is that for the past two sessions, I have been sitting in front of this man and you never can tell what is going to happen, especially when my back is facing him. One time, I saw a package on his desk wrapped up with a ribbon and I thought it was a rifle so you never can tell what he is going to do. This is why I have grown old these past two sessions.

Thank you."

Representative Larsen then rose and stated:

"Mr. Speaker, I would like to add to the little discussion before hand and, in my impression, the previous speaker who is celebrating his birthday has made an exclusive club, but if intent to reside constitutes residency, intent to progress to 55 certainly includes 51 members here, and I think we should all be members of that Club.

Thank you."

The Chair then stated:

"The Chair would like to remind all members that we will recess until 8:30 o'clock p.m. this evening. It is expected that all of you be prompt. The sooner you get here, the sooner we get out.

Tomorrow will be a very, very long day. The Chair suggests that you do not make any commitments all day and all evening."

At 11:39 o'clock a.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 8:30 o'clock p.m. this evening.

#### NIGHT SESSION

The House of Representatives reconvened at 8:37 o'clock p.m.

The Chair then directed the Clerk to note the presence of Representative Garcia.

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

By unanimous consent, H.B. No. 630, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 630, HD 2, and H.B. No. 630, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Ajifu and Sutton voting no, and Representative Machida being excused.

By unanimous consent, H.B. No. 1815-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1815-78, HD 1, and H.B. No. 1815-78, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

By unanimous consent, H.B. No. 1994-78, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1994-78, and H.B. No. 1994-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

By unanimous consent, H.B. No. 2727-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2727-78, HD 1, and H.B. No. 2727-78, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES PAID FROM CERTAIN FEDERAL FUNDS AND AMENDING CHAPTER 88, HAWAII REVISED STATUTES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

By unanimous consent, H.B. No. 2728-78, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2728-78, HD 2, and H.B. No. 2728-78, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

By unanimous consent, H.B. No. 2100-78, as amended by the Senate, was taken from the Clerk's desk.

Representative Toguchi moved that the House agree to the amendments proposed by the Senate to H.B. No. 2100-78, and H.B. No. 2100-78, SD 1, having been read throughout, pass Final Reading, seconded by Representative Lunasco.

At 8:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:46 o'clock p.m., Representative Carroll rose and stated:

"Mr. Speaker, the remarks I made against the two resolutions regarding U.S. Congress and the inhibition towards putting the Leeward Islands into the wilderness area be adopted by reference as having been made against H.B. No. 2100-78, SD 1."

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

Representative Abercrombie then rose and asked:

"Mr. Speaker, may I request the same, in respect of Representative Carroll's remarks being my own?"

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

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2100-78, and H.B. No. 2100-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING IN THE NORTHWESTERN HAWAIIAN ISLANDS", having been read throughout, passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Abercrombie, Carroll and Narvaes voting no, and Representative Machida being excused.

By unanimous consent, H.B. No. 263, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 263, and H.B. No. 263, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RECKLESS ENDANGERING WITH A FIREARM", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

By unanimous consent, H.B. No. 1688, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1688, HD 1, and H.B. No. 1688, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE LAW ENFORCEMENT PLANNING AGENCY", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Machida being excused.

By unanimous consent, H.B. No. 1884-78, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1884-78, and H.B. No. 1884-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE CONCERNING NOTICE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

By unanimous consent, H.B. No. 2087-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Garcia moved that the House agree to the amendments proposed by the Senate to H.B. No. 2087-78, HD 1, and H.B. No. 2087-78, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Cobb.

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

"Mr. Speaker, the circumstances as to what bail relates to are now in question, I think, not only in the State of Hawaii, but throughout the United States. I think that what we need is a redefinition of bail based on conditions other than those cited in the bill before us. I believe that when you go to the second page, under 'Violations of conditions of release on bail' and read words like, 'Upon verified application by the prosecuting attorney alleging that a defendant has wilfully violated the conditions of release on bail, the judicial officer named in Section 804-5 should issue a warrant directing the defendant be arrested and taken forthwith before the court of record for hearing. A law enforcement officer having reasonable grounds to believe that a released felony defendant has violated the conditions of release on bail may, where it would be impracticable to secure a warrant. . . et cetera.'

On the surface, this sounds reasonable. I think it would be reasonable, Mr. Speaker, if there was evidence that a crime has been committed; If the officer had reasonable cause to believe a crime was being committed, or has been committed, if a prosecuting attorney had reason to believe that a crime was being committed, or had been committed, but as to the conditions of bail as such, this offers an opportunity that should one be released on bail, the possibility of harassment by the prosecuting attorney, by the police, exists, possibly in collusion with the judge. The fact that we are not in a state of affairs approximating that of a racist regime like South Africa in which this kind of thing is done routinely; the fact that we are not now a totalitarian state such as exists in respect of human rights, civil rights, throughout the Soviet Union, when the Soviet Union's reputation is brought into disrepute in the opinion of our State prosecutor. The fact that these circumstances do not now exist in the State of Hawaii is no reason for us to foster an atmosphere in which something approximating this within the context of our State can occur.

It has been and is my understanding to date that the purpose of bail is to insure parents and not to restrain the defendant where the defendant has not been convicted of a crime and where such restraints as may be imposed as a condition of bail is not in any way from the historical perspective that I have approximated, that which is outlined in such detail in this bill.

Mr. Speaker, the word 'hearing' appears in here and the finding must exist and wilfully violated reasonable conditions. These are the kinds of circumstances, Mr. Speaker, that require

a jury trial in most instances as to whether someone has wilfully or unwilfully done something. So we have on the surface, as I say again, the appearance, not only of legality, but reasonableness, but the way that this is drafted, just in the examples that I have outlined, indicate to me that the hearing process would become a sham, or could become a sham, should it be the desire of the arresting authority or the Judiciary to do so.

The last part of the section states: 'After hearing, and upon finding that the defendant has wilfully violated reasonable conditions imposed on release on bail, the court may impose different or additional conditions upon defendant's release or revoke defendant's release on bail.'

To the best of my knowledge, the courts have the right to revoke bail. Now, if, in the court's judgment, the conditions; that is to say, the promise to appear, has been violated, to put into statutes such language as is involved on the last page, the court may impose different or additional conditions upon defendant's release or revoke defendant's release on bail, is to leave the statutes so vague, so ambiguous, so wide open that it becomes an invitation to abuse the rights enjoyed by every member of this society under the Constitution and to the best of my knowledge, enjoyed by every defendant in this case in the State, that he or she is presumed innocent until found guilty and upon the showing of reasonable. . . I am not sure my phraseology is correct here in legal terminology, but I think in a common sense way, can be understood, and upon showing of reasonable cause to the courts that it may believe that the defendant will appear on charges as directed by the court, that unless that has been changed in this State, that is all the bail should address.

If, in its wisdom, the Legislature wishes to change the concept of bail, then that is what should be addressed rather than the conditions subsequent to it being posted or subsequent to someone being released on his or her own recognizance.

This bill does violence to the concept of bail in a free society. This bill may be before us because an attempt - a systematic attempt - I must say, in good faith, is being made by the Judiciary Committee and by other committees in this House and in the Senate to address, among other things, the problems of organized crime and the problems associated with the Commis-

sion on Violent Crimes; violent crimes which may in turn be associated with psychopathy, possibly sociopathy, neurotic behavior, possible insanity, whether temporary or a permanent condition.

If the Committee, assigned the task of addressing these problems, which might include, by the way, the Health Committee. I shouldn't say by the way, I should say, in addition, it probably should include the Health Committee. If the Committees that should be involved in this discussion of bail wish to pursue this, let them do so. Let us not take before the people of this State a bill which will have as an effect an undermining of this concept, an undermining of the concept with history, long and noble; a history upon which violations have served to enable those who would wish to undermine our basic freedoms as individuals ample cause to question whether it should be allowed at all. It is a mark of a free society, and in addition, the mark of a society which takes very seriously the judges that it has in the criminal courts, a society which pays close attention to those individuals who are named to the bench. It is a mark of society that is a free society that bail exists under conditions that I have outlined. Therefore, Mr. Speaker, I believe that a compelling case is before us to defeat this bill and to readdress the question of bail and its consequences in the public interest in the next session.

Thank you."

At 9:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:03 o'clock p.m., the Vice Speaker assumed the rostrum.

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

"Mr. Speaker, Oliver Wendell Holmes said that 'a page of history is worth a hundred pages of law', so let us look at history for a minute.

Where did bail originate. Under our common law in England, it originated in the Magna Carta - 1216. Then we come down to our own history - Declaration of Independence mentions bail. Our Constitution had a Bill of Rights - it spoke of reasonable bail.

Now, Mr. Speaker, we have, in this particular bill, something that greatly reduces the freedom of an individual who is presumed to be innocent. He hasn't had a trial. He just has been picked up and taken him in and charged



him, but his presumption of innocence is with him. If his presumption of innocence is there, should we treat him as a convicted man? No, Mr. Speaker.

Now, Mr. Speaker, the lines that I object to are as follows: I do not like the idea that we put in here, 'Prohibiting the defendant from approaching or communicating with particular persons or classes of persons. . . .' How is this man going to prepare his case? The whole essence of the defendant that has been caught has to approach certain persons. He has to say to those persons, I had an alibi at this particular time. He has got to prepare his case.

Let me show you another part which I don't like, Mr. Speaker: 'Prohibiting the defendant. . . .' and then it goes down, 'engaging in certain described activities or indulging in intoxicating liquors or in certain drugs.' He has one cocktail in the evening; he has indulged in intoxicating liquors. Revoke his bail. This is way too severe. We mix in this thing the good and the bad. This has some good points. It is unfortunate we stick things like that in there.

Mr. Speaker, let me show you one more thing. Requiring the defendant to report regularly to and remain under the supervision of an officer, this sounds excellent. But, Mr. Speaker, on our own Massey case, Kahawai was there trying to report to an officer and was killed in the process and was entrapped and, Mr. Speaker, I was the law clerk for Judge Delbert Metzger when certain defendants of which a member of this body was a witness therefor, had conditions put on of excessive bail - \$100,000 bail. This is exactly the same thing as excessive bail and that is what we are doing. We are putting conditions that convict a man before he has even had a trial. We are violating the Magna Carta; we are violating the Declaration of Independence; we are violating the Bill of Rights. So, Mr. Speaker, I would ask you and all my colleagues to vote this down."

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

"Mr. Speaker, it seems the only thing that we are not violating up to this point will relate to the last speaker's remarks about the House Rules on this bill.

Mr. Speaker, if you read the first sentence of the bill, it will tell you clearly the conditions upon which

the revocation of bail will take place. First, that there exists a danger that the defendant will commit a serious crime; second, he will seek to intimidate the witnesses that will be used in the upcoming trial; or third, that he may interfere with the obstruction of the gathering of evidence used by the proper authority for that particular trial that may be upcoming. These are the conditions that will have to exist prior to the court making that kind of a determination, so I don't see those kinds of dangers that the previous speaker had mentioned taking place."

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

"Mr. Speaker, the reason that bail is not mentioned in the Rules of the House is that we are all presumed guilty in the House rather than in the Senate. . . ."

At this point, the Chair ruled that Representative Abercrombie was out of order.

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

"Mr. Speaker, the right to bail is a limited constitutional right and given the climate of our times with respect to crime, and given the fact that we have persons who have been convicted of felonies being apprehended, arrested, brought before a magistrate and have sought bail and we have seen them released time and again back into the community only to commit another crime, and I think that this kind of an imposition, although granted the Representative from Manoa and the one from Nuuanu both made good points as far as constitutional freedoms are concerned, but given the fact that this is a limited constitutional right, and given the fact that we have the kinds of problems that we face in our community at this time, and given the very careful wording of this bill, I think, if anything, it does not go far enough to solve the problems with respect to bail, and I see absolutely no problems here with the constitutionality, and for those reasons, I would urge that we vote 'aye'."

Representative Abercrombie, in rebuttal, stated:

"Mr. Speaker, the last point, I think, makes the case why we should defeat this bill. If such individuals who present such a danger so apparent to the judge that it is not in the community's interest to have the individual released, why then, don't grant bail. As the previous speaker points out, it is a limited right. It comes under, and I believe the speaker

from Nuuanu indicated that reasonable bail was the phraseology and the circumstances which were addressed by, not only the people who founded the country. . . I realize it is quite easy to make historical reference in that respect and make it come out any way you want. But I think that the historical references made by the gentleman from Nuuanu are pertinent in this respect.

Why are judges allowing such people out on bail? It is well within the purview and the province of the judges, as I understand it now, to refuse bail under the circumstances outlined. What we are talking about is when a person is released on bail, and if you are released on bail, that means there is a conviction on the part of the judge that the person thus released on bail will appear, will not take unlawful flight with whatever may take place in the process, for example, committing a robbery to get the money to make the unlawful flight, the likelihood that such a thing would occur. The judge need not grant bail, but if we pass this, we will not be dealing with these kinds of individuals.

What we will be doing is putting on the law books the opportunity for the introduction of totalitarian measures as acceptable devices in the prosecution of justice in this State precisely because of all the publicity that has surrounded the apprehension and conviction of notorious criminals, precisely because the publicity which has surrounded notorious individuals associated with syndicated crime, precisely because such activities form one of the chief bases upon which the Hawaii Newspaper Agency sells its newspapers, and I say that with not the slightest degree of levity; I say that in all seriousness, precisely because there are elements who wish to exploit violent crimes and syndicated crime for their own purposes, precisely because of that, it is imperative that the legislative body not run pell mell into a hail of public opinion which might thus be around. That is why we must make certain that in the prosecution of justice of the individuals and/or groups that I have just named, that we do not reach in to the totalitarian bag of tricks, that we may rue in time to come when it is applied in circumstances that none of us dreamed. Every individual in the State may find himself or herself under circumstances they never anticipated in respect of the possible commission of a crime.

In our own State, when it was a territory, we had instances in which

tort crime existed and was prosecuted. You were prosecuted for what you thought as a danger to the community, or worse, you were prosecuted for what you were presumed to be thinking or have thought. Prosecuted; the threat of prison hanging over you for your political belief.

These kinds of circumstances, in respect of bail, create an atmosphere, when applied in civics classes, when applied in instructional activities, in respect of how the law operates in the State, and undermines the sense of what a free society is all about in our young, and if we do so, we shall not be stopping these notorious individuals or groups from their activity. What we will be doing is attacking the constitutional basis upon which our free society exists and undermining it.

If I could believe for one minute that such a condition of bail would stop the things that are mentioned here - the intimidation of witnesses - if someone is so desperate as to intimidate, perhaps kill a witness, you think that imposing these conditions of bail will prevent him from doing it? What are you going to do - revoke the bail after the killing has been done? Think about that.

Bail is granted or not granted on the basis of the judgment by the presiding officer in the court that the safety of the community is at stake and that the willingness or unwillingness of the defendant to appear can be believed or not in the court's judgment. Not one single word on pages 1, 2 or 3, will prevent anything in the way of a commission of a serious crime, the intimidation of witnesses, unlawfully interfering with the orderly administration of justice - any of the things which has been cited by the Judiciary Chairman as the basis upon which, the premise upon which, an 'aye' vote is asked for.

Desperate criminality on bail. The commission of crime by desperate criminal will not one wit be stayed by the passage of this bill. What we will do is undermine the premises upon which bail has historically existed and which must exist now and be reaffirmed by us now, in the face of public opinion, which may make it easier for us to do the contrary."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2087-78, HD 1, and H.B. No. 2087-78, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RELEASE ON BAIL", having been read throughout, passed Final Reading by a vote of 46 ayes to 4 noes, with Representatives Abercrombie, Evans, Narvaes

and Sutton voting no, and Representative Machida being excused.

By unanimous consent, H.B. No. 2094-78, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2094-78, and H.B. No. 2094-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURES ACT", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

By unanimous consent, H.B. No. 2860-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2860-78, HD 1, and H.B. No. 2860-78, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

By unanimous consent, H.B. No. 2893-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the House to H.B. No. 2893-78, HD 1, and H.B. No. 2893-78, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPLAINTS", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Machida being excused.

By unanimous consent, H.B. No. 2894-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2894-78, HD 1, and H.B. No. 2894-78, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO

ARRESTS", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Machida being excused.

By unanimous consent, H.B. No. 258, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Garcia moved that the House agree to the amendments proposed by the Senate to H.B. No. 258, HD 1, and H.B. No. 258, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Cobb.

Representative Evans then rose and requested that her remarks in favor of House Bill No. 258 be inserted into the Journal and the Chair, noting that there were no objections, so ordered.

Representative Evans' remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 258, HD 1, SD 1.

As you may recall, Mr. Speaker, one year ago, I rose as a member of this House and as a professional in the health field, to speak in opposition to a similar bill concerning the definition of death. My present reversal of that opposition is due to several developments.

First, it has finally been firmly established that the definition of death is, in fact, a legal as well as a medical problem; the jurisdictional dispute has been resolved.

Second, the delay of two years served to clarify previous testimony and recruit new testimony from other valuable sources; the 1978 legislation is much more precise.

Third, on an issue as delicate as the definition of death, the extra time played an important role in the acceptability of a bill of this sort.

These past two years have provided us with the time to research and study prevailing attitudes and definitions of death by the medical, religious, and legal professions. The State of Hawaii is only now able to legislate a definition of death without violating the considerations of the various professions and historical ideologies.

Two years ago, I cited a recent experiment conducted by Dr. Adrian R.M. Upton, an associate Professor of Neurology at McMaster University in Ontario, Canada. To illustrate the very severe problems involved in determining death, Dr. Upton used an electro-encephalogram

(E.E.G.) machine, and attached the electrodes to a blob of jello. Brain wave analysis of that blob yielded readings which could have been mistaken as evidence of life:

I assure my colleagues that we have come farther than that with House Bill No. 258, HD 1, SD 1, and I encourage your support on this measure.

Thank you."

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

Representative Sutton's remarks are as follows:

"Mr. Speaker, the definition of death is such a difficult medical problem that I feel we are premature to legalize it.

I, therefore, ask my colleagues to postpone this until further study that is scientifically sound."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 258, HD 1, and H.B. No. 258, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF DEATH", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Machida being excused.

By unanimous consent, H.B. No. 1889-78, HD 2, as amended by the Senate, was taken from the Clerk's desk.

Representative Garcia moved that the House agree to the amendments proposed by the Senate to H.B. No. 1889-78, HD 2, and H.B. No. 1889-78, HD 2, SD 1, having been read throughout, pass Final Reading, seconded by Representative Cobb.

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

"Mr. Speaker, I feel compelled to rise because this is the bill that relates to dispensing with oral arguments. I would be remiss, at the very least, if I did not argue against such a circumstance.

Mr. Speaker, we have, not only the right, but the obligation on this floor to speak and record even if we

should lose the argument. Our judgment opinions are feelings to do our best to attempt to persuade those other members of the Legislature who are here with us on any given issue which may become law because it affects all the citizenry who pay our salaries and to whom we are ultimately responsible.

Mr. Speaker, we likewise, in other branches of government, in the Judiciary, provide out of public funds salaries for the judges. Judges, in many instances, it seems to me, as I would like to refer back to the bail case, judges, in many instances, are being let off the hook in carrying out their duties. Dispense with oral argument is to say, even though I realize full well that the dispensation or the dispensing with oral arguments is possible under the present circumstances, procedural rules being available to the court to do so, realizing full well that such is the case, Mr. Speaker, it seems to me that to put it into law is to invite it. If one does not have it in law, one may at least make the attempt to persuade the justices seated that day to hear oral arguments in the hope that it may be persuasive.

This has happened. This has happened in the United States. It may be it has not happened in other countries that do not have the same value system that we espouse. There are members of this body who, upon hearing arguments on this floor, have altered their judgment as to how they should vote. Presumably, there are circumstances in which judges may not have made their minds up totally and are awaiting oral arguments before making a decision. I think we should encourage it.

When we pass a bill like this, we are really giving the sense of intent to the court to say that they not only may dispense with oral arguments, but in all likelihood, should. Oral arguments shall be for a full court provided that in an appropriate case, the court, in its discretion, may dispense with oral arguments. That has such a ring and I know it was not meant to be, but it has such a ring of the kind of thing that is going on in this chamber for some time this session; such a ring to it that offends my sense of what it is that I should expect as a citizen in the United States. Those of us who are on this floor find ourselves, more often than not, in circumstances in which people pay attention or feel they must pay attention, feel that they have an opportunity, not only the obligation that I mentioned before in duty, but an opportunity to speak to make their arguments, both individually, and as members to one another, and to the public. We may be comfortable with that, but

the citizens who are not in this Legislature who rely upon us to act in their interest, those citizens may find themselves, perhaps for the first time, and only time in their lives, before a court, and suddenly find that after a great deal of expense and time, that men or women that they do not even know, but whom they trust to be carrying out the cause of justice in this country and whose salaries they pay, wish to dispense with oral arguments because it is not important enough for them to hear. We put that into words by saying in the appropriate case - the court - in its discretion, may dispense with oral arguments.

What a frightening sound that has if you really listen to it. It is the frightening series of words. The phraseology holds for us a beacon of totalitarian thinking. The fact that we don't need it is immaterial. What good is it to say afterwards, we didn't mean it that way. We didn't know it was going to be used this way. That is what the people said when they didn't realize that the conspiracy theories would be used during the course of the war in Vietnam, to arrest and try people for their thoughts which they presumably were having when they crossed State lines. It was possible to prosecute people for what they were thinking if they moved between Michigan and Wisconsin on a bus. It has happened in this country and it has happened within the last decade. What we are saying here is that we may add its discretion, dispense with the oral arguments.

What is that citizen to think when he or she appears before the court and the court, at its discretion, turns aside the oral argument of his attorney or her attorney. The citizen may be tempted to say, wait, wait, stand up and say, wait, I want to be heard. Does that citizen then, on the basis of this law, face contempt? Wait, wait, I want my attorney to be heard. Does that citizen face contempt?

If I misunderstand the bill, I would be delighted to be corrected. But I think we are giving sanction here, not to a practice which is invoked, hopefully, under rare circumstances before these highly placed judges who have been given the gift of trust by the citizenry, whether it is in a State court or in a Federal court, for that matter. A gift of trust has been given to the judges and they repay the people

who have generously said to them, yes, here, you - you serve in this capacity. We trust you, and they say, in turn, no, we don't want to hear you and we don't want to hear your lawyer. We don't want to hear what you have to say. Yes, I've read something here. I understand it. How do we really know? On this floor, Mr. Speaker, many, many times, questions have been asked of Chairmen as to whether or not the understanding of a member on this floor is correct. Sometimes those answers have persuaded members on this floor as to whether they should or should not vote for a bill.

How do we know that the court fully understands the arguments of the attorney appearing on behalf of a citizen unless that attorney is given the opportunity to comment upon, perhaps summarize, to give further observations, in respect of the written arguments that may or may not be before the judges. To deny that, to me, is to deny the basis of what the country is about, and more and more, everyday I see as voluntarily slipping into a form of American facism which we will regret. You don't need jack boots and stupid brown shirts. We don't need masked marches to create facism. There is a more insidious kind of facism. Sinclair Lewis was quite right when he said if we are not careful, we will bring facism to America, and we will call it freedom, and we will do it by means of 'new speak' and 'double think.' We will do it by means of saying what we see. It is not what we see and what we say; it is not what we really say and what we do; it is not what we really mean, and we never intended for it to happen, whether it is the bail circumstance or whether it is an oral argument in front of a judge. I do not want to see and have in the record that I voted, that a citizen of this State could stand before a court, paid for - every single penny paid for by that citizen - the robes, the desks, the clerks, the typewriters, the salaries - every single penny paid for by that taxpayer, and told you can't speak. We have already decided you're not worth it. That is so fundamentally unfair to my sense of American jurisprudence and fairness. It does such violence to my sense. . . ."

At this point, the Chair interrupted and stated:

"You have two minutes, Representative Abercrombie."

Representative Abercrombie continued his remarks, stating:

"Thank you, Mr. Speaker. I am being given the opportunity here. . . you have



indicated to me, under the rules here, as to what I may do here, and I dare say you have been generous with it and the members have probably been generous with it already. I get involved in my arguments sometimes. I get involved in what I am saying because I have this opportunity and I treasure this opportunity to try to persuade my colleagues on this floor to a point and I may go beyond the time limit. I know you have indulged me in that and the other members have indulged me in that in previous times, and why? Because it is not just precious to me; it is precious to you.

You know, Mr. Speaker, that one day, you, too, might be in a position of pleading a case and hoping desperately that others will listen, that you may be persuasive in such a way that will make them change their minds to recognize your cause, to wish to say, I haven't thought of it exactly that way. I thought I knew everything about it, but you've brought something to my attention that I really hadn't thought about and my perspective may have altered - altered sufficiently for me, maybe, to take under advisement to postpone to another time a final decision; not necessarily to have persuaded conclusively, but to raise sufficient doubt in my mind to a reasonable degree that maybe I should consider this further.

That is the kind of thing that the oral argument is all about. That is what is so fundamental in the American system. If we do this kind of thing to the system, we do it to ourselves and we take away, and we chip away one more piece of that foundation that has served us in good stead for 200 years and made us the freest nation on earth. Woe to any nation, woe to any people, who trod heavily upon that foundation and take it for granted that it will hold, without that same people making sure that that foundation is well shored up, making sure that that foundation is taken care of, looked to, nurtured and treasured because upon that base rests the freedom of this country."

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

"Mr. Speaker, I spoke against H.B. No. 1889-78 in its original form and I believe against House Draft 1. I would like to have the remarks that I made against those measures or that measure incorporated and made a part of my comments against H.B. No. 1889-78, HD 2, SD 1.

I would just like to state briefly, Mr. Speaker, that according to the Senate, the purpose of this bill is to increase the availability of retired Supreme Court justices to serve as substitute justices and to deal with the problems raised by a vacancy on the court, and essentially, that was the underlying reason for passing this bill in the first place.

It is already the State Supreme Court rule of the court that they may not listen to oral arguments, but, Mr. Speaker, by this particular measure, we are eliminating the right to oral arguments statutorily, and in the case of the Supreme Court abusing its discretion in denying the right to oral argument, and I make reference, not with the emotional fervor, but certainly with the same feeling that the Representative from Manoa has just made. The court can deny them that. The State Legislature would ratify that abuse of discretion and eliminate this very precious right of ours.

For these reasons, and for the reasons in my previous argument, I ask that we vote 'no' on this measure."

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

"Mr. Speaker, I think that you can conceive of what we are doing when you look at what we are deleting. We are deleting a hearing. We knock those words out. I think that is the key to this.

Mr. Speaker, are you aware of the basic proposition that no bill may pass either the Senate or the House without having had a hearing - on the pension and pay bill? That was the big issue. I litigated that to the Supreme Court. Was there a hearing?

Now, in that particular case, before the Supreme Court, we had three hours of oral hearings - three hours! And the very moment we honored here Justice Kobayashi was asking questions from that court - penetrating questions - questions that opened this all up.

We now have on the books of the Supreme Court, embodied from that oral interrogation, basic law that governs us. Had there been no oral hearing, had the Supreme Court dispensed with it, this would have been an utter farce for me to take that up to the Supreme Court because the appellant briefs do not bring out what an oral hearing brings out and the brilliance of Justice Kobayashi comes into full being. When that man, with



his tremendous penetration of thought and honor graduate of Harvard Law School, brings out the basic concepts that have to do with the legislative process.

I am giving you one case, and what would it have been like without a hearing? I ask you, Mr. Speaker. Now, we say that justice denied is when justice is delayed and then we bring in this Committee Report all these things when you might have somebody sick and they could, therefore, dispense with oral arguments, but what are we doing? We are codifying this.

The Supreme Court, in its discretion, can do without oral arguments, but they've got to watch out because on top of them is the United States Supreme Court, and you know what the United States Supreme Court, Mr. Speaker, might say? Denial of due process. Due process of law and that is probably the most widely litigated concept that we have in America. Due process of law, because we take it out of the Fifth Amendment and we feed it back through the equal protection clause of the Fourteenth, and then we feed it back through the State Constitution, then have it likewise and violate due process of law in the United States of America and you've absolutely been knocked out of court. The Supreme Court of this State's case would be null and void.

If you will look at the Third Reich and of Hitler, you will find that the first thing that he did was to go into his court system and say, no oral arguments. Are we to make the same terrible pathway?

I hope my colleagues will not so do."

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

"Mr. Speaker, this is one of the circumstances which being a Chairman makes it very difficult since when we took a vote on this particular issue, I voted against this particular draft. But, unfortunately, the Committee prevailed in this instance.

I would just like to make one point of clarification in this particular bill that I think may have been misunderstood and that is, it is still left up to the court's discretion to allow oral arguments, and I would hope that those justices who sit in that high body would recognize that in most instances, oral arguments should be heard.

There are certain areas where dealing with particular motions that I believe oral arguments are unnecessary. However, I will hope that the Supreme Court would exercise very judicious restraint in the amount of oral arguments that they would like to see diminished appearing before them.

For that reason, I would like to request that this particular bill pass."

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

Upon reconvening at 9:50 o'clock p.m., Representative Abercrombie was recognized and he requested a roll call vote on H.B. No. 1889-78.

Representative Kunimura was then recognized and he stated:

"Thank you, Mr. Speaker, and now I rise to speak in favor of this bill. After hearing the opposition arguments, I almost became convinced, as a matter of fact, I was convinced that I should vote against this bill, but thank you for allowing the short recess. I was able to consult with the man I respect most in the Chamber here as far as constitutional law, fair play and what is right - my very dear friend, Representative Ueoka - and I am now satisfied that what we are trying to do by the passage of this bill is all the safeguards are there.

We have the United States Supreme Court as the backstop should any abuse take place, and if I may share with you that the highest body as far as the judicial branch in the country, the United States Supreme Court, and they have a very unique reservation and they can deny even listening to you and even if you file a writ of certiorari, they can deny certiorari and you are not even allowed to enter the court with your briefs, but here in the State of Hawaii, we cannot and do not extend that extent of power to the Supreme Court and this bill will certainly clear as many as possible frivolous types of appeals to the Supreme Court, and I am of the feeling that the men in the Supreme Court of the State of Hawaii will not abuse and I would like to ask the Chairman of the Judiciary Committee that we are not, in passing this bill, hoping that they won't do this or they won't do that, but rather, in a positive sense, that these things will not happen, and if they do happen because of an error, then they can

take it up to the next level, and that is the United States Court of Appeals, and all the way up to the Supreme Court, but certainly, we have noticed. . . I have just attained the age of 55 and we used to have the Supreme Court and the Circuit Courts meet once in a while and hold sessions. More and more, we notice the more judges we put on the bench, the more backlog they have and it is not because they are golfing and fooling around, but it just happens that the nature of the animal today that they sue for everything and this should be so, but we should have some mechanism afforded and by statute extend the power to the Supreme Court so that they won't be overwhelmed because someday, I hate to see the State of Hawaii Supreme Court having 75 judges or justices to take care of the load and if I may say this, for those who fear that the passage of this bill will erode some of the inherent powers and rights of the citizen, I want to share with you that it was scary immediately after World War II started in 1941. Some of us have tasted the sting of martial law and the suspension of habeas corpus, but believe me, I am pretty sure it will never happen again and it would be, as far as I am concerned, it was only a bad dream, and I urge all members of this House to vote for this legislation."

Representative Carroll, in rebuttal, stated:

"Mr. Speaker, the points that the learned member from Kauai just made do a disservice to the House. To begin with, the thing we are going to do here, Mr. Speaker, by making a statutory provision, giving the Supreme Court of this State the right to cut off oral argument is in effect creating a situation and that was what I was addressing myself to when I said that the Legislature, by enacting this law, will be ratifying this denial and when the Supreme Court, in reading a brief that is submitted to it where somebody bringing this matter before them is asking the certiorari be granted, they are almost absolutely going to be denied unless there is some serious constitutional question that can be raised, and I think that for us to rely on the U.S. Supreme Court as a backstop for the errors that may be made in our State Supreme Court is more ridiculous than us relying on the Senate to clean up our bill, and I ask that we all vote 'no'."

Representative Blair was recognized and he stated:

"Rule 49.3 requires the affirmative

act of one-fifth of the members present before roll call can be requested."

Representative Kunimura then rose and stated:

"May I offer a lay rebuttal. I do not have the background of the educational height that the colleague from Waikiki has attained, but I know for one thing, Mr. Speaker, I don't go for the kind of situation that we were told this evening now prevailing in the Supreme Court that they can do it without law. I believe that the Legislature is supreme. If we feel that the practice that is about to be ratified by this body is no good, then we should have taken another action and outlawed what is going on."

I cannot understand the kind of razzle dazzle that has been played around here and I certainly take offense that I am trying to do disservice to this House. I have never knowingly or otherwise tried to bring disgrace or disservice to this House, Mr. Speaker."

Representative Abercrombie, in rebuttal, stated:

"Mr. Speaker, I think it is unfortunate that the previous speaker feels comfortable now with the vote in the affirmative, and I would like to just cite a few things in the hopes that oral argument will persuade him to the contrary and perhaps others once again."

Mr. Speaker, it may very well be that oral argument should have been addressed in another manner. . ."

At this point, Representative Dods interrupted on a point of order and stated:

"I believe this is Representative Abercrombie's third time speaking on the bill."

Representative Abercrombie then said:

"I don't think so."

The Chair replied:

"I think this is his second time on this bill."

Representative Dods then requested a recess.

Representative Abercrombie then asked:

"How can you have a recess while I am speaking? Now wait a minute,

how can you have a recess when I am talking?"

Representative Dods withdrew his point of order and the Chair directed Representative Abercrombie to continue his remarks.

Representative Abercrombie continued, stating:

"Thanks a lot, I really appreciate it. I think this is just delightful. I have been recognized, and I am speaking, and a point of order has been made, and now we have a recess and everybody is walking around the room.

Mr. Speaker, it may very well be. . . in fact, I am persuaded by the previous speaker's argument that the oral arguments circumstance which now prevails in the Supreme Court should be addressed, and I quite agree about the Legislature being supreme.

The bill that is before us is what we must vote on and while it may be that, as a result, perhaps the next Legislature will address this circumstance that this is not the basis upon which a vote can be made tonight. In addition, when we utilize the Supreme Court and the Court of Appeals, I recognize that that is a possibility, but we are talking about justice in this State. We are discussing whether or not the citizen in this State, when appearing before the court, will feel that the Legislature has given sanction to the justices, and whether the justices will feel they now have sanction from the Legislature to dispense with this oral argument.

That is what the language says - oral argument shall be before a full court provided in the appropriate case, and the court, in its discretion, may dispense with oral argument. I have heard attorneys and others indicate, well, this is the way we do it, but I have also heard on this floor tonight that this is a ratification. Nothing requires us to ratify this procedure. Nothing at all.

On the contrary, the previous speaker has stated that there is dissatisfaction, at least in his mind, with this procedure being available to the Supreme Court at all, and the Legislature, at the very least, if I am not misstating or re-interpreting his remarks incorrectly, or without proper attention to the context within which they were made, I stated that this problem, at the very least, should be addressed in a future Legislature as to whether it is appropriate. I emphasize once again - the appropriateness

of it is before us now in terms of the ratification of this practice. It is a contradiction to ratify the practice if we believe it should be addressed in a future Legislature because some feelings may exist that it is not proper for the Judiciary to conduct itself in this fashion. One does not vote to ratify such a process; one holds in abeyance inasmuch as the court already has the power to do what this bill is not suggesting, but writing into law. It is only prudent. It is only judicial on our part then to withhold our sanction pending such review.

Those things have been done. Resolutions have been addressed. The bill is before us and in order to do that, it has to be defeated in order to accomplish that kind of review to see what may be appropriate and what may not. In this respect, the bill must be defeated. I don't think that the frivolousness or the caseload or the fact that everybody or anybody sues is a factor in deciding whether or not one should cast an 'aye' or 'nay' vote for this bill.

The Supreme Court carries out its responsibilities in terms of the cases that come before us. That is not what is in the bill. What is in the bill is whether oral arguments may be made on the cases that are before the court. If the justices in the course of hearing an oral argument decide that the argument is frivolous, contradictory, besides the point, not persuasive, they can say so. We are not saying that the court has to hear 3-1/2 hours of argument.

A previous speaker has indicated that three hours of arguments were heard in a particular case, presumably this is because the justices wish to hear it this long. There is nothing to prevent the court from stopping the argument at a point in which the court feels that sufficient argument has taken place, but to deny the oral argument in the first place, in terms of ratifying a procedure which gives at least the appearance of intent to sanction it, if not the actual fact of it because I, too, am not a lawyer. I don't know how that will be interpreted. My interpretation as a layman, Mr. Speaker, is that oral argument is something bad. Oral argument is something that should occur only under circumstances which, in this instance, the appropriate case unnamed, at its discretion. The court already has discretion so we don't know what appropriate case means and I have been told over and over again on this floor, in caucus, in committee - say what you mean and mean what you say. Don't have something like appropriate case. State what kind of cases it is and I expect that the reason that we don't have a definition in here what

an appropriate case is, Mr. Speaker, is because we could not arrive at one; because we would have to say in the end the judges will have to decide that - what is appropriate case. That is the danger of facism, that you create the opportunity for abuse and to hope that it is rare, or fairly rare, or might not occur. We are not supposed to deal with might not. We are supposed to deal with what we intend to do.

In the end, we are seeking justice in this State. We are not seeking, and I do not think we can come before the people of this State and say if we are wrong, there is always the Supreme Court, there is always the Court of Appeals. I was involved in a case myself which went no further than the Supreme Court of this State because I could not afford to go to the Court of Appeals. I did not have sufficient funds to pursue it.

Now, I don't think that we are supposed to set up obstacles to our citizenry in respect of them addressing the court and most certainly, my friends, we are not to set up obstacles to our citizenry in terms of their faith in us and in the judicial system and in the governmental process itself as to whether we are acting in their interest, whether we are giving them a fair shake. It is very difficult to persuade me that the citizens who pay our salaries will be convinced that when they come into court, that they can't stand up and at least have somebody, their counsel and/or themselves, say, hey, I would like to make my arguments, even condemned people. . ."

At this point, the Chair interrupted and said:

"You have one minute, Representative Abercrombie."

Representative Abercrombie continued his remarks, stating:

"Thank you, Mr. Speaker.

Even condemned people, by tradition, are asked: 'Any last word? Anything you would like to say to the court?' People who are sentenced, people who come before the court for sentencing are asked: 'Do you have anything to say?' Most people are struck down by that circumstance. They are fearful. I have stood on this floor with my knees shaking, having to put down the paper in my hand because I could not read it, because

I was frightened of what I was. . ."

At this time, Representative Campbell rose and yielded his time to Representative Abercrombie.

Representative Abercrombie continued, stating:

"Thank you.

I have been forced by my own fears and incapacity, fear of my own incapacity to put down the paper on my desk because I feared that I could not read, and secondly, I feared the humiliation, because I feared people could see it. They might think that I was weak or think that I was not in control of the argument that I sought to persuade my colleagues with. A person standing before a court, and I have stood before the Supreme Court of this State, is similarly affected as I was. There is a sense of awe. Among other things, one has never been there before. One is a stranger. One is a stranger in this kind of geography and yet one relies utterly upon the people who sit there to dispense justice to it and so in the end, I plead with you on this basis.

Let us have justice in this State in terms that the citizenry who pay our salaries and the salaries of the justices can understand. That is to say, any last words? Do you wish to speak on behalf of yourself? Yes, your honor, may my attorney speak for me? That is the right of every citizen in the United States of America and most certainly in the State of Hawaii. Yes, Mr. Speaker, may I have someone speak for me on this floor tonight. Words have been incorporated into the Journal on that basis. Surely, we cannot deny to our citizens the same right and privilege.

Thank you."

Representative Sutton, in rebuttal, stated:

"Mr. Speaker, I just want to make one brief reference. What the senior Representative from the island of Kauai has brought out which I consider a very distinct service for this House. He brought out the basic concept, enunciated in Duncan versus Duke Kahanamoku.

Duncan versus Kahanamoku had to do with the suspension of the writ of habeas corpus when military government made that suspension and martial law was declared, and the essence of suspending habeas corpus is to deny the individual a hearing. That's it - to deny a hearing.

And that is what we have before us right now - to deny due process in a hearing, by codifying an exception to the Supreme Court rule in such a way that we are saying to the Supreme Court, you may dispense with oral argument and, therefore, I would like to thank my colleague from the island of Kauai for bringing up Duncan versus Duke Kahanamoku.

Thank you."

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

"I believe under Rule 49.3, there must be an affirmative request of ten members."

The Chair replied:

"The Chair understands your point of order", and asked for a show of hands for a roll call.

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

"Mr. Speaker, under Rule 33.2, it states: 'For the final passage of any bill, the Ayes and Noes shall be called or a vote shall be taken pursuant to Rule 48.3 and such passage shall require the affirmative vote of a majority of all members to which the House is entitled.'"

Mr. Speaker, what we have done here is suspended the rules. . ."

Representative Garcia interrupted on a point of order and stated:

"I believe that the Majority Floor Leader, in concurrence with the Minority Floor Leader, has already agreed to suspend the rules of the House for the purpose of passing these bills by consent calendar.

I might also like to bring out another point of order, Mr. Speaker, and that is that the show of hands was raised and we have never in the past interrupted the counting of the votes prior to your making a decision as to the number."

The Chair replied:

"Your point if well taken, Representative Garcia."

Representative Ajifu then stated:

"If that is the procedure you are going to follow, following tomorrow, we will not suspend the rules. We will follow the procedure of roll call."

At 10:17 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:20 o'clock p.m.

Roll call having been requested, the motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1889-78, HD 2, and H.B. No. 1889-78, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII SUPREME COURT CONCERNING A FULL COURT, ORAL ARGUMENTS AND SUBSTITUTE JUSTICES", having been read throughout, passed Final Reading by a vote of 31 ayes to 14 noes, with Representatives Abercrombie, Ajifu, Baker, Campbell, Carroll, Cayetano, Evans, Kamalii, Larsen, Nakamura, Narvaes, Sutton, Takamura and Uwaiqe voting no, and Representatives Fong, Kiyabu, Machida, Mina, Naito and K. Yamada being excused.

The Chair directed the Clerk to note that H.B. No. 630 had passed Final Reading at 8:39 o'clock p.m.; H.B. Nos. 1815-78 and 1994-78 at 8:40 o'clock p.m.; H.B. No. 2727-78 at 8:41 o'clock p.m.; H.B. Nos. 2728-78 and 2729-78 at 8:43 o'clock p.m.; H.B. Nos. 2100-78 and 263 at 8:48 o'clock p.m.; H.B. No. 1688 at 8:49 o'clock p.m.; H.B. No. 1884-78 at 8:50 o'clock p.m.; H.B. No. 2087-78 at 9:16 o'clock p.m.; H.B. No. 2094-78 at 9:19 o'clock p.m.; H.B. Nos. 2860-78, 2893-78 and 2894-78 at 9:20 o'clock p.m.; H.B. No. 258 at 9:23 o'clock p.m.; and 1889-78 at 10:21 o'clock p.m.

At 10:22 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:25 o'clock p.m., the Speaker resumed the rostrum.

#### RECONSIDERATION OF ACTION TAKEN

Representative Garcia moved that the House reconsider its action taken on April 3, 1978, in disagreeing to the amendments proposed by the Senate in H.B. No. 1876-78, SD 1, seconded by Representative Cobb and carried.

Representative Garcia then gave notice that he will agree to the amendments proposed by the Senate in H.B. No. 1876-78, SD 1, later this evening.

Representative Garcia moved that the House reconsider its action taken on April 3, 1978, in disagreeing to the amendments proposed by the Senate in H.B. No. 2095-78, HD 1, SD 1, seconded by Representative Cobb and carried,

Representative Garcia then gave notice that he will agree to the amendments proposed by the Senate in H.B. No. 2095-78, HD 1, SD 1, later this evening.

Representative Garcia moved that the House reconsider its action taken on April 3, 1978, in disagreeing to the amendments proposed by the Senate in H.B. No. 2687-78, HD 1, SD 1, seconded by Representative Cobb and carried.

Representative Garcia then gave notice that he will agree to the amendments proposed by the Senate in H.B. No. 2687-78, HD 1, SD 1, later this evening.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 5 on H.B. No. 2248-78, SD 2, CD 1 (Deferred from April 11, 1978):

On motion by Representative Garcia, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2248-78, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL POWERS OF COUNTY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

Conf. Com. Rep. No. 6 on H.B. No. 2054-78, HD 1, SD 1, CD 1 (Deferred from April 11, 1978):

On motion by Representative Shito, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.B. No. 2054-78, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Abercrombie voting no, and Representative Machida being excused.

Conf. Com. Rep. No. 7 on H.B. No. 2764-78, HD 2, SD 1, CD 1 (Deferred from April 11, 1978):

Representative Garcia moved that the report of the Committee be adopted

and H.B. No. 2764-78, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Cobb.

Representative Abercrombie then rose and stated:

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

I am not convinced that the Legal Aid Society should be deleted from the definition of public officials inasmuch as the U.S. Attorney's Office in Hawaii is included. I don't think that it is fair to have the prosecuting agency and possibly the defending agency - one being given the books and another agency could very well come before it, not being given the books.

I know there is a rationale for it, but I am not persuaded by it, nonetheless, it is not sufficient, at this time, I think, to cause an argument to be made against it. I would hope that some provision would be made for it even if it requires budgetary changes. I realize that that is also on order, but I feel by deleting the public officials definition, it puts them into a category somewhat akin to juniors versus seniors. This is to say that they do not have quite the same kind of standing as the prosecutorial agencies that they must deal with, so it is a philosophical thing.

Thank you."

Representative Sutton then rose and asked for a conflict ruling, stating that his son is a director for Legal Aid Society.

The Chair ruled "no conflict."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2764-78, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALE AND DISTRIBUTION OF SESSION LAWS, SUPPLEMENTS AND REPLACEMENT VOLUMES", having been read throughout, passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Peters and Sutton voting no, and Representative Machida being excused.

Conf. Com. Rep. No. 8 on H.B. No. 1879-78, HD 1, SD 1, CD 1 (Deferred from April 11, 1978):

On motion by Representative Garcia, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 1879-78, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE



TRAFFIC CODE CONCERNING PENALTIES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

Conf. Com. Rep. No. 9 on S.B. No. 2005-78, SD 1, HD 1, CD 1 (Deferred from April 11, 1978):

By unanimous consent, action was deferred until tomorrow, April 13, 1978.

Conf. Com. Rep. No. 10 on S.B. No. 1643-78, HD 2, CD 1 (Deferred from April 11, 1978):

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 1643-78, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFIED COPIES OF VITAL RECORDS", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Machida being excused.

Conf. Com. Rep. No. 11 on H.B. No. 2170-78, HD 2, SD 1, CD 1 (Deferred from April 11, 1978):

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 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT 1920, AS AMENDED", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

Conf. Com. Rep. No. 12 on S.B. No. 2523-78, SD 2, HD 2, CD 1 (Deferred from April 11, 1978):

Representative Dods moved that the report of the Committee be adopted and S.B. No. 2523-78, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Blair.

Representative Sutton then rose and asked for a conflict ruling, stating that he owns a hotel.

The Chair ruled "no conflict."

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

Committee was adopted and S.B. No. 2523-78, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOTELS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

Conf. Com. Rep. No. 13 on S.B. No. 2386-78, SD 2, HD 2, CD 1 (Deferred from April 11, 1978):

By unanimous consent, action was deferred until tomorrow, April 13, 1978.

Conf. Com. Rep. No. 14 on H.B. No. 2293-78, HD 2, SD 1, CD 1 (Deferred from April 11, 1978):

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 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

At 10:36 o'clock p.m., on request by Representative Kamalii, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:43 o'clock p.m.

Conf. Com. Rep. No. 15 on S.B. No. 893, SD 2, HD 1, CD 1 (Deferred from April 11, 1978):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and S.B. No. 893, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representative Blair voting no, and Representative Machida being excused.

Conf. Com. Rep. No. 16 on S.B. No. 1622-78, SD 1, HD 1, CD 1 (Deferred from April 11, 1978):

By unanimous consent, action was deferred until tomorrow, April 13, 1978.

The Chair directed the Clerk to

note that H.B. Nos. 2248-78 and 2054-78 had passed Final Reading at 10:29 o'clock p.m.; H.B. No. 2764-78 at 10:32 o'clock p.m.; H.B. No. 1879-78 at 10:33 o'clock p.m.; S.B. No. 1643-78 at 10:34 o'clock p.m.; S.B. Nos. 2170-78 and 2523-78 at 10:35 o'clock p.m.; H.B. No. 2293-78 at 10:36 o'clock p.m.; and S.B. No. 893 at 10:45 o'clock p.m.

At 10:47 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:48 o'clock p.m.

The Chair then made the following motion:

"The Chair, at this time, will entertain a motion for the House to return H.B. No. 1075, HD 1, SD 2, relating to tuition waivers for National Guardsmen and Reservists, and H.B. No. 1771-78, SD 1, relating to tax deduction for private sewer charge, back to the Senate.

Representative Yuen moved that H.B. Nos. 1075, HD 1, SD 2, and 1771-78, SD 1, be returned to the Senate, seconded by Representative Kamalii and carried.

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

The House of Representatives reconvened at 11:10 o'clock p.m.

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

By unanimous consent, H.B. No. 1876-78, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1876-78, and H.B. No. 1876-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEANING OF CHILD AND RELATED TERMS IN THE UNIFORM PROBATE CODE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

By unanimous consent, H.B. No. 2095-78, HD 1, as amended by the

Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2095-78, HD 1, and H.B. No. 2095-78, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SPOUSAL LIABILITIES", having been read throughout, passed Final Reading by a vote of 43 ayes to 7 noes, with Representatives Carroll, Evans, Ikeda, Kamalii, Peters, Sutton and Suwa voting no, and Representative Machida being excused.

By unanimous consent, H.B. No. 2687-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2687-78, HD 1, and H.B. No. 2687-78, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY RIGHTS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

By unanimous consent, H.B. No. 2729-78, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2729-78, HD 2, and H.B. No. 2729-78, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Machida being excused.

The Chair directed the Clerk to note that H.B. No. 1876-78 had passed Final Reading at 11:11 o'clock p.m.; H.B. Nos. 2095-78, 2687-78 and 2729-78 at 11:13 o'clock p.m.

At 11:15 o'clock p.m., on request by Representative Cobb, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:16 o'clock p.m.

At this time, the Chair stated:

"The Chair would like to remind all members that session will convene at 8:30 tomorrow morning. Be prepared for a very, very long day. Have a heavy breakfast, lots of sleep and rest, and we will move along until we are finished."

Representative Abercrombie then rose and asked:

"Is the sleep to occur before or after breakfast?"

The Chair said:

"In your case, after session."

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

Representative Kunimura introduced Mayor Eduardo Malapit, "Chief Executive Officer of Kauai."

Representative Cobb introduced a former colleague, Councilman Alvin Amaral.

Representative Sutton introduced Mr. Hannibal Tavares who was seated in the gallery.

#### ADJOURNMENT

At 11:17 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 8:30 o'clock a.m. tomorrow, Thursday, April 13, 1978.

## FIFTY-NINTH DAY

Thursday, April 13, 1978

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 8:30 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by the Reverend Stephen Larsen of the Leeward Community Church, after which the Roll was called showing all members present, with the exception of Representatives Abercrombie, Cobb, Kiyabu, Larsen, Naito and Wakatsuki, who were excused.

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

On motion by Representative Yuen, seconded by Representative Kamalii and carried, reading of the Journal of the Fifty-Eighth Day was approved.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 481 to 487) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 481) transmitting Senate Concurrent Resolution No. 132 recognizing and congratulating Lion Shizuo Onishi, Hawaii's candidate for International Director in Lions International, a world-wide organization which was adopted by the Senate on April 12, 1978, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.C.R. No. 132 was adopted.

A communication from the Senate (Sen. Com. No. 482) returning House Concurrent Resolution No. 55, HD 1, which was adopted by the Senate on April 12, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 483) returning House Concurrent Resolution No. 148, which was adopted by the Senate on April 12, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 484) informing the House that the Senate had reconsidered its action taken on April 3, 1978, in disagreeing to the amendments made

by the House to Senate Bill No. 1752-78, and the President had discharged the Managers on the part of the Senate for the consideration of said amendments, and said bill passed Final Reading in the Senate on April 12, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 485) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2054-78, HD 1, was adopted by the Senate; and House Bill No. 2054-78, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 12, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 486) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2166-78, HD 2, was adopted by the Senate; and House Bill No. 2166-78, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 12, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 487) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 3012-78, HD 1, was adopted by the Senate; and House Bill No. 3012-78, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 12, 1978, was placed on file.

At this time, Representative Sutton introduced 22 7th to 10th grade students from Ankiok School, Ankiok Rural Station, Alaska. They are the guests of Mrs. Sutton. They were accompanied by their teachers, Mr. and Mrs. Griffin - Mrs. Elaine Griffin was born and brought up on the Island of Molokai and is the granddaughter of Rex Hitchcock of Harvard.

At 8:44 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:46 o'clock a.m.

## ORDER OF THE DAY

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

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 802-78 on S.B. No. 1627-78 (Deferred from April 12, 1978):

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

S.B. No. 2620-78, SD 2, HD 1 (Deferred from April 12, 1978):

On motion by Representative Suwa, seconded by Representative Peters and carried, S.B. No. 2620-78, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", having been read throughout, passed Third Reading by a vote of 45 ayes, with Representatives Abercrombie, Cobb, Kiyabu, Larsen, Naito and Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 2620-78, SD 2, HD 1, had passed Third Reading at 8:48 o'clock a.m.

Stand. Com. Rep. No. 1117-78 on S.C.R. No. 99, HD 1 (Deferred from April 12, 1978):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and S.C.R. No. 99, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A CURRENT GENERAL PLAN FOR THE CONTINUING RESTORATION OF THE IOLANI PALACE COMPLEX", was adopted.

Stand. Com. Rep. No. 1120-78 on S.C.R. No. 78, SD 1, HD 2 (Deferred from April 12, 1978):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and S.C.R. No. 78, SD 1, HD 2, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO HORIZONTAL PROPERTY REGIMES", was adopted.

Conf. Com. Rep. No. 13 on S.B. No. 2386-78, SD 2, HD 2, CD 1 (Deferred from April 12, 1978):

By unanimous consent, action was

deferred to the end of the calendar.

Conf. Com. Rep. No. 9 on S.B. No. 2005-78, SD 1, HD 1, CD 1 (Deferred from April 12, 1978):

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

Conf. Com. Rep. No. 16 on S.B. No. 1622-78, SD 1, HD 1, CD 1 (Deferred from April 12, 1978):

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

Conf. Com. Rep. No. 17 on H.B. No. 3049-78, HD 1, SD 2, CD 1 (Deferred from April 12, 1978):

On motion by Representative D. Yamada, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 3049-78, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE MARSHAL", having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Abercrombie, Cobb, Kiyabu, Larsen, Naito and Wakatsuki being excused.

Conf. Com. Rep. No. 18 on S.B. No. 2464-78, SD 2, HD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative D. Yamada, seconded by Representative Lunasco and carried, the report of the Committee was adopted and S.B. No. 2464-78, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE POLLUTION", having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Abercrombie, Cobb, Kiyabu, Larsen, Naito and Wakatsuki being excused.

Conf. Com. Rep. No. 19 on H.B. No. 491, HD 2, SD 1, CD 1 (Deferred from April 12, 1978):

Representative Blair moved that the report of the Committee be adopted and that H.B. No. 491, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Yuen.

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

"The purpose of this bill is to make

students liable for restitution of damaged school property as a result of vandalism.

During the last fiscal year, nearly \$425,000 worth of school property was damaged. And, on Oahu alone, almost a quarter million dollars went towards paying for the damage committed by vandals. This figure represents an increase of 26% over the amount spent during the last fiscal year. Further, a total of 923 incidents of vandalism were reported on Oahu - an increase of 10% from the last fiscal year.

These are just a few shocking statistics. What disturbs me most, however, is that presently the DOE lacks the legal grounds to 'punish' a pupil who is found to be guilty of vandalizing school property.

Guardians are liable for tortious acts committed by children. However, many acts of vandalism do not result in tort liability, and losses are not recovered. This means that our tax moneys are going towards recovering these losses.

It is my opinion that the person who commits an act of vandalism should be held responsible for making restitution. Furthermore, it is my belief that if destructive persons are held responsible for their actions, students would be deterred from committing vandalous acts in the future.

As legislators, I feel we have a lot to do with directing the future of our children. Our youths should be made aware of the term 'responsibility'. If they commit a wrongdoing, they must be held responsible for their actions.

This bill takes great strides in holding the wrongdoers responsible for their actions, and I urge all of my colleagues to vote favorably on this measure.

Prior to closing, I would like to commend the Education chairman for bringing forth this bill.

Thank you."

Speaking in favor of the bill, Representative Campbell stated:

"Mr. Speaker, I share many of the sentiments expressed by the previous speaker. I will not state the purpose of the bill; that was done by the previous speaker. But, I do want to indicate to this House at least one minor reservation that I have concerning the bill.

I do have a reservation about holding parents equally responsible, as their children, for damage to school property. I think parents ought to be responsible and they ought to be made responsible for participating in the counseling process which should go on in resolving problems of this nature. But to make the parent equally responsible as their children, in my judgment, can do damage to the parent-child relationship. Where a child is involved in damage to school property, usually, not always, but usually, the relationship between the child and the parent is already in delicate balance.

The provision of this bill which I have been referring to could further strain that delicate relationship. As a matter of fact, it could cause a break in that relationship. It is my hope, Mr. Speaker, that this concern might be addressed in a subsequent legislative session.

I urge support of the bill.

Thank you."

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

"Just to make an addendum to the remarks made by the learned representative from Kalihi.

The court law, as it exists today, already makes the parent responsible for any damage caused by the act of the minor child. And while the concern that he raised is certainly a legitimate one, this bill does nothing to alter what is already the law. It simply gives a tool for going after the recovery of these damages and, in a way, that is not heretofore been followed.

I urge you all to vote on it."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 491, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VANDALISM IN THE SCHOOLS", passed Final Reading by a vote of 45 ayes, with Representatives Abercrombie, Cobb, Kiyabu, Larsen, Naito and Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 3049-78, HD 1, SD 2, CD 1, had passed Final Reading at 8:50 o'clock a.m.; S.B. No. 2464-78, SD 2, HD 1, CD 1, at 8:51 o'clock a.m.; and H.B. No. 491, HD 2, SD 1, CD 1, at 8:56 o'clock a.m.

At 8:56 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.



The House of Representatives reconvened at 8:59 o'clock a.m.

#### SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Ajifu and carried, the rules were suspended for the purpose of considering certain resolutions.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 695 and 696) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 695) commending and praising Kenny Kaneshiro for his sponsorship of various local sports organizations and teams was jointly offered by Representatives Narvaes, Sutton, Mina, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Medeiros, Morioka, Poepoe, Say, Segawa, Shito, Takamine, Takamura, Toguchi, Uechi, Ueoka and Uwaine.

On motion by Representative Narvaes, seconded by Representative Sutton and carried, H.R. No. 695 was adopted.

A resolution (H.R. No. 696) extending a warm mahalo and recognizing Jimmy Aiona for his contributions to the sport of basketball was jointly offered by Representatives Narvaes, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kunimura, Larsen, Lunasco, Medeiros, Mina, Morioka, Poepoe, Say, Segawa, Shito, Sutton, Takamine, Takamura, Toguchi, Uechi, Ueoka and Uwaine.

On motion by Representative Narvaes, seconded by Representative Sutton and carried, H.R. No. 695 was adopted.

Representative Narvaes then rose and stated:

"Mr. Speaker, we have with us today, a man, Jimmy Aiona, who has done so much for the sport of basketball in this State. In fact, if you go back and take a look at his life for the last fifty years, he's been involved in basketball ever since the age of ten - for the last thirty years he has been refereeing basketball games in this State; and for the last fifteen years he's been the head of the Hawaii Basket-

ball Association.

Now, the Hawaii Basketball Association is in charge, or they referee most of the reputable leagues in the State today. For example, some of the leagues that his Association takes care of and referees is the OIA Basketball League; then you have others like the Aloha Classic when the pros come down; the Hilo Vulcans; the UH Rainbows; and there's many more.

This man hasn't been recognized properly, and today, we are going to be making that proper recognition. He does so much for the young people in this State and he gets so little credit for it. One day, I remember talking to him and he says, you know, being the head of this Association is just a whole bunch of headaches, I don't know if it's worth it. But, let me tell you, the kids of this State, we love him. We really do. We all do."

Representative Segawa then rose and stated:

"I'd just like to add that Jimmy Aiona, with all his contributions today, I'd like the people to know that he was one time a great Hilo High Vikings star and a great basketball player of note in some years past. And, so, Jimmy has been an outstanding athlete, really, and an outstanding gentleman. I'm very happy to know him."

The honoree was then introduced by Representative Narvaes, who presented him with a certified copy of the resolution, and Representative Evans presented him a red carnation lei.

At this time, House Resolution No. 648, honoring Robert M. "Bobby" Lee, executive secretary, Hawaii State Boxing Commission, upon his retirement and expressing best wishes for a successful and happy retirement, which was adopted on April 4, 1978, was read by the Clerk.

Representative Uechi then rose and stated:

"Mr. Speaker, I believe Bobby is already enjoying his retirement. A couple of weeks ago we tried to contact him when he had a resolution for Libby Lee, Miss Hawaii, but we couldn't put them together. I don't think they're related, though.

But, I would like to say to the House that sure, we all know Bobby's history. He contributed much to the State of Hawaii, not only the State of Hawaii,

but international boxing.

It gives me great pleasure to introduce him to the members of the House and the people in the gallery."

Representative Medeiros rose and stated:

"Mr. Speaker, may I be allowed this morning to say a few kind words, well-deserved by the recipient?"

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

"Mr. Speaker, my association with the recipient of this resolution goes back far. It was only a couple weeks ago, here on the floor of the House, we had honored one of the outstanding fighters in Hawaii, and we had predicted that he would be champion of the world. Well, as far as I'm concerned, Mr. Speaker, we already have the champion of the world as far as the representation of boxing in our nation and throughout the world.

During my remarks, as you will recall, I had referred to Hawaii as the boxing pad of the world. A number of people made this happen, and Mr. Lee was very much a part of it. I can stand here, proudly, to say that we have had, for the first time in our Territory and in our State, a man to be president of the WBA.

For those of you who are not that close to the boxing game, for those of you who are not familiar with the World Boxing Association, it is just another title to you and just another organization. But let me tell you something, if you think you've got politics here in this State, you've got politics in the WBA, and it takes one hell of a man to lead this group. This is a group that represents the world and we had our kamaaina doing this for us in two years, and he's done one hell of a job.

Bobby, it's a pleasure knowing you."

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

At 9:14 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, to meet and greet the honored guests.

Upon reconvening at 10:22 o'clock a.m., the Speaker assumed the rostrum and directed the Clerk to note the

presence of Representatives Abercrombie, Cobb, Kiyabu and Larsen.

The Chair then stated:

"The chair would like to remind all members that we're on page three out of ten pages. The Chair would like to have all of you be given yourselves some time this afternoon and evening for resting your minds and bodies for tomorrow, so we can move on expeditiously. I think everyone would appreciate that."

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 20 on H.B. No. 3060-78, SD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative D. Yamada, seconded by Representative Baker and carried, the report of the Committee was adopted and H.B. No. 3060-78, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL CLAIM CONCILIATION PANELS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Naito being excused.

Conf. Com. Rep. No. 21 on H.B. No. 1838-78, HD 2, SD 1, CD 1 (Deferred from April 12, 1978):

Representative Aki moved that the report of the Committee be adopted and that H.B. No. 1838-78, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, we are, today, in a situation where we could do a great deal of good. We could raise the age of taking these pornographic movies to 18. The true minor in this bill, Mr. Speaker, is defined as 16. This leaves a gap group of two years. Make a film with someone 17 years of age and this doesn't cover you.

We have used the definition of 18 and under for minors in many, many things. In fact, we will take a bill a little later in the day on your own agenda, S.B. 1824, counseling of minors. What is the age there? Counseling of minors - 18.

We have an excellent bill here, in all respects, except for the age, which should be 18 and not 16.

Now, Mr. Speaker, if you will look at the bill, you will see the definition of minor in the bill as 16 years of age; and this is on page two, line two. 'Minor' means any person less than 16 years old.

Mr. Speaker, if I can ask you to read the first paragraph of this bill, the one that has the meat, a person commits the offense of promoting child abuse in the first degree, if knowing or have reason to know it's character and content, the person produces directs or participates in the preparation of material or engages in a performance which employs, uses, or otherwise contains a minor engaging in or assisting others to engage in sexual conduct. We have the word 'minor'. That's the key word there. And then we define 'minor' on the next page as age 16 when we should have had it at 18 years of age, Mr. Speaker. And we had an opportunity.

Therefore, I'm making this minority report as a member of the conference committee, and I wish to have this particular bill put into limbo because there's no point in getting Hawaii into the situation that California's in. All sorts of these movies are being produced and shown all over the State of California, and the prosecutors are having a very difficult time.

And if we should find ourselves in that position, we would be able, if this said 18, supposing a movie of this nature is made and somebody is 17 years of age, the prosecutor doesn't get any benefit from this bill.

Therefore, Mr. Speaker, I will urge all of you to vote 'no' on this bill and then come back next session and put a proper bill in with the age 18.

Thank you."

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

"Mr. Speaker, the legislation before us now will be an important tool in our efforts to stamp out child pornography in Hawaii. This bill is designed to fill a very serious gap in the State law regarding the production of pornographic material involving children. At present, there does not appear to be any effective means of reaching these persons who would abuse children by employing them in the production of such materials.

This bill would remedy this situation: 1) by making it a Class B felony to participate in, direct, or produce

pornographic materials which employs, uses, or otherwise contains a minor (less than 16 years of age) engaging in or assisting others to engage in sexual conduct; and 2) by making it a Class C felony to disseminate such material; and 3) by providing appropriate penalties for any violation of the Act.

I believe, Mr. Speaker, we must act now. If we fail to face up to this very serious problem, many of our young people may be irreparably harmed. Don't we already have enough problems with crime, juvenile delinquency, neglected and abused children? Do we want to risk adding the results of this new form of child abuse to the staggering list of problems we already face? I think not.

If we act now to ban production of these materials through the power of this Legislature, we will be taking a very big step forward towards preventing the further abuse of our children. I sincerely urge all members to vote in favor of this bill.

Thank you, Mr. Speaker."

Representative Carroll then rose and stated:

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

Mr. Speaker, the comments of the learned representative from Nuuanu, I think, are well taken, as far as the limitation of the age is concerned. It certainly would be well for this Legislature to consider, at a later date, pushing the age up to 18; that is, to include all of the minors that we seek to protect by this measure. But this kind of a defect, Mr. Speaker, is not what we would term a fatal flaw. It's simply, I think, either an oversight or a compromise position that's been taken. We would do this community a great disservice not to pass this measure and I urge that we all vote 'aye'."

Speaking in favor of the bill, Representative Abercrombie stated:

"Mr. Speaker, my reasoning, although I agree with the speaker from Nuuanu that the age should be 18, and as I think, I may state for the record, and the record will reflect, that the House position was 18 on this particular measure. However, we know that in the Penal Code, by recognizing other factors, in terms of sexuality and its expression both in this State, in the United States and in modern circumstances, sexual conduct at the age of 14 may be countenance in certain circumstances. Therefore,

whatever the reasoning that might have been involved in making the age 16 rather than 18, the point is that we have moved the bill from trying to deal with the problem in terms of pornography and moved it into the 'abuse' category. I direct your attention, Mr. Speaker, to the third paragraph of the conference committee draft. The bill places the offense under Chapter 707 of the Hawaii Revised Statutes, relating to offenses against the person, rather than Chapter 712, relating to pornography, since this bill is directed toward action which involves sexual conduct by a minor and does not attempt to define the offense in terms of pornography. This is what we sought to do in the first place. We want to deal with offenses against the person rather than offenses against what someone might think or not think and find, therefore, a subject for court action which may or may not be resolved.

The way the bill is written now, it makes it very clear to anyone who is engaged in the production, etc., of these kinds of films, that they are involved in a felony crime in which they are not going to be able to claim socially redeeming value and/or any of the other categories of defense that might come up in the pornographic prosecution.

By definition, in this bill, we are protecting the child. That should be the first and foremost consideration when dealing with the bill - the protection of children rather than the record of prosecution by any judicial branch and/or prosecutorial branch of government. The protection of the children is the main thing in this instance.

My only regret, I should say, and I think regret is the correct term, has to do with the second page, under the definitions of 'sexual conduct'. I think that, and I'll read, that sexual conduct is defined as 'acts of masturbation, bestiality, homosexuality, lesbianism, deviate sexual intercourse, sexual intercourse, and sadomasochistic abuse.' I think that that definition of sexual conduct moves us back into the area of what constitutes pornography. I find that definition extremely defective. It's contradictory; it does not recognize the realities of sexual behavior; it is a fiction in mind; and it should be addressed at another legislative session, preferably the very next one, so that we can straighten out the contradictions there - homosexuality and lesbianism, for example - as if there was some kind of differentiation. What's sexual intercourse? I can't

imagine! What's sexual intercourse per se? I presume that means heterosexual intercourse. But what the sexual conduct definition section does is reflect some of the old myths, reflect some of the incapacities that we have in our present day circumstances to deal forthrightly with sexuality as part and parcel of our daily existences.

But those concerns, and one additional which I have mentioned to the representative from the Big Island, Mr. Yamada, my other concern was that it wasn't a Class A felony. I think he and I were agreed on that, and I think it's the first Class A felony approach that we've agreed on for quite some time. That, too, perhaps, can be considered at some point in the future.

But the bill is so pertinent, the bill addresses the principle issues of the abuse of children in such a direct manner that to fail to pass it, I think, would put us in the position of failing our duty to our children and I would hate to see that happen.

So, with those comments, Mr. Speaker, I'd like to urge that this bill be passed as a resounding a vote as is possible for us to have.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 1838-78, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH AND MORALS", passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Naito being excused.

Conf. Com. Rep. No. 22 on H.B. No. 2403-78, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2403-78, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Naito being excused.

Conf. Com. Rep. No. 23 on H.B. No. 1939-78, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

By unanimous consent, action was deferred for one day.

Conf. Com. Rep. No. 24 on H.B. No. 2085-78, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2085-78, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING PERMITS", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Naito being excused.

Conf. Com. Rep. No. 25 on H.B. No. 992, SD 2, CD 1 (Deferred from April 12, 1978):

Representative D. Yamada moved that the report of the Committee be adopted and that H.B. No. 992, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Suwa.

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

"Mr. Speaker, last year, when this bill came before this body, I pointed out to them at that time that there are other solicitors in the State that have to pay the same excise tax. And the argument that was presented that day, and is presented in the committee report, is that legally these other solicitors can pass on that tax.

But, Mr. Speaker, during the interim I did some research on my own and I found out that in most cases this tax, where other solicitors, other than insurance agents, are not passed on - professions like real estate; other professions where people are living on purely commissions - many of these thousands of sole proprietors in this State are still forced to pay this tax. And this piece of legislation before us which will correct an inequity for the insurance agents, sub-agents and solicitors should, some day, and I hope very soon, perhaps next session, be passed on to these other solicitors in this State the same kind of tax break. It's pretty unfair.

Mr. Speaker, with that in mind, I'd like to urge all members to vote in favor of this measure."

Speaking in favor of the bill, Representative Dods, stated:

"Mr. Speaker, under present law, insurance agents, sub-agents and solicitors are prohibited from passing

on the excise tax to their customers. The Legislature finds that this differential tax treatment is inequitable. The actual excise tax burden on the insurance solicitor is 2% - basically 2 cents for every \$1.00 of income. The actual tax burden on general agents and sub-agents is 4%. The tax burden of a taxpayer who can pass on the excise tax to the customer, however, is only .15%.

Mr. Speaker, of the thirty-one various occupations which operate on a commission basis, which our previous speaker just spoke about, only insurance agents are prohibited by a State statute from passing on the excise tax to their customers.

The excise tax is applied to commissions received on the sale of insurance even though the insurance company is also liable for the insurance premium tax for basically the same sales transaction. For the fiscal year ending June 30, 1976, the State collected \$557,121 in excise taxes from insurance solicitors at the two per cent rate and \$6,376,669 from other occupations operating on commission. Revenue figures for insurance general agents and sub-agents are not available.

Mr. Speaker, allowing insurance agents to pass on the excise tax will result in some increased costs for the consumer, but the situation would not be any different from the majority of occupations which can pass on excise tax. It is unfair to force insurance agents to pay the entire excise tax while allowing other occupations to pass on most of the excise tax to the customers.

Mr. Speaker, this bill will correct the inequity in the application of the general excise tax on commissions of insurance general agents, sub-agents and solicitors by reducing the excise tax currently set at 4% for general agents and 2% for solicitors to .15% which is the actual burden of the other occupations. At the same time, it will also raise the rates for the premium tax payable by certain insurers to cover any loss in revenue.

Because of the inequity of the present law, I urge all of my colleagues to vote for this bill,

Thank you."

At 10:43 o'clock a.m., on the request of Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:45 o'clock a.m., Representative Narvaes rose "again to speak in favor of the bill to make a few addendums to my previous statements",

stating:

"Mr. Speaker, I have been lucky to work as a sole proprietor in a few different occupations, and one of them was to sell a little real estate; one of them was to sell a little insurance; and there were various other kinds of door to door sales which I've been lucky to do.

Mr. Speaker, contrary to what this committee report says, where the tax in other occupations, other than insurance, can be passed on legally, I have found through my own experiences that they are not passed on. So, contrary to what this committee report says, this problem of the insurance solicitors is not only for them alone. The same situation, the same double taxation, is experienced by every proprietor in this State.

Mr. Speaker, with that addendum, I urge all members to vote in favor of this measure."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 992, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Baker and Sutton voting no, and Representative Naito being excused.

Conf. Com. Rep. No. 26 on H.B. No. 2185-78, HD 2, SD 1, CD 1 (Deferred from April 12, 1978):

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

Conf. Com. Rep. No. 27 on H.B. No. 2118-78, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

Representative Ikeda moved that the report of the Committee be adopted and that H.B. No. 2118-78, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative K. Yamada.

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

"This bill, Mr. Speaker, is necessary if we are to prevent abuses against our residents and visitors alike. The abuses to which I refer are well documented and are substantial, occurring with apparent frequency

at several locations within our State. This legislation will put a stop to such abuses and will do so in a totally constitutional manner.

House Bill No. 2118-78 would make it a violation for a person to intentionally impede or obstruct another person in any public place or in any place open to the public. This bill would require the counties to regulate licensed peddlers, prohibiting the same kind of intentional impeding or obstructing of another person. Lastly, this bill prohibits those who solicit charitable contributions from intentionally impeding or obstructing persons.

No one should have the right to intentionally impede or obstruct another person as that person goes about his way; it is difficult enough to get around in crowded public areas without being subjected to this kind of intentional harassment. And this bill will not infringe upon anyone's constitutional rights, whether those rights concern expression, religion or the right to know exactly what anti-social activity is prohibited.

The phrase 'impedes or obstructs' spells out exactly what activity is prohibited. Webster's New Collegiate Dictionary defines 'impede' as 'to interfere with or slow the progress of'. . . Webster's defines 'obstruct' as 'to block or close up by an obstacle . . . to hinder from passage, action or operation'.

It is clear from a reading of these commonly accepted definitions that we are not forbidding the passive solicitation of contributions but rather prohibiting aggressive, affirmative activity done intentionally to impede or obstruct another person, using high pressure tactics. Nor does this bill prohibit in any way the communication of information or opinion, religious or otherwise. The begging and soliciting for alms or peddling of merchandise does not necessarily involve the communication of information or opinion and therefore impeding or obstructing another person for the purpose of begging or selling is not protected by the First Amendment. This is not just my opinion, it is the holding of a California court regarding a statute similar to this bill and was decided as recently as 1976. I might add that the court upheld the mentioned California statute even though it made it a misdemeanor to merely approach or walk up to another in a public place for the purpose of soliciting alms, as opposed to merely receiving donations. Clearly, our bill is much narrower than California's;



we will prohibit only the impeding or obstructing of another, not the mere approach of another. And it should also be noted that this bill would make it a violation to do so and a misdemeanor only under aggravated circumstances.

Whatever is said here today regarding this bill, I hope we all remember that the First Amendment does not provide an all-encompassing umbrella for all activities carried out in the name of expression or religion. The courts of the United States, including the U.S. Supreme Court, has always been able to distinguish between words and actions and even actions as forms of expression. As examples, look to permissible pornography laws, laws controlling religious snake-handling and restrictions against inciting a riot.

What we seek to curtail by this bill is very aggressive, anti-social behavior which constitutes a very real nuisance to many people, and which occurs with apparent frequency. This sort of nuisance is all we will be curtailing; permitting freedom of expression and religion to continue untouched as always.

A recent television news segment demonstrated once again that the type of harassment this bill prohibits continues unabated. The broadcast demonstrated that, at least in some instances, the harassment can be substantial both in the kind of interference and the period of interference.

Mr. Speaker, the public outcry for help is clear. For too long we have heard promises that abuses will be corrected. This body will be itself impeding and obstructing the rights of our citizens and visitors to free movement in public places if it does not act favorably on this bill.

This is a reasonable, equitable solution to the problem, and I ask you to vote favorably on this measure.

Thank you."

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

"Mr. Speaker, it is a sad commentary on our society when people who have the opportunity for the expression in terms of freedom of religion guaranteed by the separation of church and state in our nation; a sad commentary indeed, when they utilize religious purposes, utilize a religious reference rather,

to attempt to secure financial resources for their own corporations, because that's generally what it means.

The impeding or obstruction section on page two is, for my purposes, precisely the previous speaker's orientation. And at the end of my remarks, I would like to have hers incorporated as my own, in addition, with your permission."

The Chair "so ordered", and Representative Abercrombie continued, stating:

"Thank you.

Just one further point. I have some familiarity, as I expect many other members of the House do and members of the public at large, with some of the philosophies underlying the . . . especially religions designated as Eastern religions. None of my studies, nor any of my contacts with people whose allegiance to these religious precepts are sincere and obvious, none of my contacts in these circumstances leads me to believe that the religious precepts, especially in the East, are anything but undermined and desecrated by attempting to use them as a cover to get great amounts of money together for such purposes as unscrupulous individuals may seek to use them for in our society.

Begging or soliciting alms is an honorable aspect of many religious persuasions, not just in the East, but in the West; not just in organized institutional religions, but individually practiced religious beliefs, with respect to the philosophical precepts that have been laid down by great religious leaders in the past and today. The obstruction, impeding, as indicated by definition in the previous speaker's remarks, plays no role that I can discover in any historical context, with respect to the honorable nature of begging or soliciting alms, when one does not wish to engage oneself in material commerce, commercial commerce with the rest of the world, but rather, in most instances, taking upon oneself a penitent attitude, or a penitent life, on behalf of those beliefs.

It is very sad that this circumstance has now been turned because of the notorious nature of some of the obstruction that takes place in public places; very sad indeed that this aspect of religious persuasion has now been obscured. I would hope that the passage of this bill and the subsequent prosecution of people who have abused this ancient philosophical tradition, will lead to a better understanding in contemporary

society the nature of and the reasons for individuals and/or groups of people who profess the asking of alms, the existence in their lives of begging as a part of their religious existence, a reconsideration of the reasons for this, and a renewed respect, one would hope, for those who practice it truly and honorably.

Thank you."

Representative Kunimura then rose and stated:

"I rise to speak in favor of this bill, and in doing so, with the permission of the introducer of the bill, Representative Ikeda, that her remarks be inserted as the one that I subscribe to very strongly.

Also, Mr. Speaker, we are now reaching the end of the tunnel where lots of sunshine is beginning to come into this chamber, and I'd like to note that there is hope, there'll be great days ahead, because we are beginning to enact more and more minority legislation, and I'm pretty sure that the bi-partisan approach be practiced for future Legislatures.

A small note to the Republicans, if and when you introduce anything good, you can be assured that the majority will consider your proposals."

Representative Kamalii then rose and stated:

"Mr. Speaker, for the record, I want this body to know that the Republicans have introduced legislation with merit, and unfortunately, it has not come to the floor of the House with our name on it, but it has come to the floor of the House as a Democrat measure. So, we thank you for taking our ideas."

Representative Kunimura rose and stated:

"Mr. Speaker, if I may reply. Maybe your ideas were premature at that time, and that when . . . if I may add to what I said . . . please, Mr. Speaker, I know you haven't had enough sleep, and most of us haven't, but with the frown on your face, you take away the sunshine, and there isn't anything more beautiful than a smile in a crowded place like this.

And to the minority . . . ."

The Chair interrupted, stating:

"When there's something to smile

about, I think we will all smile. Proceed."

Representative Kunimura then stated:

"I beg your pardon?

Mr. Speaker, just a small note - in addition, timing is so important in politics. Timing."

Representative Kamalii then said:

"I must respond to this, if I may, Mr. Speaker."

The Chair replied:

"Representative Kamalii, can we proceed with the business at hand after you get through with your final remarks? Proceed."

Representative Kamalii stated:

"Timing is important, Mr. Speaker, but vision is even much more important for the benefit of this State."

The Chair then remarked:

"All of us have great vision."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I'd like to rise for this bill again?"

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

"Mr. Speaker, the reason I do so is that among other things, I think it is necessary to comment, I did not do so before, that I believe I have attempted as best I can, my understanding of the Constitution to support it and that it may be conceived by some that this is an abrogation of free speech and the Constitution. I do not believe it is so, for the reasons that I have mentioned, and I wish to have that in the record.

And I also, in conclusion, would like to thank Representative Kunimura for stating that occasionally minority viewpoints are able to get through. I'm glad this one was able to do so.

Thank you very much everybody."

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

"Mr. Speaker, somehow I sense that my voice on this matter may be a very lonely one. In any event, I think someone should register an objection to this bill because it is directed to a particular group.

One may quarrel with the question of whether that group is a religious group or not, but one should not put into law a legal sanction of the government to prevent activities which may be part of its religious practice. This bill, and I understand a problem to which this bill is directed, this bill will be acceptable if it did not mention begging and soliciting alms. As one of the previous speakers mentioned, that is an accepted practice for many and in many Eastern religions.

I suspect this bill will be challenged very soon in the courts, and I predict that it will not meet the test of freedom of religion under our First Amendment."

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

"I believe my previous remarks clearly outlines the status of the bill and why it was introduced, and I take exception to the previous speaker's remarks that it was aimed at a certain group.

As the introducer of the bill, I want it to be perfectly clear that the reason for introducing this bill has been partly personal because I have been subject to the type of activity that this bill is trying to curb. At the time these occurrences took place, I was not under the impression nor did I know whether these people were affiliated with any group, nor did it matter.

I think that the type of behavior we are trying to curb by this legislation is the type of behavior that should be curbed regardless of who does it. And I don't believe that the law is going to be discriminatory and single out only certain people. But, by George, if anyone is guilty of this type of behavior, then they should be penalized.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 2118-78, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITING, PEDDLING, AND DISORDERLY CONDUCT", passed Final Reading by a vote of 49 ayes to 1 no, with Representative Cayetano voting no, and Representative Naito being excused.

Conf. Com. Rep. No. 28 on H.B. No. 425, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative D. Yamada, seconded by Representative

Cobb and carried, the report of the Committee was adopted and H.B. No. 425, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Naito being excused.

Conf. Com. Rep. No. 29 on H.B. No. 429, SD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 429, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Naito being excused.

Conf. Com. Rep. No. 30 on H.B. No. 2312-78, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM PROBATE CODE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Naito being excused.

Conf. Com. Rep. No. 31 on H.B. No. 3039-78, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 3039-78, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Peters.

Representative Suwa, upon being recognized, stated:

"Mr. Speaker, speaking in favor of the bill, it is a pleasure to report on a bill which is the product of all 51 members of this body. It is also a pleasure to report on a bill which has become progressively better as it worked its way through the legislative process.

The bill accommodates most of the Governor's supplementary recommendations, it reorders priorities, and it amends appropriations previously made.

It also includes a number of items which we have referred to as a special program appropriations.

I believe that these items can correctly be called special program appropriations because much of it goes to social programs - for those most in need - the elderly, the poor, and those who are unable to care for themselves. Also, a good part of these special program appropriations goes to our continued emphasis on education, on giving our children of this State the best chance possible to prepare themselves for adulthood, and on channeling funds to each school to meet the unique and special needs of our students.

For convenience, these special program appropriations are identified in an attachment to the committee report. It is our intent that these special program appropriations be implemented in the same manner as appropriations which have been provided to fund the recommendations of the executive branch.

In my last report to you on the House version of the budget, I expressed concern and caution about the sluggish performance of our revenue collections. However, the latest information on general fund tax collections indicates that the cumulative receipts through March are now running higher than the anticipated 8.3% growth rate for the current year. While this is encouraging, the bill before you still reflects a spending policy of restraint, and other noteworthy programs which have not been funded will need to be considered in the budget for the next biennium.

The general fund appropriations amount to \$862 million as compared to the executive branch's \$871 million. The appropriations which are to be made from the general obligation bond fund amount to \$117 million. This is to be compared with the official debt margin of \$372 million reported to be available for additional authorizations.

Mr. Speaker, H.B. No. 3039-78 is a bill shaped by all of us; it merits, in turn, the support of all of us.

Thank you, Mr. Speaker."

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

"First of all, Mr. Speaker, I would like to commend the members and the leadership of the Finance Committee for their hard work and their dedication.

I do have some serious reservations, Mr. Speaker, related to the section of the bill on lower education. That section deals with competency testing and I am going to read that section because that would be the basis for my comment. It says: 'Competency Testing. A great deal of attention has been focused during this session on the proposals of the Department of Education to require students to pass a minimum competency test as a condition for graduation from high school. The legislative established Citizens Advisory Committee reported, among other points, that the Department's purpose for competency testing was not clear. The plans did not provide for sufficient test development and there was not enough detail in the plan for helping those students who may not pass initially. The Legislature agrees with the advisory committee that the potential implication of minimum competency testing have not been thoroughly thought through. While competent in the basic skills, it is not convinced that minimum competency testing for graduation is the appropriate means to bring about such competency. To prevent potential excesses in the conduct of competency testing, a specific provision has been included in this bill.'

Mr. Speaker, because a significant legislative action is being proposed, based on its report, I think it is necessary to have a closer look at the Citizens Advisory Committee established by this Legislature.

I have before me the Act, Act 187, which brought this committee into being, and I am quoting from that Act, just that section which indicates the purpose: 'The purpose of this Act is to provide for the establishment of a Citizens Advisory Committee on basic skills and real-life skills to advise the Legislature on the kinds of skills that students graduating from public schools should possess. The Legislature finds that many adults and young people lack proficiency in the basic skills of reading, writing and computation and are unable to successfully complete those tasks which are common to every day life. The widespread inability of both the adult and young adult population to adequately perform such tasks has led the Legislature to conclude that the teaching of basic skills and their application to real-life situations must be improved. Moreover, the increasing public demand for minimum level of demonstrated competency, as a condition for graduation from high school, must be acknowledged. The Legislature believes that the establishment and the achievement of minimum competencies in the basic skills and the performance of practical tasks are urgent and necessary if students

ought to function adequately as consumers and citizens in the real world.'

Now, section 2 which is short, says this: 'There is hereby created a Citizens Advisory Committee which shall advise the Legislature on the kinds of skills and the levels of proficiency which are necessary to enable the graduates of public schools to function adequately in the adult world.'

Now, Mr. Speaker, not only did the Legislature recognize the necessity for, and I quote, 'minimum level of demonstrated competency as a condition for graduation from high school', but it also mandated the Citizens Advisory Committee on basic skills and real-life skills, to quote, 'advise the Legislature on the kinds of skills and the levels of proficiency which are necessary to enable the graduates of public schools to function adequately in an adult world.'

So, Mr. Speaker, the Legislature saw the need for students to demonstrate minimum levels of competency before finishing high school, and the Legislature assigned the research task to the Citizens Advisory Committee. The question is: Did the committee carry out the task assigned to it by the Legislature? I think the answer is no.

And let me read a letter to you, Mr. Speaker, which is dated February 27, 1978, and I quote from that letter (just a part of it, and the committee is making reference to its report): 'This report basically contains the committee's finding on the effort now being pursued by the Department of Education to develop a minimum competency test to establish levels of performance expectations for students and to implement new graduation certificates which attest to student achievement. The committee would have liked to have spent more time and effort on the charge given to it. The shortness of time required the committee to focus primarily upon the essential issues involved in the charge.' So, Mr. Speaker, the committee apparently did not have the time to do the monumental job which was assigned to it. The committee, because of time constraints, had to limit itself to a cursory critique of the DOE's comprehensive basic skills and level of performance expectation program for our students.

Now, Mr. Speaker, this brings me to the crux of the point that should concern every legislator in this chamber. We are getting ready to embark upon significant action affecting a DOE program

based on a committee report and research, of necessity, hastily put together. Mr. Speaker, to me, this is a serious concern. But I have another concern. Thirty-two states already have some form of basic skills testing for high school graduation, thereby putting them in line for considerable federal funding. If we do anything to hamper the DOE from implementing its basic skills program, we would be denying Hawaii its rightful share of federal funding for this kind of program.

Now, in conclusion, Mr. Speaker, let me express another reservation about this conference report. I have grave concerns about the redeployment of the Office of Instructional Service positions mentioned in the report. This fundamental change in the structure of the DOE, without a public hearing, could have serious consequences. How can we make such basic changes in the DOE operation without public input, which is so essential to the legislative process? So, Mr. Speaker, I hope it is not too late. Of course, I know it's awfully late, but I hope it's not too late to address some of these concerns. I urge support of the bill."

At 11:22 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:26 o'clock a.m., the Vice Speaker assumed the rostrum and directed the Clerk to note the presence of Representative Naito.

Representative Ushijima, upon being recognized, stated:

"Mr. Speaker, I rise to speak in favor of H.B. No. 3039-78, HD 1, SD 1, CD 1, and will comment only on the area of higher education.

The bill provides the University of Hawaii with an appropriation of nearly \$109.9 million. This is \$1.7 million more than what was provided in the House draft one version of the budget or a \$4 million increase to the \$105 million provided in Act 10, Session Laws of Hawaii 1977 for FY 1978-79.

Originally, the Governor's supplemental budget request provided for a total of \$108.5 million for the University. However, after printing the executive supplemental budget request, the Governor informed the University that he would now allow \$107.5 million for FY 1978-79, thereby requiring the University to reallocate funds in order to account for the \$1 million difference. The supplemental budget before us today is based on the University's reallocated budget of \$107.5 million.

Mr. Speaker, our acceptance of the University's reallocated budget as the base is logical for it reflects the University's priorities as outlined in the budget policy guidelines for FY 1978-81 which were adopted by the Board of Regents on October 14, 1977. While I am not totally satisfied with how the University has developed its budget for FY 1978-81, I believe that these formal policy guidelines are an encouraging indication that future University budgets will provide more fiscal accountability and be more responsive to the needs of its students, faculty, staff and community.

With the reallocated budget as the base, appropriations were added for programs and other needs such as 1) the Marine Option Program; 2) the Center for Labor Education and Research; 3) the Extended Degree Program; 4) the maintenance of the new swimming pool complex; 5) funds for women's athletics; 6) Hamilton Library Phase II; 7) positions for the Women's Studies Program; 8) the Law of the Sea Institute; and 9) the Continuing Education for Women Program.

Mr. Speaker, one item of major concern which we seriously tried to remedy is the Manoa instruction budget reduction. The University's reallocated budget called for a \$582,000 reduction of the Manoa instruction budget appropriation in Act 10, Session Laws of Hawaii 1977. House Bill No. 3039-78, HD 1, SD 1, CD 1, restores more than half of this reduction. Thus, the total reduction for Manoa instruction is now considerably lower.

I realize, Mr. Speaker, that many of us here would like to see more funds added to the instructional parts of the budget for we do believe that the delivery of instruction represents the core of our public higher education system. I think I speak for most of my colleagues when I state that instruction still is the highest priority. In recent years, we have supported instruction at the expense of other operating cost areas and we are now at the point where these costs can no longer be deferred or cut. They include unanticipated increases in utility costs, student help pay increases to meet new minimum wage requirements, and compliance to OSHA and federal equal educational opportunity requirements.

Mr. Speaker, a good education institution must have a balance of direct and indirect services. Good faculty and enthusiastic teaching, research, and public service cannot be provided

without adequate supplies, equipment, clerical help, library materials and staff, and sanitary and safe buildings and grounds.

As I had said last year, the overall fiscal demands of the State make the task of balancing the higher education budget much more unpleasant and difficult. I believe that the budget before us represents the earnest efforts of the Higher Education and Finance Committees and is found to be equitable and fiscally responsible.

Mr. Speaker, on behalf of all the members of the Higher Education Committee, I would like to thank the House conferees headed by Representative Jack Suwa for their commendable efforts in obtaining needed additional funds for the University.

On this note, Mr. Speaker, I urge all my colleagues to vote with me in favor of House Bill No. 3039-78, HD 1, SD 1, CD 1.

Thank you."

Representative Abercrombie then rose and stated:

"Mr. Speaker, as vice chairman of the Committee on Higher Education, I would like to extend the remarks in favor of the bill, please . . . extend the remarks of the chairman in the following areas, and make one or two other comments.

Mr. Speaker, I think it's significant that in the conference committee report, on page 9, Higher Education, the very first item listed there is the Extended Degree Program. And may I quote from the first sentence: 'Funds have been provided for the establishment of an Extended Degree Program which would offer educational opportunities to those who find it difficult to enroll at regular campus-based facilities'. Mr. Speaker, there are members here on the floor who have pushed for this program for a good length of time. It is now possible for us to have this program take off, and it will be one of the great boons to education throughout the State. We are able to take education to where the people are rather than forcing them to come to a physical facility that may or may not have been arbitrarily located or may have been at a time in which circumstances, in terms of geography and population, no longer warrant. In any event, Mr. Speaker, there is no question that by the establishment of an Extended Degree Program, we have moved into a new era of higher education in the State of Hawaii. And if it is properly



utilized and administrated, will be something that this Legislature can be very, very proud of.

In terms of athletics, Mr. Speaker, I think it's very important to note that the \$10.2 million building is one of a phase at the University in respect of physical education, intramural and athletic facilities. Sometimes I think people have forgotten, especially with some of the kinds of publicity that have appeared in our media, that there is an integral educational aspect associated with recreational physical activity at the University - physical education as a profession, and as courses available to the student body, as well as the intramural activity to which involves the whole student body and the athletic program now envisioned by the Board of Regents.

We have indicated in the appropriation itself, that programmatic and personnel costs should be reflected and will be reflected in the building itself. We will not have, in the future, situation in which we spend a great deal of public funds, expend capital funds, and then have no program, no personnel to utilize the buildings which have been completed. This has been a record, a sorry record, at the University for a long time, and this bill addresses that quite correctly.

I wish to say, in addition, that we have taken some \$582,000, as the chairman mentioned, recommended by the University, and we have taken roughly half of that and put it back into instruction in the part two budget. The chairman mentioned that, and I think it needs re-emphasis, that this cannot be stated by the University to the student body, to the faculty, to the taxpayers, that the money was not available, that the Legislature took it away, which is the favorite cliché utilized by the University to cover up its administrative inadequacies. And I wish to indicate also, Mr. Speaker, that some people at the University of Hawaii who, apparently, if one reads the Ka Leo, wants to claim credit for everything that the House does without bothering or being elected yet - perhaps they are going to be elected in the future, or wish to be elected in the future.

I might say, Mr. Speaker, that the efforts of this Committee were not aided and abetted by the ASUH in attempting to defend to the best that we could the instructional budget appropriations which we thought were appropriate. We had to depend upon the good officers of our Finance

Committee members and on the energy and the lobbying ability of our own members in the Higher Education Committee to keep this effort going and succeeding, and I trust that the record will show that.

One other point, Mr. Speaker, if you'll indulge me a moment. I want to refer to, just very briefly then, now, as a members of the Education Committee to some of the remarks made by the previous speakers, on competency testing. Mr. Speaker, the House Education, I think, very wisely decided that the competency testing, as envisioned by the DOE in its presentation to us, was so totally inadequate, so utterly outside the scope of what we have envisioned in terms of the addressing of that problem, that is to say, whether or not we are graduating literate students, that they have been rejected.

And I wish to state, Mr. Speaker, in terms of the citizens' committee that was put together, I do not believe that its existence is any longer warranted, that its report indicated what some of us have known all along and that I for one feel that the DOE has made it abundantly clear that it is incapable and unwilling to deal with this circumstance of graduating literate students. And should I be fortunate enough to return to the Legislature in November, I am going to make it, I can assure you and assure the public and the members here, a personal pious priority to see that this Legislature does the DOE's work for it and be very happy indeed to address or engage in dialogue or debate with any member of the DOE, including the superintendent, as to why it is important that we graduate literate students.

This Legislature has been accused time and time again of interfering with the role of the DOE and providing the services that the taxpayers pay for, for our children in their education. We have not interfered sufficiently. We waited a whole year for the DOE to come up with a plan to establish a range of standards of competency in the schools so that we can be assured that our children are being properly taught. They did not do so. We will have to do it for them. There's no question of that in my mind.

And so, I urge the passage of this bill and I ask also that members keep in mind that where the education of our children is concerned, we are going to have to do the work of the DOE in respect of competency and literacy and that we shall have to

pass, in the future Legislature to come, a bill to do exactly that.

Thank you."

Representative Evans then rose to "speak in favor of H.B. No. 3039-78; HD 1, SD 1, CD 1, with deep reservation pertaining to the lower education segment of the budget", stating:

"Last year, Mr. Speaker, we passed H.B. No. 78, HD 2, which created an advisory group which was to deal with basic skills and real life skills within the DOE. Its purpose, in the words of the bill, was to advise the Legislature on the kinds of skills that students graduating from public schools should possess. In other words, the group was to use its expertise and its grassroots contacts to develop for us an independent look at the current comprehensive debate about the kinds of skills that our public school students should be acquiring. Instead of this, the advisory committee simply reviewed the current Department of Education effort in this area, basing the review on a bibliography supplied almost entirely by the Department of Education. The independent compilation on essential skills, based in part on grassroots input, was totally lacking. Of their effort, the advisory committee put it simply: 'This report is thus a report on the DOE effort'.

It was clearly not the intent of the Legislature to have this advisory committee evaluate for us the extremely important new DOE program in the area of graduation requirements. Such an evaluation is a legislative responsibility and if this was to be our goal, we should have set up an interim committee made up of legislators, as other states have done, for the same kind of evaluation on minimum competency programs.

If it was the intent of the Legislature to have an analysis of the DOE program, the advisory committee report is misapplied in certain respects. The report criticizes shortcomings in part of the DOE program which the DOE specifically has not yet scheduled for development. It is premature to criticize parts of their plan when the department is still in the process of finishing up.

More than just an analysis of the DOE effort, what we needed was an independent look at the issue of what the people of this State demand from their educational system. This is the essential backdrop for any informed debate about educational accountability. And this kind of educational accountability

is the reason for the current movement for its having more specific graduation requirements. Instead of this kind of public orientation, the advisory committee gleaned from its report from the aforementioned bibliography of technical reports and monographs.

The advisory committee mandated last April, which I voted against, was directed to report to the Legislature in January of 1978. Incredibly, the group did not even get under way till 1978, and spent a few weeks on their report.

Mr. Speaker, a vote was never taken in the House Education Committee to withdraw support for competency testing. I have attended more than 90% of Education Committee hearings. To withhold funds for competency testing is one thing, but to stymie the DOE efforts are detrimental. We are moving in a dictatorial, tyrannical approach with much interference. Some persons are trying to be the Legislature, the DOE, the BOE, and the superintendent all rolled into one, and perhaps the Governor.

Mr. Speaker, I also address the fact of the deployment of OIS positions. I do not recollect and I do not believe that the Education Committee of the House ever took a stand on this program and I would say it, and I quote from the superintendent: 'There was no public hearings held on the proposal', and it was not discussed with him except for half an hour this past Monday morning.

Mr. Speaker, I am a member of the Committee and I'm really very disturbed that we've moved in the past two years in an extremely dictatorial approach, and I think that all what we do is continue to box the Department of Education in and perhaps make them more defensive than they are at this present time.

Thank you."

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

"Mr. Speaker, prior to speaking in favor of this bill, I'd like to thank the House Finance Committee, its chairman, Representative Jack Suwa, and the Committee for giving continued support to the area of lower education.

I think that your Committee has looked at education, we've looked at some of the problems that are associated with education in our schools, and what we're attempting to do is place the precious resources of personnel and moneys to the most productive unit of the Department of Education, and that is the individual

schools, the 223 individual schools, that make up the State public school system.

In the area of special needs funds, we've continued to focus on individual schools to an appropriation of \$1.6 million. In the area of special education, we've provided an additional \$3.3 million to comply with the Public Law 94-142 and to assist our children with special handicaps in our particular schools. In the area of counseling, we've also provided 35 counseling positions for our elementary schools.

In the more controversial area of competency examinations, Mr. Speaker, I think that much has been said about the citizens advisory committee, its make-up, its charge, its mission, and what it was able to accomplish. I think that in this whole area of education, Mr. Speaker, one of the basic problems with the Department of Education is that there has been no clear cut analysis dealing with some of the basic problems of education. Much of the focus and emphasis has been on examinations - examinations to be used for grade to grade promotion and graduation requirements. I think the citizens advisory committee has made a proper recommendation that focus and attention should be in the area of program development - program development that will assure that each child in the public school system will learn basic skills in language arts, math, etc.

It's ironic, but it's true, that an elite citizens committee, the National Academy of Education, also came up with similar recommendations of our citizens advisory committee in its recommendations to the HEW in this area of education.

Much has been said, Mr. Speaker, of the manner in which we can improve curriculum in the Department of Education. Now, this whole area of curriculum development, curriculum improvement, is really not a new thing. For ten years now, the Department has told the Legislature, has reported to your Education Committees on its efforts, its plans to improve the curriculum development and delivery by the year 1985.

Also, Mr. Speaker, the legislative auditor provided us with the management audit of the Department of Education. And in 1973, they called for a periodic review of curriculum improvement and delivery to our public schools.

I think enough has been said regarding dialogue and discussion. I think one

of our basic problems, and our Committee would have to resolve this particular problem, is the superintendent speaks about public dialogue, but it's been hard to get him to attend public hearings to dialogue the issues of public education.

I think right now what the Legislature needs to do is we need to initiate action in this particular manner. I think the public is concerned about the expansion of resources at the State office. We have very few resources going down to the most productive unit called schools. So, I think this particular committee report addresses that particular problem, one of expansion and one of clarifying the roles and responsibilities of administrative support services in the Department of Education.

I think members should look at this committee report, which does not have the effect of law, as very preliminary, as very feasible. I think what we need to do, and rightfully so, is allow the Department of Education to utilize this interim period, this full year, to analyze and attempt to look at this basic problem of curriculum delivery and improvement.

I think that decentralization will be a critical issue because of our limited resources in terms of personnel and finances, that things will have to take place during the next session of the Legislature to resolve some of the problems in terms of support services to schools. This is all what we're attempting to do. I think that by giving the Department of Education a full year to allow them to develop criteria objectives and analyses of this problem, I think that the next Legislature will have an opportunity to deliberate and dialogue the issue of administrative support for public education.

So with this in mind, Mr. Speaker, I believe that this is a good bill. It provides for resources to our children who are of our utmost concern.

So, I urge all members to vote 'aye' for this particular bill.

Thank you."

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

"Mr. Speaker, I would like to confine my remarks to the area of health.

Mr. Speaker, in my four years experience as chairman of this Committee, I've been very happy to be involved in an area of great and personal concern to many citizens of this State. The area of health is many times taken for granted by people

and ourselves until we find ourselves in a state of ill health or suffering from some malady which we cannot work out by ourselves.

When I took over as chairman of this Health Committee, Waimano Home and Training Center was in a state of turmoil with class action suits by parents who felt that the facilities and the services were inadequate and things were not in the best condition. This was brought about by many happenings in the past, but more importantly, the lack of focus in the area of health.

This year, we took a field trip to Waimano Home and we were very pleased to find that the facilities are being shaped up. And for one year, for the first time, we were greeted by a staff and personnel at the hospital with smiles and feelings that things were really shaped up at this hospital.

This year's budget allows for many things to provide for better care of the people of this State in health. The neighbor island hospitals, which are run by our State system, has long been neglected. This year, the budget provides for an increased number of personnel at most of the major hospitals on the neighbor islands.

Throughout the past couple of years, we have failed to recognize the specialization of health care to the people of this State. For instance, at one time, a nurse could be used in any department in the hospital. Today, the practice is not so, and a nurse is being trained to be specialized in a certain department. This calls for more nurses and more funds. The doctors are using defensive medicine to a great deal and asks for more laboratory tests to be made on patients. This has required the need for increased laboratory personnel, and together with that, the need for more paper work. This budget here addresses many of these problems that we have faced in the neighbor island hospitals. Together, with better management and increased hospital rates, it is hoped that we may be able to have some self-sustaining hospitals on the neighbor islands so that it will not be such a drain on our general funds.

There are many, many programs that this budget deals with. The Department of Health has the most program areas, but it fails to show

up the many sub-programs that are provided in many of these program areas.

This year, we had more requests from private non-profit organizations coming for subsidies and appropriations to help keep their program going. This was because of the cut or termination of federal funds to these program areas. And as I see it in the future, we'll be getting more and more requests for help by these private non-profit organizations.

And so, I believe that we have a responsibility to take a good look, and we have a resolution that will help us to work out some interim work in order that we may review and set up some priorities as to who would qualify for funds from the State and, hopefully, have some criteria as to how much they may qualify for.

And so, Mr. Speaker, this year's budget provides for many of the needs of our citizens. And as you are aware, the citizens of this State enjoy about the best health care and health status in the nation. This has not come about by accident. I believe this body has become more and more aware of the needs of the health care of our citizens; I believe that this budget is a good budget for the health care needs and the other needs that have been provided by the Finance Committee. I commend them for their hard work, the chairman and the Committee members, in putting together a very difficult budget.

I urge all members to vote 'aye' on this bill."

Speaking in favor of the bill, Representative Say stated:

"On behalf of the Committee on Culture and the Arts and myself, I would like to extend my deepest appreciation and mahalo to the Finance Committee and their conferees, especially the Finance Committee chairman, Representative Jack Suwa.

Looking through the budget, I was very pleased to find that the majority of the agencies and organizations, non-profit and private, that are being funded by the State will be funded this coming year, 1978-79.

Being the chairman for the past two years, I've come to really appreciate what is culture and the arts, to the extent that the arts is one's interpretation and view of a figure, of a presentation, of a performance. I believe all of us here should be able to attend some sort of a presentation, not only in the performing arts, but in the arts of athletics.

I just want to say, on behalf of the organizations who have come and testified to the Committee on Culture and the Arts, that they're really happy and appreciative of what the House Finance conferees have done in putting their budget into the overall supplemental budget.

And there's one last comment I would like to make, and that is that I believe the Portuguese Heritage Council is very pleased to have their funds in there also.

Thank you very much."

Representative Abercrombie, rising to speak a second time, stated:

"Mr. Speaker, having been closely associated with the formation of the Committee on Culture and the Arts four years ago, a committee which is unique in this State, has not been emulated, probably still being watched across the country to see whether or not a legislative committee could be formed in so sensitive an area which would not suffer the accusations of interference by the Legislature with artistic freedom, may I say, for the record, Mr. Speaker, that the successor to the previous chairman, Richard Ho, in Calvin Say is one that was very fortuitous for the arts in this State.

It has been my pleasure to serve with Representative Say on his Committee on Culture and the Arts, and I commend him for his efforts in this area, especially in respect to Iolani Palace. The report on Iolani Palace that was presented by the Committee on Culture and the Arts was one of the best written, one of the best analyses of a problem which affects all of us under great emotional circumstances that I have ever seen in this Legislature. I am pleased that he has taken up this task, so difficult a task, for so many people, for so many different points of view, and that we have come through this two-year period, to the best of my knowledge, without a single complaint by any organization and/or individual that the Culture and the Arts Committee has interfered in any way, shape or form with the artistic freedom or the expression of opinion and attempt to be heard by anyone in the community who has great feeling for the particular cultural artistic activity with which they are associated. And I thank him very, very much for that, and this community, the whole State,

can be proud of the fact that this gentleman from Palolo has conducted himself in a fashion of a very, very fine chairman. He has not only protected the arts and culture, he has nurtured them, and I think we are all the better for it in the State."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 3039-78, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIIUM JULY 1, 1977 TO JUNE 30, 1979", passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 32 on S.B. No. 2202-78, SD 1, HD 1, CD 1 (Deferred from April 12, 1978):

Representative Suwa moved that the report of the Committee be adopted and that S.B. No. 2202-78, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Lunasco.

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

"Mr. Speaker, in speaking on behalf of this bill, the principal components of this bill is a potentially far-reaching statewide economic development program of nearly \$4 million to be applied against a number of projects and programs designed to assist specific sectors of our economy.

These projects include warehousing and other facilities for manufacturers of Hawaiian products; experimental cargo transports for movement of agricultural and floral products between islands; flexible financing for planned developments to alleviate unemployment; expansion of our foreign trade zone to facilitate the assembly operations of imported and exported goods; and the development of a freezing and cooling facility to assist our fishermen to meet the local and out-of-state demand for our ocean products.

The economy is one of the most important problems facing our State. The projects I have mentioned have been designed to broaden the economic base of our State and contribute to economic development.

I urge all members to support this bill.

Thank you."

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

"I'd like to refer the members' attention to page 78, part 5, Statewide. Mr. Speaker, as I understand it, about 15% of what



we appropriate in this bill is likely to be released, so it is abundantly clear that this Statewide category is not needed to compensate for under-appropriation in the districts. Therefore, the only justification would be that it covers categories which administrative CIP or district CIP are not to cover. But this is not what it does. It covers precisely the same areas and does no more than to dilute the equality of appropriations which we should all support.

I'd like to briefly refer your attention to page 79, just by way of example. We have an appropriation for, under item one, Aiea Rainbow, Oahu, half a million dollars. But, item eight on page 25, which is the district CIP is also for Rainbow Bay in Aiea. Same thing, item three, Malaikahana Beach Park, item nine on page 25.

Mr. Speaker, it's very clear to me that the additional \$9.891 million that's included in this part five on Statewide has absolutely nothing to do with statewide concerns. It's just that certain people aren't satisfied with their allocation and they want more, and this is their way of getting it.

Mr. Speaker, when we had House Draft 1 of this bill, the Statewide section dealt with statewide concerns and it was a legitimate section of the bill. But since we went into conference, and I therefore must presume that the commission is on the part of the Senate and the omission on the part of the House, and additional items have been included in here which are not legitimate statewide concerns and are nothing more than an increase in the CIP of selected senators and perhaps representatives. And to me, that strike at the equality which is one of the few things that I think we all hold on to when we're dealing with the CIP appropriation. And when we lose that, I think we've lost the reason for passing this bill, and I would urge my colleagues to vote 'no'."

Rising to speak in favor of the bill, Representative Abercrombie stated:

"Mr. Speaker, I think that this may, hopefully, be one of the last bills on CIP that appears before us without reference to the State Plan. We have high hopes that a State Plan will be presented to the Legislature very shortly in conference draft which will be acceptable and

that when this is instituted that the Committee on Ways and Means and Finance and the various subject matter committees will then be able to take up in detail, in the future, a coordinated and comprehensive look at how we should spend our CIP funds in the State. I trust that if the members will indulge the State General Planning Committee a little longer period of time, that we'll be making such a presentation which may alleviate some of the problems that the previous speaker referred to, should there be such.

I would also indicate, Mr. Speaker, from my own point of view, that the disjoiner that I had at the time of the passage of the bill still exists in respect of agencies. I don't think it's right for agencies to have their budgets increased by having the district budgets in. I refer specifically here to education and higher education, because it is a statewide situation under a single tax circumstance. Even though other areas, even though other subject matter committees may be dealing on a statewide basis, the individual concerns there are dealt with in an entirely different manner than the University and the DOE deal with their matters. The DOE and the UH has double-dipped for years into the budget of the districts, and I think sometimes to the detriment of the district.

What I'm driving at here is it is sometimes very, very difficult to explain to a constituent as to why something may not be done in respect of an elementary school; why one would not support that - don't you want a roof on your elementary school? Well, I believe that the DOE should come to us with their series of priorities and their spending approaches for the elementary schools, and the University should do the same. I can't see any reason on earth why Mr. Fong, Ushijima and myself in the 13th District should be responsible for Manoa construction when the last time I looked, anybody in the State can come up to Manoa and is supposed to come to Manoa, and in some instances, can only come to Manoa and can't go any place else in the entire State for their higher educational purposes. The University of Hawaii is not a province of the 13th District, despite the fact that the chairman and vice chairman of the Higher Education Committee live in the District. That happens to be a coincidence by way of interest.

My interest in the University has been of long standing because my very first job in the State was with the University of Hawaii and I lived in Manoa Valley and made that my home. Had it been someplace else, my interest would be



not any the less. So that when we find ourselves being requested by the University and/or the DOE to make considerable, in some instances, very considerable capital investments, which they are unwilling themselves to include in their capital improvements budget, it not only does a disservice to the legislative process here, I believe, but it does a disservice to the community who has come to expect that this is the way things will be done.

So, I hope when the Plan comes through, and I hope that it receives our favorable consideration here on the floor, that we can look to say to the DOE and the University in the future, you come up with your CIP appropriations and let's leave district appropriations to what is appropriate there, as determined by the citizens in that district and subsequently presented to the Legislature for its consideration.

I don't mean to imply, Mr. Speaker, that it's automatic, that whatever the district comes up with should automatically be funded and no consideration be given by the Legislature at all to any individual item in a district. And I refer specifically here to an example, in my own district, in which I have participated and asked that the Finance Committee in the past see to Makiki-Tantalus State Park. I think that simply because it's State, because the word 'State' is in front of it, that that doesn't mean necessarily that that individual interest of the district may not be the ones most affected. And because it has State in front of it, that it can be funded in some manner to ignore district interests. I think that becomes a matter of convenience. And I think we've had some problems in our various committees of which this is an example, precisely because the word State in front of it may involve a community in an adverse way, in their estimation. I don't think that district appropriation should be in that kind of a circumstance or where Mr. Fong, myself, or Mr. Ushijima are funding, helping to put funds in for a State park. If it's a State park, then let the State park bring it forth. Why should the 13th District do it or any other district?

And my concluding remark, and then I will sit down and duck under the table, is that if one district has too much money and not enough projects for the money, then they should give the money to another district. And I believe that. Now, in certain areas, we have things that need to be done and we've had other things that the money has been sitting there for years

and as was pointed out to me in one committee, in a particular instance, some of these projects have been under way for twelve years and the thing hasn't taken place while other things that need to be done in the district are held up. So, if things have been done in some of the more established districts, in respect to major capital improvement funds, then we should have the integrity to turn to the areas that haven't had the opportunity to have these capital improvements and say, here, you take some of this, we don't need it. Cause I don't like coming in front of people and trying to pretend to them that just because we filled up the page that that means I've been responsible towards the constituents and the taxpayers as a whole.

So, I'm hoping that the State Plan will help to flag out some of these areas that need a little more help so that we can be honest and forthright with our constituents and say, no, we couldn't find enough projects to spend all the money. It may or may not have been allotted to it, but we found some other areas that needed that money and that's where the money's going. Now, I for one, am perfectly willing to do that, and I feel it's my obligation and duty to do that, and I hope for the passage of the State Plan that we'll be able to make a comprehensive presentation to the Finance Committee that will reflect those concerns.

And so, with that in mind, Mr. Speaker, I urge the bill's passage."

Representative Cobb, upon being recognized, stated:

"Mr. Speaker, I did not plan to speak, but I'd like to make one observation based on the previous remarks, and that is, Representative Larsen and I elected not to use all of the CIP funds, and in concert with many of the community associations and schools, adopted a policy of restraint to the effect that only 65% of our original allocation was used. Rather than try to allot the balance in favor of any one district and thus create problems relative to a preference selection, the unused portion was returned to the general fund for spending purposes within the budget or to lapse by not being spent.

I think that when this situation does come up and we are able to establish priorities as well as restraints, what the previous speaker mentioned has validity. I do have reservations about singling out a specific Larsen and,

also, we have the concurrence of all involved. However, I would like to urge all of us that when supporting this measure that we adopt as much as possible restraint in the spending.

Thank you."

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

"Although measuring the intent and purpose of this particular bill, in comparing and measuring with the statement made by the gentleman from Manoa, it has been in the past, according to need. Because many, many years ago, the Legislature of the Territory of Hawaii and also the very early legislatures of the State of Hawaii subscribed to and accepted and practiced to each according to his need, not to, you know, subscribe to and support the philosophy of the Communist Party. But, basically, because when Hawaii was emerging as a territory, and even prior to the territory, that the great bulk of the wealth of the territory and the monarchy and all through the transition, that because we were very highly agricultural in nature, as far as our economy was concerned, that most of the wealth of the land came from agriculture and it was generated with the sweat and blood of those who worked in the fields, and the fields are on the neighbor islands, and we contributed towards building many, many of the facilities on the island of Oahu for the simple reason that this was the most populated area and the seat of the government, and we did not complain.

But I can see, in retrospect, when the gentleman who now heads the City and County government, who's aspiring to be governor of the State of Hawaii next election, when he was in the Senate of the Territory and the State, he never did complain about to each according to his need. But I can remember, and most of us can remember, as soon as he became head of the City government, that all of a sudden he switched to State because it was popular, he believed, that he should fight for Oahu only, and he said since the population of this State is more than 82% on Oahu that everything should be divided according to the population. I'm glad and I'm very, very happy that the gentleman from Manoa is adding a new conscience again, or regenerating the old conscience, of to each according to the needs of the respective areas and the counties.

Some day it'll come to pass, because he won't be there too long, and, hopefully,

he won't become governor of this State. But, we can wait. We have waited a long time, and we can wait. We will not be impatient. We will not pass any resolution on the neighbor islands to petition the United Nations to give us back our autonomous kingdom; not only, you know, the kingdom of Hawaii, but go beyond that, before Kamehameha the First, and restore the autonomous kingdom of Kauai, Maui, Hawaii, and we'll see where we're gonna go.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 2202-78, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AND AUTHORIZING THE ISSUANCE OF BONDS", passed Final Reading by a vote of 50 ayes to 1 no, with Representative Blair voting no.

Conf. Com. Rep. No. 33 on H.B. No. 1779-78, HD 1, SD 2, CD 1 (Deferred from April 12, 1978):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 1779-78, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Peters.

Representative Sutton, speaking against the bill, stated:

"Mr. Speaker, we had a constitutional amendment which said in so many words that the budget for the Judiciary would have to be taken away from the governor and from the Budget and Finance and that there would be the concept of a separation of powers, that the Judiciary would make their own budget and submit it to the Legislature. This constitutional amendment meant that the vast excellent facilities of Budget and Finance, run by a very competent woman, Eileen Anderson, would no longer be available and that they would be doing their own budget.

I am not satisfied with how the Judiciary develops their budget. The lack of supervision of the department in finance becomes very much of a problem in my mind.

As we look at the method that the governor uses when he sends down a supplemental budget, we have a breakdown. I point out just from the point of view of what you have before you. You have an inch and a half here in the supplemental

budget for the other departments. We'll have a breakdown where you can find out the labor, the material, the overhead, the position count where you can see the increment.

I then ask you to look at Conference Committee Report No. 33 on H.B. No. 1779-78. It comprises but four pages; two of those pages are the meat. We're asked to have a biennium budget of \$30 million for the Judiciary. Now, Mr. Speaker, I realize we're dealing with a sacred cow, and certainly, nobody is as involved with the Judiciary as me and my family. My father was the first attorney general. I have a son that is practicing. We were the only family in America, at one time, that had three generations practicing law. I recognize that we are given many, many opportunities to serve, and I am an officer of the court. As an officer of the court, I just do not feel, in good conscience, that we have done a job here because we have two fundamental duties - to audit, monitor and check the Judiciary budget; and secondly, to insure the highest standard of justice. I do not feel that the district courts are giving the people of this State a feeling that they're getting the highest sense of justice. I do not feel that there is any place as important as the district level, because at the district level the vast majority of our citizenry have their contact with the system of justice of this State. I will not go into anything which is now in litigation. We all read the newspapers. We all watch the T.V. We all hear the radio. We know what I'm talking about and we know that the basic proposition is that one woman was able to go out and get 28,000 signatures in protest about a certain district court . . . ."

Representative K. Yamada interrupted on a point of order and stated:

"Mr. Speaker, we're dealing with the Judiciary's budget, not the operations of the district court."

The Chair replied:

"Point well taken. Representative Sutton, will you stick to the budget of the Judiciary."

Representative Sutton then stated:

"Yes, if the learned gentleman from the city of Hilo will look on page two, he will see section 5, District Courts, Program JUD 121, he'll see what we spent last year - \$4,390,593. If he'll look for the fiscal year, he'll find that we were suggesting to spend

\$4,000,512. Now we're going up to \$4,000,713, making a grand total for the district courts' operating of \$9,103,663, and that comes from the general fund. So, I am talking about the budget. I am addressing it. Would you please tell the gentleman . . . ."

On a point of order, Representative Garcia stated:

"I believe the last gentleman, in making his point, was dealing with his remarks about the actions of a certain district court judge. If he was willing to speak on the subject of the budget, then so be it. But to deal with the personalities and the handling of a particular judge in a case is completely irrelevant in this instance."

Representative Sutton continued, stating:

"That's the first time I ever heard spending a taxpayer's money was irrelevant. But, if that's your ruling, why . . . ."

The Chair then stated:

"Let's leave personalities out of the budget."

Representative Sutton then stated:

"There is no mention, sir, of any judge in the record. It can be stricken. All I'm trying to say is this, that the quality of justice cannot be strained. It must follow. . . ."

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

"Again, Mr. Speaker, we're talking about the Judiciary's budget, not the quality of justice that's meted out by the district court."

Representative Sutton continued, stating:

"Mr. Speaker, I submit that when we spend a dollar of a taxpayer's money, they want their money's worth. And when they spend a dollar for a judicial system, they want their justice worth. That is the issue. That's the basic issue. That's the duty of this body."

I would ask this gentleman to read the Constitution of the State of Hawaii, that we form a budget by having the governor, by duty, send down a supplemental budget for every department but the Judiciary. The Judiciary,

by a constitutional amendment that went through two and a half years ago, now submits its own budget. I'm anxious to impress on the gentleman from Hilo the fact that this budget does not pass through Budget and Finance, does not have the expertise of Eileen Anderson, but comes directly from the Judiciary to us. Therefore, we must scrutinize, and as we scrutinize, I do not see any factor that is not relevant. What is your ruling?"

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

"Well, let me proceed, if I may, with the basic concept that this bill came before us about three weeks ago, at the time we passed the bill. We have now added a considerable amount of money after the House conference committee. And this is a snowball affect affair. If we are getting our money's worth, I would be very happy. But I do not have the standard or the criteria to make my judgment as an officer of the court, as one who has taken the CPA. I just feel a gross inadequacy. And that gross inadequacy is something that I would ask the constitutional convention to address, and that is, how can we have the Judiciary budget be given the magnificent scrutiny that Eileen Anderson and her Department of Budget and Finance gives to all the rest of the budget that uses computers which will give us a computer printout at any time. I've gone there and asked for a computer printout of breakdown of a certain area, and I was not able to get it.

Right in Mr. Segawa's own Committee, the Health Committee, what do you think we have? We had a duplicate request coming from two judges in Hilo for something we'd already put in the budget. And if we hadn't caught it there, we would have a double spending, double-dipping is what Mr. Abercrombie calls that. This is what concerns me.

I happen to have certain professional duties. I cannot sit here idly. I recognize that the skies will descend on me. Nobody is fooling me about that. Of course they will, cause I'm doing something you shouldn't do. Listen to how many 'points of order' we've had - three of them - as I've tried to give you my discussion. There'll be more.

What I'm saying to you is this, we've got to establish a mechanism using the computers, using Eileen Anderson and get around the basic concept

that we do not have scrutiny of what is going on a Judiciary budget that is snowballing. Snowballing is no word for it. We're going up 15%. And if you project that 15% over a six year period, you will have gone to a hundred percent.

Now, Mr. Speaker, this is a very serious situation, and it is one that I want to be brought to the cognizance of every individual in this room. I want them to recognize that the constitutional convention must address itself to giving the Judiciary some mechanism of audit and monitor that will encompass a sufficient scrutiny to see that we are getting our dollars worth, that we are also getting a standard of justice that our populace will accept.

Thank you very much."

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

"Mr. Speaker, in speaking for this bill, and some of the fears that the previous speaker has spoken about, the physical integrity of the State rests with the governor; also, the working of the Judiciary rests with the Chief Justice of this State; and, of course, there will be a dialogue expressed as to the financial situation of the State. In doing so, they will be off the record, in terms of a ceiling applied to that of a Judiciary interim and also our Judiciary expense. But, our Budget and Finance does not tell us how much to spend. It is on our own to establish the amount and to be responsive in the expenditure. Therefore, Mr. Speaker, there's no fear as we approve the Judiciary budget. But, I think, up to now it's a matter of 'catching up', and from now on the growth will be minimized.

Therefore, Mr. Speaker, I urge the members to support this measure."

Representative K. Yamada, upon being recognized, stated:

"Mr. Speaker, I rise to speak in favor of this bill. Before I do, Mr. Speaker, I would like to thank the Finance Committee, especially the chairman, for the amount of work which they have put into preparation of all of the budget, including the Judiciary budget.

Mr. Speaker, I would like to comment on some of the remarks made by the gentleman from the Nuuanu district. He compares the Judiciary budget with the State budget, Conference Committee Reports 31 and 33. The fact that the Judiciary budget does not go through B and F, and he admits that it is provided by the Constitution, that's precisely

the point, Mr. Speaker. There is a separation of powers, and it's for that reason that it doesn't go through B and F. If he wants that change, let him run for the constitutional convention and propose a change there, but not to say that this particular budget is deficient. Just because it comprises of four pages, compared to one and a half inches for Conference Committee Report No. 31, is no basis for turning down the budget.

Let him speak about the contents of the budget. What did he have to say about it? Nothing. Absolutely nothing. He compares inches, paper - the amount of paper that is contained in the different committee reports - that's not a logical argument for turning down the budget. He speaks of providing the greatest amount of justice in the State. Well, as an officer of the court, he should be aware that if you don't give the mechanism for meting out justice to the courts, then you're not going to have it. And that's what this particular bill is referring to, the mechanism which the court can utilize in providing justice, the manpower, the judges and so forth. But, did he speak of these items? No. That's why I ask all of my colleagues to vote in favor of the budget."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 1779-78, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE JUDICIARY FOR THE FISCAL BIENNIIUM JULY 1, 1977, TO JUNE 30, 1979, AND AUTHORIZING THE ISSUANCE OF BONDS", passed Final Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

At 12:36 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:42 o'clock p.m., Representative Mina introduced Mr. Segundo Cabahog, "the Molokai Hero", and two of his friends, Mr. Felix Alery and Mr. Ted Dumaran.

Conf. Com. Rep. No. 34 on H.B. No. 1987-78, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative Shito, seconded by Representative Aki and carried, the report of the Committee was adopted and H.B. No. 1987-78, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLD", having been read throughout,

passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 35 on H.B. No. 227, SD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 227, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FRANCHISE INVESTMENT LAW", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 36 on H.B. No. 2895-78, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2895-78, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTACHMENT AND EXECUTION", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 37 on H.B. No. 2611-78, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

Representative D. Yamada moved that the report of the Committee be adopted and that H.B. No. 2611-78, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Cobb.

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

"Mr. Speaker, the title of this bill is 'A Bill for an Act Relating to Corporations'. Mr. Speaker, the real title of this bill should be 'A Bill for an Act Making it Easy to Set Up Dummy Corporations'. Mr. Speaker, that is exactly what this bill does. It makes it easier for people to set up dummy corporations."

Mr. Speaker, for the last few months I've been researching the corporations who have done business with the Hawaii Housing Authority. This investigation of mine has shown me that, in many cases, it's impossible to discover who the true owners of corporations are. Mr. Speaker, I would really like to know who the corporation owners are. But, Hawaii's present law makes it so easy for people, elected or otherwise, to set up dummy corporations. Hawaii's present law makes it so easy for elected officials to set up these dummy corporations."



And through their power and influence, they actually take advantage of programs designed to provide housing for low and moderate income people to take advantage of programs and funding that are designed to provide for the needs of the people of Hawaii.

Mr. Speaker, people say that the intent of this bill is to help the small man, to allow an individual to form a corporation. Well, Mr. Speaker, when I look at this bill, I see something very different. I see a bill that is for the power brokers who hold monetary power and political power. This bill makes it easier for these power brokers to hide their true involvement in various corporations. Mr. Speaker, let me give you one concrete example that my personal investigation of Hawaii Housing Authority has uncovered. Mr. Speaker, I won't mention the name of the corporation cause I would really prefer not to . . . ."

Representative Yuen, on a point of order, stated:

"The subject matter before us is relating to corporations. I see no relevance to the Hawaii Housing Authority."

The Chair then stated:

"Point well taken, Representative Yuen. Representative Narvaes, will you stick to the contents of the bill."

Representative Narvaes continued, stating:

"Mr. Speaker, let me give you one concrete example of what I'm talking about. This corporation was formed in the mid-sixties, and man, there was one of our high elected officers incorporating this corporation. Anywhere in the mid-seventies, this corporation had a name change, and the incorporator for the same corporation in this name change was a man who worked for another powerful elected official. But, Mr. Speaker, what alarmed me when I looked into the president of this corporation and some of its other corporate officers, I found one name, and I was really surprised. It was a man that I was a legislative intern with. So, I called him up, Mr. Speaker, and I said, hey, whatever his name was, and asked him . . ."

Representative Cayetano interrupted on a point of order and stated:

"Will the speaker try to formulate his arguments so that I can understand how passing this bill would make it easier to form dummy corporations

as he put it instead of going into the history of something, some corporation, that was formed under existing law."

Representative Narvaes continued, stating:

"Mr. Speaker, I'm getting to my point. Sometimes some people have to be given some history so that they can see the point."

The Chair then stated:

"Will you get to your point."

Representative Narvaes then stated:

"Mr. Speaker, so I talked to this individual and I said, gee whiz, you know, I didn't know you were president of a corporation. And he denied it and said, no, I'm not. I said, well, I got a corporation document that says you are. And so he said, yes, I am, but I resigned three weeks later. So, I asked him, gee, who is the real owner of this corporation? And he said, I don't know."

Representative Kunimura interrupted on a point of order and stated:

"Mr. Speaker, if there is a real live story involved, I think, you know, it should be placed in the record rather than he, she or it, because it doesn't have any relevance to the subject matter if it, she, she or it. If it's a violation of the law or unethical, spill it here, because there is immunity here."

Representative Narvaes then stated:

"Mr. Speaker, if I may continue?

So, Mr. Speaker, anywhere you. . . ."

The Chair interrupted and stated:

"Will you conclude your remarks, Representative Narvaes. I think we understand what you're trying to get at. Would you stick to the subject of the bill at hand."

Representative Narvaes continued, stating:

"Mr. Speaker, everything I'm saying has to do with corporations and I'm just bringing up one example, a concrete example about what I'm talking about."

The Chair then stated:

"I think you've stated that example."



Representative Narvaes then stated:

"I'm not finished with that example, Mr. Speaker. So, anyway, he told me he didn't know who the owners of this corporation were and that he had resigned three weeks later. I said, okay, fine. Anyway, Mr. Speaker, I don't want to bring up any names here. We go all the way down to the end and I find out who the stockholders of this corporation, and I find out the stockholders are another corporation. Anyway, it ends up going all the way back to the first corporation that I gave as an example, whatever you want to call it.

But, Mr. Speaker, this bill before us would do several things, and I'm concerned with many of the things that it does. One of the things that it does is that it reduces the requirement of directors of corporations from three to one - that's the minimum. So, in many cases, when you look at corporation papers from now on and in the future, all they have to do is list one individual and that person doesn't have to have any real involvement in the corporation. Presently, it requires three people. At least it gives me a little bit more information. When I look at the document, Mr. Speaker, my example does tie in.

Now, Mr. Speaker, we should be moving in the opposite direction that this bill goes in. We should be passing a bill that requires more disclosure. We should be passing a bill that would force the true owners, the true beneficiaries, to disclose their real involvement. This bill before us does just the opposite. This bill allows the power brokers to further hide their involvement. Mr. Speaker, it's too bad the power brokers of this State don't use their influence to come up with the law that would require more disclosure, more sunshine. The direction that this bill takes us shows me the true intentions of the power brokers of this State; that intention is to protect their power base, hide their true involvement under the guys who are providing services and programs, rip-off the innocent, the powerless and the poor.

Mr. Speaker, a bill that would require proper disclosure would go a long way toward providing sunshine that is so badly needed in this State. Perhaps, if we force the true beneficiaries of corporations to show their true involvement, maybe some of the budget that we have in the State would drop a little bit.

Mr. Speaker, I would urge all members to vote 'no' on this bill and come back next year to pass a corporation disclosure bill that will bring some real sunshine into the corporation laws of our State."

Representative D. Yamada, speaking in favor of the bill, stated:

"Mr. Speaker, I'd just like to rebut some comments made by the previous speaker.

First of all, I would like to state that for a person that has done a lot of research on corporations, I don't think he acquired too much knowledge about corporations from his research. The two sections that we are talking about, in essence, talks about one person can incorporate and the one person can be a director. These two items are taken from the Uniform Corporations Act which was adopted by the American Bar Association.

The previous speaker keeps talking about who are the true beneficiaries of a corporation. I think if he knows anything about corporations, it's obvious that stockholders are.

Mr. Speaker, I have no other comments except to say that the substance and the matters in which the previous speaker has been talking about, really, I feel has no relevance nor has it any merit.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 2611-78, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Narvaes and Sutton voting no.

Conf. Com. Rep. No. 38 on H.B. No. 2102-78, HD 2, SD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2102-78, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TAXES", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 39 on H.B. No. 3046-78, SD 2, CD 1 (Deferred from April 12, 1978):

On motion by Representative D. Yamada, seconded by Representative Cobb and

carried, the report of the Committee was adopted and H.B. No. 3046-78, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION FEES FOR PSYCHOLOGIST LICENSES", having been read throughout, passed Final Reading by a vote of 51 ayes.

At 12:57 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:20 o'clock p.m., the Speaker assumed the rostrum and stated:

"The Chair would like to remind all members that even though we proceed by consent calendar, the Clerk has been instructed to record your votes only if you are in your seat."

Conf. Com. Rep. No. 40 on H.B. No. 514, SD 1, CD 1 (Deferred from April 12, 1978):

Representative Lunasco moved that the report of the Committee be adopted and that H.B. No. 514, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Takamura.

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

"Just briefly, Mr. Speaker. I think, last year, we had a big halabalou on this one bill concerning vans. After researching this bill with the City and County of Honolulu, vans are already covered under the truck classification. But, just to make sure that the vans were covered, the committee report mentioned vans and raised the weight limit to 6,500 pounds, because some vans do exceed that.

But, I think as far as the beneficial effects, presently, it would be tremendous to the owners of trucks and would be treated as a commercial vehicle. And in that sense, I ask all of my colleagues to vote in favor of this bill."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 514, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 41 on H.B. No. 1920-78, SD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative D. Yamada, seconded by Representative

Blair and carried, the report of the Committee was adopted and H.B. No. 1920-78, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 42 on H.B. No. 2319-78, HD 1, SD 2, CD 1 (Deferred from April 12, 1978):

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

Conf. Com. Rep. No. 43 on H.B. No. 1938-78, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

By unanimous consent, action was deferred for one day.

Conf. Com. Rep. No. 44 on S.B. No. 2436-78, HD 1, CD 1 (Deferred from April 12, 1978):

Representative Blair moved that the report of the Committee be adopted and that S.B. No. 2436-78, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Larsen.

Representative Larsen then rose to "speak in favor of Senate Bill No. 2436-78, HD 1, CD 1, and express some concerns", stating:

"I signed this conference committee report with reservation and with regret, not for what the bill says, but for what it does not say. I certainly have no objection to exempting pressure-sensitive tape from the prohibition on detachable parts of beverage containers. I do have an objection to the lost opportunity that this bill represents.

Mr. Speaker, what this bill should do is to take the first step toward a change in Hawaii's method of dealing with the beverage containers that add so much to our litter problem. The House Draft of this bill accomplished this by removing the ban on plastic containers and placing, instead, a five cent deposit on all plastic beverage containers. We felt that a deposit would provide an incentive to the public to recover instead of waste, a practice that our State must adopt sooner or later. At the same time, we would avoid serious financial damage to a young and growing fresh juice industry in Hawaii which depends on the use of plastic containers to distribute their product.

Instead, we have avoided our responsibility — our responsibility to a worthy small business and our responsibility to encourage our citizens toward the recovery of throwaways.

I can only hope that this short-sighted policy will end here and that, if not in this legislative session, then in the next, we will have the fortitude to institute deposit and return requirements in the State of Hawaii.

We have passed two resolutions through the House; one is still alive in the Senate and, hopefully, will come out. These resolutions requested a complete study of the effect that deposit and return legislation will have on our jobs, retail costs of products and litter impact, and hope these studies will answer questions that now keep cropping up every time we consider this type of legislation.

In the matter that is public concern of some of the members here, we have now declared it illegal to have plastic beverage containers. But no sweat, this coming January, the law can be extended for another 6 months and people with plastic beverage containers can go on until the next session addresses the problem and can handle it at that time.

I urge members to pass this legislation.

Thank you."

Representative Abercrombie then rose and asked:

"Mr. Speaker, may I ask that the remarks of the previous speaker be recorded as my own in this matter?"

Representative Ikeda rose and asked:

"May I do the same?"

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

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 2436-78, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL", passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 45 on H.B. No. 1937-78, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

By unanimous consent, action was deferred for one day.

Conf. Com. Rep. No. 46 on H.B. No. 2850-78, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative Say, seconded by Representative Toguchi and carried, the report of the Committee was adopted and H.B. No. 2850-78, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMBLEMS AND SYMBOLS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 47 on S.B. No. 782, SD 1, HD 1, CD 1 (Deferred from April 12, 1978):

Representative Cayetano moved that the report of the Committee be adopted and that S.B. No. 782, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Abercrombie.

Representative Naito, upon being recognized, stated:

"Mr. Speaker, I rise to speak in favor of this measure, but with some reservations, and some quite serious reservations.

I had an opportunity to speak with the chairman of the Committee and learned on the conference draft it is still a requirement for fifteen year old children to pass an automobile test. I appreciate the fact that, excuse me, an automobile license, or to have an automobile license, I appreciate the fact that people who use mopeds should be aware of the rules of the road, but I also appreciate the fact that people who would drive motorcycles have a different type of test that they have to pass, and so also should people who drive bicycles have a different type of test that they should be aware of and should be aware of the rules of the road. I feel that by having a driver's license at fifteen, where it is not necessary because of the ability, or the lack of having such a license, they would have to have these licenses to use mopeds. I feel that it is unfortunate that in the conference draft, or in any of the drafts, that a specific type of test wasn't given for the rules of the roads for operating mopeds and that the operation or the possession of the driver's license, a car driver's license, for fifteen year olds is not necessarily the way to go. I'm sorry that this was not corrected in the conference draft.

With those reservations, I would still urge the members to vote for this bill."

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

"Mr. Speaker, this measure is necessary and, in my estimation, because of the increased use and abuse of the motor-driven bicycle in our State, this measure really is coming a little bit late. The measure provides for stronger regulations and control of the mopeds, which I'm certain can only result in greater safety and reduced harassment, actually, of our island visitors and the residents who live in the Waikiki district, in particular.

Senate Bill No. 782 directly addresses what I see as the major problems associated with the renting of mopeds and the inherent difficulty of enforcing the traffic code. It contains many of the provisions that I have introduced in similar legislations and I'd like to go into those briefly. We have problems with the police being willing to make arrests of persons who are in some cases blatantly violating not only the traffic laws but common courtesy. We see people riding these mopeds in parks, on the sidewalks, going the wrong way down one way streets. I've seen this occurring while I've been jogging, even in front of police officers. The police, because of the fact that the operators are not required to carry a license or be licensed, are reluctant to make arrests and/or detain these people or issue citations.

The bill specifically classifies mopeds as motor vehicles, which indeed they are. It provides for registration and the operating licenses for the operators. It amends the traffic code relating to bicycles. It adds a special section setting up special rules for mopeds which we really should have done when we set up this particular classification.

I submit that all of these provisions are in the best interest of the general public. The one area that I do find fault with here, Mr. Speaker, is the requirement for no-fault insurance. It's stated in the bill that the requirement for the insurance is only to be put to the person who rents or leases these vehicles. But, I am afraid, Mr. Speaker, and I have not made an exhaustive research of this area, but by making this kind of a provision, we're setting up a separate class within a class which is going to be discriminatorily treated. I will not go into that at much length except to say that I would be very much against the idea of a fifteen or sixteen year old kid having to buy a no-fault insurance, and the net result of this, with the severability clause that I'm sure is attached here, would be that this portion be stricken. But, presumably, it

could also go the other way, at another time, in which the provisions would be required, and I feel that that is not a good trend.

Finally, Mr. Speaker, I think that this bill addresses the bulk of the problems which have been created by mopeds. It will allow the young person, the person who wishes to use this form of transportation, to continue to do so within a fairly clear-cut framework of operation now that we are no longer classifying it as a bicycle, but we're still keeping it at the very lowest operational cost possible.

I'd like to commend the work that was done on this bill by the, I presume, the House Transportation and Judiciary Committees, and I urge that we all vote 'aye'."

Speaking in favor of the bill, Representative Cayetano stated:

"Mr. Speaker, I'd like to just address my remarks to the remarks made by the previous speakers.

First, with respect to the remarks made by the representative from Waikiki, this bill does not require no-fault insurance. Any kind of tort litigation under this bill would still fall under the old fault system. The kinds of insurance we're requiring for the people who are in the renting or the leasing business are only bodily injury and liability insurance. That is limited to \$10,000 and \$20,000.

As far as the concerns raised by the previous speaker in respect to the fifteen year old being required to obtain an automobile license, that may impose a hardship on the fifteen year old, although, I might say, at this time, that is the age limit, minimum age, for obtaining an automobile license. However, our concern was that these operators of mopeds should be made to understand the rules of the road and, administratively, the cost for implementing a separate system of licensing mopeds drivers, we felt, was too costly; that may come about in the future when the industry gets larger."

At 1:41 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:44 o'clock p.m., Representative Cayetano rose "a second time to add or clarify previous remarks", stating:

"Mr. Speaker, the bill does provide for a licensing requirement, but I might add that in my remarks I was addressing myself specifically to Representative

Naito's concerns regarding the automobile. However, the bill does not limit itself to an automobile license. The youngster of fifteen could obtain a motorscooter license or motorcycle license and so qualify and then be able to ride or drive a moped.

Secondly, with respect to the concerns raised by Representative Carroll regarding or relating to the possible constitutional problem, the conference committees recognized that this may be a problem and we have inserted there, in the bill, a severability clause. However, we felt that the insurance requirement could be justified under a constitutional provision in that there is sufficient evidence, I believe, to show that the number of accidents which are caused by rental units are very, very high in comparison to the number of accidents caused by persons who are driving non-rental units."

Representative Carroll, upon being recognized, stated:

"Mr. Speaker, I rise just once again to speak for this bill and to make one comment in rebuttal."

Mr. Speaker, I have had the occasion to observe a family of three, apparently a mother, a father and a child that had been somewhere in the vicinity of twelve to fifteen years of age, and they were obviously touring across Diamond Head. The mother and father were handling the vehicle reasonably well and this young girl, almost out of control, and the mother and father sort of getting a kick out of the girl's inability to handle the particular vehicle. I know this sounds like a ludicrous kind of an example, but I think that this kind of thing is happening and I agree with the requirement for the renters and lessors to be required to have an insurance, which I think may cause them to have more caution in the renting of these vehicles. I think that is a problem, but one that I say is not as serious a concern for us today. I think that the requirement that these people at least have some kind of a knowledge, that knowledge be demonstrated by the possession of a motor vehicle operator's license of one sort or another, should be the absolute minimum requirement, and I think that we should not require anything else.

These vehicles run thirty-five to forty miles an hour down hill; they think they can get up close to fifty miles an hour. They are

very slight. They have not much body to them. The least that we can require for the safety, not only of the person riding them, but of other people who are exposed to them, these operators do have knowledge of the operation, safe operation, of vehicles on the roadway.

And, again, I urge that we vote 'aye'."

Representative Naito then rose and stated:

"Mr. Speaker, I just wanted to thank the chairman of the Energy and Transportation Committee for clarifying that concern.

Also, in regard to the last remarks, I believe that there is a provision that mopeds cannot go beyond thirty-five miles an hour.

Again, I would urge my colleagues to vote for this bill."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 782, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR-BIKES", passed Final Reading by a vote of 50 ayes to 1 no, with Representative Ajifu voting no.

Conf. Com. Rep. No. 48 on H.B. No. 1998-78, HD 1, SD 1, CD 1 (Deferred from April 12, 1978):

Representative Blair moved that the report of the Committee be adopted and that H.B. No. 1998-78, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Toguchi.

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

"Mr. Speaker, the purpose of this bill is to require an environmental impact statement for all actions by any State or County agencies proposing any water development or diversion project which will probably have significant and environmental effects.

Mr. Speaker, there have been numerous incidents where significant water development projects have received a negative declaration, meaning that no environmental impact statement was required. The lands and people affected by these major projects were not considered in the decision-making process. The people, which included many farmers, were not given the

opportunity to voice their concerns regarding the project and the impact upon them.

I want all of you to understand that the intent of this measure is not to slow down or stop development projects. Mr. Speaker, look at the facts. Only a few weeks ago, this House passed a resolution requesting that the governor declare areas of the Islands of Hawaii and Maui disaster areas because of the drought conditions. Ranchers and farmers in many areas of the State are facing water shortages. In addition, ground water levels are down, especially here on Oahu where domestic users are being asked to conserve in their use of water. Rainfall this year has significantly been below average.

Mr. Speaker, this bill is a modest step in the direction of insuring careful evaluation of significant water development by public agencies. Private owners who wish to develop water are not yet covered.

While I would personally prefer a more inclusive bill, I think this is an important step in the right direction, and I urge all of you to support this measure."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 1998-78, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 49 on S.B. No. 2332-78, SD 1, HD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative D. Yamada, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 2332-78, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 50 on H.B. No. 490, HD 2, SD 1, CD 1 (Deferred from April 12, 1978):

Representative Mizuguchi moved that the report of the Committee be adopted and that H.B. No. 490, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Abercrombie.

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

"Mr. Speaker, the purpose of this bill is to place the responsibility of the replacement of school books that are damaged, lost or destroyed with the responsible student or the student's parents.

Mr. Speaker, I have some reservations about this bill. I have expressed similar reservations about another bill, and I would like to have my observations on H.B. No. 491, HD 2, SD 1, CD 1, placed on the record and applied to this bill as well."

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

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 490, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REPLACEMENT OF SCHOOL BOOKS", passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 51 on S.B. No. 2114-78, HD 1, CD 1 (Deferred from April 12, 1978):

Representative Mizuguchi moved that the report of the Committee be adopted and that S.B. No. 2114-78, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Stanley.

Representative Abercrombie, speaking "in favor of the bill, with reservations", stated:

"Mr. Speaker, I don't believe this goes even remotely far enough in terms of the job-sharing idea. The number, if I may direct your attention to the second page, of full-time participants eligible for the project has been set at no more than 100. This is out of thousands of teachers in the school system. This is supposed to be a pilot project. I know the standard project of the DOE - let's have something down on the books as a pilot project which we will consider at some point in the future. While we were in the process of discussing budgetary considerations, the Education Committee, this year, came across lists of dozens and dozens of projects, literally, that could fall reasonably within the so-called pilot project stage, at least from my point of view.

I have no idea as to how we're really going to be able to evaluate this, other than to say that we should establish, if we wish to, what we want to do in the Legislature. Quite frankly, I'm ready to go with this job-sharing situation



right now inasmuch as we do indicate that it is on a voluntary basis. If it's on a voluntary basis, then, why, we should allow the volunteers to present themselves. And if we have more than 100 people, I think that that would be delightful. I think that it is probably opting on the short side to think that only 100 would be interested. I most certainly think that more than 100 teachers, who may not be presently hired, would be interested. If the idea is to keep full-time teachers working full-time, I see nothing that would prevent that.

However, while we go through this pilot program of three years duration, three years duration until 1981, we will not really be addressing the question of the job-sharing at all. I really believe that the only arguments that are going to come up by the teachers' point of view is in respect to fringe benefits. They seem well enough protected, to me, in this bill. I also think that that's a subject matter for negotiation and collective bargaining, which the Legislature may or may not wish to back up. These kind of discussions can go on.

I'm hoping that even as the DOE will be empowered to put into effect in the following semester to come, in the Fall semester, I should say, that possibly the next Legislature will see the thing in existence and under way by January of next year, in 1979, and before April will have sufficient information in confidence that they will extend the breadth of this program of job-sharing.

I think that this is one of the real keys to the economic health of this State, especially in respect of government employment, opening up avenues for employment to our people. This is one of the things that have been discussed at great length on the floor of this House, not only last session, but this session. How may we open up economic opportunities and how may we open up economic opportunities such that the jobs involved are those that reflect the skills that are available for teaching in our present school system? This is precisely the kind of thing that is most appropriate in that respect, so I don't want any pilot project.

If I want a pilot project, I can always refer to my friend, the representative from Waikiki, Mr. Carroll. He is a pilot and he can take me anywhere I want to go, within reason, with Hawaiian Airlines. I think it may be Aloha. It's hard to tell the difference sometimes.

That's a pilot project and does not address a job-sharing problem that we have, or job-sharing not as a problem, but job-sharing as an avenue for providing the very economic opportunities that we have wrestled with in terms of residency in the State. This is the kind of thing, this is the kind of thinking that needs to be done if we're going to address these economic and social problems.

This job-sharing concept should be in other areas. Just as in the DOE, this job-sharing concept could be utilized to a greater degree in the University of Hawaii. And I might say that we have half-time instructors in the University of Hawaii system and, unfortunately, we have moved away from that kind of concept in the lecturer system, which is little more than academic piecework. My presumption will be, and my hope is that this will not become the same kind of thing in the DOE.

So with those reservations, not reservations, I take that back, Mr. Speaker, but rather, with the idea that we look very closely with the passage of this bill, to amending the bill next year to broaden its scope, that I urge it's passage."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 2114-78, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A JOB-SHARING PILOT PROJECT IN THE DEPARTMENT OF EDUCATION", passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 52 on H.B. No. 2239-78, HD 2, SD 2, CD 1 (Deferred from April 12, 1978):

Representative Garcia moved that the report of the Committee be adopted and that H.B. No. 2239-78, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, it was my good fortune to be close friends of, when I was president of the Federal Bar Association, Governor Thompson. Governor Thompson of the State of Illinois has had two convictions similar to this Crime Commission; one, in Chicago, and one for Illinois, and I sent the bill back to him for comments. He felt that this was too little money, not enough money, for investigators; that this type of work

required about a half million dollars to do it properly. Now, this man has worked very closely with Lieutenant Governor Doi and has been as helpful as he could, and I think that the chairman, Lt. Governor Doi, has done an excellent job with what we gave him last year. I do feel we should have given him more this year.

There are a few changes in how we establish the new chairman. Lt. Governor Doi is no longer the one who will be the chairman. The chairman of the Commission shall be appointed for a term and he will then have two-thirds of each house ratified. But the biggest significance of the changes that we have put, is now this body, the Legislature - and they include the House, not just the Senate - are bodies which would do any removal; it would be by two-thirds vote. The chairman could be removed, because it would take a two-thirds vote of each house in joint session to remove or suspend.

Now, Mr. Speaker, we have seen a very good clause put in here on page 3, section (e): 'The commission may receive and use gifts, money, services, or assistance from any federal, state, county, or private source for the implementation of the purposes of the Hawaii crime commission.' It is hoped that we may receive gifts from individuals that will implement. This is a fine a clause as one can give, because it is an absolute necessity in this State, which is a State peculiarly subject to the infiltration of the underworld. It's an island economy. Read your papers and you'll see that we have a problem right now. This Commission is the only answer that we have on a statewide level.

Therefore, I would urge all of my colleagues to give this a resounding applause in their own minds and vote 'yes' when the vote is tallied.

Thank you."

Speaking in favor of the bill, Representative Carroll stated:

"Mr. Speaker, one of the previous speakers touched on the purpose of the bill, but I think I might briefly restate the purpose because it is germane to some of the comments that I have to make, and I think it might be good to do that. 'The purpose of this bill is to redesignate the Hawaii Commission on Crime as the Hawaii Crime Commission; to extend the life of the Commission to June 30, 1980; and to appropriate funds for its operation during the

1978-79 fiscal year; and to amend the statutes governing the operations of the commission.'

Now, Mr. Speaker, I'm in firm support of this bill, but I do have some serious reservations. One of the most serious problems facing Hawaii's people today is crime. Crime threatens every facet of our lives, and it even threatens one of our major industries, tourism. And in another vein, according to a report released recently, a violent crime was committed every four and one-half hours; and a property crime, every nine minutes in Hawaii for the year 1977. So, Mr. Speaker, this bill does address, without a doubt, one of the top problems facing us today.

Now, when this measure passed the House on its way to conference, I urged this body to expand the life of the Commission and increase its funding so that it would be rendered more viable in dealing with the problem of crime in our State. I am not only elated, but I congratulate the House conferees for supporting an extended life of the Commission.

However, I have considered reservations about the funding. The life of the Commission has been extended to June 30, 2080, but the funding has been limited to the fiscal year 1978-79, and the funding has been set at a very modest figure of \$165,000. Mr. Speaker and members of the House, I hope this is not a signal to those involved in crime that we are not taking this problem seriously enough.

Since our revenue picture is much brighter now than expected earlier, it's my hope that this Legislature, although we don't have much time, can do something before adjournment to increase the funding to the Commission. Mr. Speaker, I would strongly recommend that if we do accomplish this miracle, that the funding would certainly not be less than \$500,000 for the life of the Commission.

With these reservations, I urge the support of the bill.

Thank you."

Representative Abercrombie, speaking against the bill, stated:

"Mr. Speaker, I believe, despite the best intentions and modifications of the Judiciary Committee and others, that this Commission will not work. Not only will it not work, but it undermines what I believe to be constitutional protections of the public.

Mr. Speaker, I'm rising once again,

as I have on several occasions, to state that we are taking another step on the road to American facism, and with this kind of Commission. Now, this is generally greeted with an attitude of why you can't be serious about that kind of thing, couldn't possibly occur. Mr. Speaker, this Commission is going to be given powers which, in certain respects I'm not quite sure even prosecutors have, among other things, there is going to be a completely political Commission, is going to be a completely political entity, even more so than the present system of appointments of judges and prosecutors.

If I may suggest a few of the circumstances in which this Commission can, with relative ease, become a star chamber kind of procedure, it authorizes the Commission to receive and use gifts, money, services or assistance from any source. This is the sort of thing that the Board of Regents does at the University of Hawaii which is created by constitutional law. But, I have grave reservations that it authorizes the Commission to hold closed hearings when necessary to maintain the effectiveness of a study or investigation. We give all kinds of power to this Commission, when necessary, and I doubt that people who may be investigated or brought in for whatever reason, may find themselves, when questioned, what is necessary, and not in a position to do much about it.

I'm taking into consideration exactly the point that was raised by the previous speaker about tourism. Now, I know very well what certain elements in the tourism, and I'm not talking about people with master keys now, I'm not talking about small time thieves, I'm talking about big time thieves, the kind of people that have already been prosecuted in this State and found guilty of anti-trust violations, the kind of people that have bilked the public in the United States and elsewhere for millions of dollars and never spent a day in jail for it - do you really conceive for one single instance that this Hawaii Crime Commission is going to go in there and go after people who have conspired to defraud people in the hotel industry of their money when it comes to what they pay for a room and kickbacks? No. That's not what it's aimed at. Those people are going to exercise the kind of influence in the tourism industry that they have exercised to this point. They are not going to give in. When you're talking about a crime commission that's not coming up against somebody that's burglarizing a room, but somebody that's burglarizing the world, with

multi-national corporation mentality and value system, then you'll have a good idea what might happen with a crime commission set up under these circumstances. This authorizes the closed hearings. It clarifies the power of the chairman to subpoena the witnesses and require production of documents.

Now, we have people who are already named, by virtue of what they do, as a prosecutor in respect to subpoena power. Now, all of a sudden, we're going to bring in a civilian, if you will allow me the analogy, a civilian commissioner, not the police commissioner, not a judge, not a legislative body, not a prosecutor, but a commissioner to subpoena witnesses and require production of documents. What documents? Under what circumstances? Why? Are we going to then be litigating all over the place, with people coming into this crime commission say, no, I don't have to do this, this violates my rights? And who's going to defend it? Now, I'll get to that in a few moments.

Requires the State and County governments to cooperate with the Commission. Does that mean me? I'm proud of the State government. Am I going to be required to cooperate with the crime commission? I've dealt with enough, personally, with this kind of thing already. What about the average citizen? When I say average, what I'm driving at is someone who is not protected by constitutional immunity. What kind of an argument is going to take place here? Refer to number nineteen in your committee report - 'revised for the removal of any commission member who makes unauthorized disclosure of any kind of confidential information or matter.' What, to keep it all inside? What, if it's decided that it's more politics to keep it inside as opposed to whether criminality is really going to be prosecuted? How are you going to keep the politics out of that?

Unauthorized disclosure. Now, we're going to get into a situation in which some member may feel that he or she is participating in a circumstance in which the absence of the information being disclosed to the public will result in the public actually being disserved by this so-called crime commission, Commission on Crime.

Number twenty, makes wilfull disclosure or dissemination of confidential information or matter by any Commission member, chairman, staff member of employ a misdemeanor. If it's all that important, why isn't it a felony? And there is felony consideration given in the bill, which I'll address. It defines confidential information or matter, which I will address

in a moment.

And in number two, on page three, under section 843-8, it is amended by making the unauthorized and wilful disclosure or dissemination of confidential information or matter a Class A felony because of the potentially grave consequences which might result if certain information is disclosed. Then we go into that beautiful phrase, certain technical amendments have been made.

If you will refer to page 8, Employment of Attorneys, you will find that an exception is not going to be made after that list, beginning on page 8 and including page 9 - 'Every attorney employed by any department on a full-time basis, except attorneys employed by the Hawaii Crime Commission, shall become a deputy attorney general.' Now, the reason you have the deputy attorney general situation in here is that if someone acts against someone's civil rights, if someone acts against someone in a criminal matter, the State may defend that individual and/or group. And if you think this is funny, or you think it doesn't occur, there is \$175,000 in the Attorney General's budget right now to defend Mr. Cooper against the suit that Mr. Weisman has instituted against him, and it is for eight million dollars. If that suit is won, the State may be liable for \$8,000,000. Mr. John Edmonds is defending Mr. Cooper. Mr. Cooper was brought in to prosecute. Regardless of the merits or demerits of that case, regardless of whether it is well known in the papers or not, the fact of the matter is that Mr. Cooper was a deputy attorney general in order to protect the State, in order to enable the State, if any question arose as to the propriety of the prosecution, that the State would be prosecuted. Now, we're going to say that the lawyers shall be omitted. We're going to say that the attorneys shall not be protected as deputy attorney generals, therefore, they are going to have to fish for their own defense should any litigation be brought against them as a result of the crime commission's activity.

This bill is not well thought out. I know what people want to do and I know how popular it's going to be to wave it around, that there is a crime commission with its \$165,000 which probably doesn't pay for the phone call that anti-trust violators have made to celebrate the amount of money that they have been stealing from the people who have come here

to visit. This whole crime commission will not solve the problem of organized crime in the tourist industry or any other industry. It most certainly will not address the problem of organized crime within the industry itself, because I have no doubt that people from the industry who have been involved in the same kind of affairs will likely be nominated or will exercise influences to who shall be nominated.

The commission on crime is an attempt to deal with very real problems. I would suggest that we would go a great deal further if we used the grand jury in a proper way, if we brought in some accountants and bookkeepers and went to work on the kind of crime that's being addressed here. If it is a crime, it involves stealing or organized effort of extortion, because as I recall, Mr. Capone did as much time in Alcatraz for his income tax violations as he would have done had he been convicted of a violent crime or the crime such as burglary, the unauthorized utilization of a master key, the kinds of things we have addressed. I want to suggest that the proper way to deal with this crime is to utilize the institutions we already have available to us and have not done to this point, precisely because of some of the influences that I have spoken about; those influences will not lessen with this crime commission. On the contrary, the people will be lulled into thinking we're going to do something about it when we will not.

Thank you."

Representative Larsen then rose to "speak in opposition to the measure", stating:

"Mr. Speaker, when this bill came by us in the Finance Committee meeting, we had some very good testimony from the Lt. Governor, and I was in favor of the bill. Now, it comes back to us, after having struggled through conference committee, definitely changed in many aspects. One of the things that I really feel very strongly was done to it unceremoniously, and that was to extend the time period and to keep the dollars same. My understanding of this is we've now pushed up the time, the commission lasts up to June 30, 1980. At the same time, they haven't increased the amount of money to be spent, but they have opened up a mechanism in which they can be funded that's known as this catch-all as to receive donations from federal, state, county or private sources for the implementation and purposes thereof. Well, to me, that sets up

a mechanism whereby somebody sitting in a powerful spot in the State can select the target and so the Commission might be disbanded as of the end of the fiscal 1980. But, since the target has been selected and the train is on the track and chugging along, he needs a little more money, so be it, he can just send another flutter of dollars over and keep funding the program against whatever mechanism there is. Once this thing is set up, I see no way of controlling it until 1980.

I believe that the way we had it there, to review and look over what had happened here in the 18 months that we had originally set up, I think that was the limitation we needed to review this program. Now there is no 18 months review, it's a 36 months time period. I object to that, Mr. Speaker, and I would hope that the majority of the people in this august body also object to that.

Thank you."

Representative Kamalii then rose and stated:

"Mr. Speaker, I rise to speak, as I have consistently, in support of this bill.

There are areas in this conference draft, particularly the deleted provision for witness immunity, which I would like to see broadened or included. However, the strengths of this draft far outweigh what I see as potential weaknesses.

I have spoken in the past of the mechanics of the commission and of its essential service to different governmental agencies. Even this body has and will benefit from the investigations, findings, and recommendations which have and will result from the activity of the commission.

Today, though, I wish to direct my comments to the public service which is performed by the commission. There is a vital need to restore public confidence in the ability of government to foster and enforce a safe community. There is a need to reassert that government is committed to the reduction of crime and the punishment of the criminal. In part, we have begun this task by seeking a review of the master corrections plan.

Now, with the extension of the crime commission for another eighteen

months, we are also indicating a willingness to review the nature and degree of serious criminal activity in Hawaii.

It is this explicit statement of purpose which will give the public some peace of mind, a notification of our concern for their well-being. I do not believe that we have been truly derelict in this regard, but unfortunately, that has been the public impression. This bill will do much to correct that misconception.

I urge my colleagues to support this measure."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 2239-78, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME COMMISSION", passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Abercrombie and Larsen voting no.

Conf. Com. Rep. No. 53 on H.B. No. 2827-78, HD 2, SD 2, CD 1 (Deferred from April 12, 1978):

Representative Segawa moved that the report of the Committee be adopted and that H.B. No. 2827-78, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Peters.

Representative Segawa, upon being recognized, stated:

"Mr. Speaker, I rise to speak in favor of this bill, but before I do so, I would like to call the members' attention to page 2 of the committee report which indicates three typographical errors regarding the word 'practical nurse' instead of 'professional nurse'. The bill itself refers to 'registered professional nurse'.

Mr. Speaker, I believe this body should be proud of this auspicious day in establishing a permanent school health services in the Department of Health. Throughout the years, in the incremental expansion of this program, this program has proven to be a most cost effective program. Aside from the services that are given in the health room by these health aides, many, many hours have been saved by parents of students who have become ill and who have been taken care of by these health aides and kept in school.

Aside from this, your Committee, which worked many hours to put together this conference draft, is very concerned about vision and hearing, which is a very integral part of a student's well-being, as well as a learning necessity in school; therefore, we've provided

that the health aides should assist in screening students in order that initial screening shall be completed by December 31st of each year.

On this basis, I urge all members to vote for this bill."

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

"Mr. Speaker, the previous speaker has expressed some of my interests related to this bill, so I'll make my remarks rather brief.

As the previous speaker somewhat indicated that at long last we have a bill that provides for a permanent statewide school health services program for the children of our State, I'm proud to have been on the citizens' committee that developed the pilot program that was submitted to the Legislature some eight years ago. That pilot, as many of us know, lasted for a very long time. But, today, as the previous speaker has stated, is a historic one as far as the children of our State are concerned, because this program will now be made permanent in every public school in the State. It is no longer necessary for us, as legislators, to feel insecure about our responsibilities to provide required health services to the children of this State.

And in recognition of the foresight of this legislative body in this particular field, I urge the unanimous vote on the part of my colleagues for the passage of this bill.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 2827-78, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES", passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 54 on H.B. No. 1885-78, HD 2, SD 2, CD 1 (Deferred from April 12, 1978):

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 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIRCUIT AND DISTRICT JUDGES", having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Abercrombie, Cobb and Sutton voting no.

Conf. Com. Rep. No. 55 on S.B. No. 1820-78, SD 2, HD 1, CD 1 (Deferred from April 12, 1978):

Representative Stanley moved that the report of the Committee be adopted and that S.B. No. 1820-78, SD 2, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Garcia.

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

"Mr. Speaker, I cannot, for the life of me, see how we can be forced . . . if you read the afternoon paper, the City Council is now beginning to divulge its assets, and we put in this bill that the Governor, Lt. Governor and all his cabinet and the top supervisory people will have to show what their assets are, and yet, for the constitutional convention people that will represent 102 seats, that they do not have to show what their assets are. I can't understand it. It just doesn't seem to make any sense to me. It is an omission. We live in a day and age where nothing is wrong where it's omitted, just what's committed.

So, I will just make my reservations, ask the various delegates to the constitutional convention to voluntarily reveal to the public what they are worth.

Thank you."

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

"Mr. Speaker, may I make a brief comment in favor of this bill and also to express my reservations.

Mr. Speaker, the original (House) draft of this bill would have included delegates to the constitutional convention in the requirements for financial disclosures.

The conference committee removed that section of the bill and a minority report was filed to differ with an opinion filed by the Attorney General's Office, which stated that the Legislature cannot place restrictions on the Con-Con delegates.

My belief is that the Legislature can and has placed restrictions on the delegates already, and this simply adds more sunshine to the entire process of constitutional revision. We have placed restrictions on who can run for the Con-Con, how much money



is available, what districts, when they start, and how many delegates there will be.

To have included the Con-Con delegates in the reporting requirements would have been consistent with the growing need for 'sunshine' in the political process. I submit that, especially in the case of the constitutional convention delegates, there is a need to be fully aware of what factors influence their decisions. The constitutional convention's actions will affect the people of this State for the next ten years. We had better be damn sure we know where those ten years are going and what influenced those decisions.

I am disappointed that this Legislature is not facing up to this challenging but very necessary point. However, because I am in favor of as much sunshine legislation as possible, I urge that you vote aye on this bill.

Thank you."

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

"Mr. Speaker, I am in favor of this bill, but I have some strong reservations which I believe I would like to address for the record. In fact, Mr. Speaker, my reservations are so strong that I have submitted a minority, signed by myself and two other conferees, Representative Kunimura and Representative Ikeda, which pretty well lays out the legal argument for my reservations.

Mr. Speaker, I have been in this House now for four years, and it's been a privilege. During those four years, 'openness' in government - notice you're smiling - 'openness' in government has been a major goal. Indeed, we in this House have led the way in setting an example of openness in government and we have done this by our rules, our policies and practices, as set forth in our House rules regarding hearings and caucuses. We've done it as well by leading the way in legislative action relating to openness and sunshine.

It should be no surprise, then, Mr. Speaker, that the House version of Senate Bill 1820 provided that the delegates to the 1978 constitutional convention would be required to make the same kinds of disclosure as legislators, other elected officials, members of boards and commissions and the other agencies which are provided for in this bill, and it makes good sense to require con con delegates to make such disclosures. After all, few here would disagree with the notion that

the upcoming 1978 constitutional convention is probably the most significant event to take place this year. All of us are aware that the recommendations coming out of the con con may have a significant impact on the basic structure of our State government. Therefore, I must say that I was very disappointed when the House conferees agreed to exclude con con delegates from the disclosure requirements under this bill. If openness in government is necessary and good for this Legislature, it should be good enough for the con con. What happened? Why did we agree to exclude the con con delegates from this bill?

Well, I believe what happened to this bill is symptomatic of a disturbing trend which has been appearing all too frequently in this House. The turning point of the negotiations between the House and Senate came about when the attorney general gave an opinion which stated that it would be unconstitutional to include con con delegates under this bill. Shortly after that opinion was given, the House raised the white flag and the Senate position was accepted.

I believe all of us had better reflect on what has happened here. Because what we have done, really, we have used the opinion of a bureaucrat in the office of the Attorney General as a crutch under our system of government. We, elected officials, are answerable to the people to make decisions, to set legislative policies, not the attorney general, not any bureaucracy. After all, this is still a democracy. As far as I am concerned, this business of deferring to the opinion of bureaucrats to make decisions is passing the buck. We are failing to come to grips with our responsibilities as legislators - and that responsibility is to make decisions and to be accountable for them. The attorney general's opinion, Mr. Speaker, stated that it would be unconstitutional to impose disclosure requirements on con con delegates because we would be determining. We may be determining the qualifications of the delegate to the con con - the attorney general rightfully points out that section of the Constitution which states that the setting of qualifications of the con con delegates is solely a function of the con con itself.

However, I think the opinion misses the point. The imposition of this disclosure requirements, in my view, is not setting qualifications, because if we had included the con con delegates in this bill, there will be nothing to stop the delegate from being elected. The disclosure requirement would come after the delegate had been elected. And, certainly, that is no difference really from the requirement that we have under chapter 11 of our

statutes which require that con con delegates, for example, file campaign spending reports.

Article 14, section 5, of the Hawaii Constitution, provides that the Legislature in each political subdivision will adopt a code of ethics which shall apply to appointed and elected officers and employees of the State or the political subdivision, respectively, including members of the boards, commissions and other bodies. That section, Mr. Speaker, says that the body shall adopt a code of ethics. I have no problem with the exclusion of the counties because, certainly, the counties are empowered to pass ordinances. But only the counties and the Legislature can enact law. The con con has no power to enact a code of ethics, and for this reason, I believe that the Legislature which has the power to supervise elections would have logically imposed the financial disclosure requirement on con con delegates.

Secondly, when one refers to the Constitution, that section of the State Constitution which I previously cited - this is stated in the minority report - that section reads that the code of ethics shall apply to appointed and elected officers, etc. Now, it would seem to me that it would strain one's imagination to hold that a delegate, elected to the con con, is not an elected officer of the State. In any event, this is what the attorney general's opinion holds, and I disagree with it. What it boils down to, Mr. Speaker, is that we have two opinions given by two separate agencies, if you will: one, we have the attorney general's opinion which says it's unconstitutional; and two, we have this minority report, which was prepared for me by the very capable House Attorney's Office led by Mr. Funaki.

The House position was, Mr. Speaker, that we maintain that the con con delegates, and we were willing to put in a severability clause to take care of the constitutional problem, that was unacceptable to the Senate. I would suggest that perhaps some of the reasons that this was unacceptable to the Senate was that there is a fear, I believe, or perhaps a combination, if you will, on the Senate side, to accommodate the fears perhaps of some of the special interest groups which have people running for the con con. I don't think there's anything wrong with any special interest group fielding candidates for the con con. Certainly, under our system of government, special interest groups are an inherent part of our society. We accept that. What I find difficult to accept, however,

is this Legislature, or this House, anyway, as taking part in passing a bill which will make it more difficult for the public to know what kinds of people are being elected as delegates to the con con."

Speaking in favor of the bill, Representative D. Yamada stated:

"Mr. Speaker, as a conferee on the conference on this matter, I take offense from the prior speaker in his reference to the fact that your conference committee has passed the buck and raised the white flag in light of the attorney general's opinion.

For those of us who attended conference committees, it was felt by us, at that time, that in light of the attorney general's opinion and the fact that the constitutional convention follows closely on the heels of the legislative session, that it would not be wise, at the present time, for us to put in a provision which may be subject to any constitutional challenge which will, anyway, affect the work that the constitutional convention does.

Thank you."

Representative Abercrombie, upon being recognized, stated:

"May I incorporate Representative Cayetano's remarks as my own?"

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

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

"Mr. Speaker, I think that some of things which are proposed in the Senate Bill are just fine, but I think that to allow this measure to go through, particularly in view of the opinion which was prepared by, I presume, Representative Cayetano - but I understand now by Mr. Funaki - I would like to have the minority report incorporated by reference and adopted as my remarks with respect to this matter."

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

Representative Larsen then rose and asked:

"I would like to ask a question of the chairman of the PEGO Committee?"

The Chair then asked:

"Representative Stanley, will you yield?"

Representative Stanley replied:

"After I hear the question."

Representative Larsen then asked:

"The question is this, on page 5, in the original text, we're talking about contracts, and the question is that a legislator or an employee has a controlling interest, involving services or property of a value in excess of \$1,000, unless the contract is made after public notice and competitive bidding. Now, we have taken that little last paragraph out, 'is made about public notice and competitive bidding', and added a whole big section here, dancing around through the little bushes and trees, of how you get around to open competitive bidding. And this falls under section 84-15. Now, is it true that we had long discussions involving open and competitive bidding which did not really come out in a bill? I think their discussions were for and against it and we passed it through the House and it was killed in the Senate so that we no longer have open and competitive bidding under the State law. Now, does this paragraph here give us another section of the law which controls and allows not quite an open and competitive bidding?"

Representative Stanley then replied, stating:

"Mr. Speaker, my response to the question is that this section does not listen to competitive bidding at all. In fact, it provides more stringent requirements. When a contract is let not through competitive bidding, the reason has to be filed with the Ethics Commission. Therefore, it strengthens the open, public process."

Representative Larsen then stated:

"When you exclude a phrase that says, 'is made after public notice and competitive bidding', was about eight or ten lines here of explanation dancing through that, I don't see how that strengthens the process of public notice and competitive bidding. I'm not asking any further questions."

I would vote for this for other factors in the bill, but I really feel very badly that we dance into it on one foot and the other like this.

Thank you."

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

Upon reconvening at 2:52 o'clock

p.m., Representative Cobb, upon being recognized, stated:

"Mr. Speaker, I rise to speak in favor of the measure based on some previous remarks regarding the question of sunshine and openness."

I think you and I have had some extended discussions in the past on that subject. While I agree with the intent of the bill, I also have to agree with some of the reservations and certainly the minority report filed insofar as the lack of inclusion of the con con delegates, and even further, of county officials if we have a severability clause, because it appears that some county officials are having disclosures made the rough way. But, I would point out that we could have included both with the severability clause. And if there was a question of superseding a county charter, we could be provided this particular measure, to be further ratified by the referendum process, so that we, by legislative fiat, would not be superseding any county charter without a referendum vote of the people. Hopefully, Mr. Speaker, the con con delegates, since they are exempted at this time, will not only include themselves in the disclosure provisions, but, hopefully, could even mandate that of a State Constitution, because, apparently, the Constitution does get into sufficient detail on ethics and boards and commissions as cited by the representative from the nineteenth district.

I'd also like to make one final note in passing, that the attorney general's opinion, in my brief experience in this House, has not always been a bible. I recall at least three occasions when an attorney general's opinion has either been overruled by actual practice or by court decision, the most notable, of course, involving the practice of sign waving on the public highways, when we were assured that such a practice, or the bill to outlaw such a practice, was completely unconstitutional until such time as a federal court acted and overturned the entire law.

But, with these reservations, Mr. Speaker, I think that the bill is a step in the right direction.

Thank you."

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

"Mr. Speaker, as a conferee on the part of the House, and irrespective of the statement made by the representative from Pearl City, I would just like to point out to the House members that one of the arguments that the Senate

strongly stated during the conference that didn't hold water with the members of the House was the fact that by including disclosure statements for the con con delegates, it would discourage good candidates from running. And, Mr. Speaker, it was the firm position of the House conferees that it wouldn't discourage good candidates from running; there are a lot of good candidates in this State that are running right now.

Thank you."

Representative Kunimura, upon being recognized, stated:

"Mr. Speaker, I rise to speak in favor of the passage of Senate Bill 1820. In doing so, Mr. Speaker, may I explain that the minority report, which I totally subscribe to and signed, and the statement made by my very dear friend from Pearl City, we are not criticizing the House conferees in any sense of the word, but rather that we wanted to reflect for the record so that in the future, other legislators who will be sitting here in this chamber, will be cognizant of the kind of pitfall that the Senate may throw in the way of our conferees here, and what we have experienced. Just a warning sign that we have some highly experienced people over there. And I can say this, without any reservation, that our House is about 99.4% clean; on the other side, I can't say if there are 49.4% clean; and, therefore, they have some real, you know, special interest deep down that they won't reveal, you know, they're representing. And, a body like the constitutional convention that is charged with the responsibility of writing the organic law of the State of Hawaii that they should be even cleaner than members of the Legislature. If we should be 100%, then I believe the con con delegates should be 110% clean because it's going to dictate, until the Constitution is amended, that all legislative bodies, boards and commissions and the administration and the Judiciary must abide by the Constitution and, therefore, we felt very strongly that the delegates charged with the responsibility of writing the proposed Constitution to be offered to the people for ratification, that they disclose their holdings.

I felt since the disclosure will come after the election, that in no way this would preclude anybody from running. And if they are afraid to show their hand, then they are not good candidates. Good candidates are people who are not afraid to say which side of the railroad they come from, that their

intentions are good and that's the way we attract good candidates, because I hate to see them thinking that rich people are not good candidates. There are a lot of good people on both sides, and the kind of argument that they try to push forward from their ranks did not hold water.

I'd like to say the chairman of the House conferees did a yeoman's job, but it just happened that they maybe pulled a card from the bottom of the deck. I'd like to say, Kate, we do not hold you responsible, and we trust you. Those of us who were on the conference committee maybe should have been a little more careful, but we learn from our mistakes and if we do not put a danger sign where the pitfalls are, then we are not contributing to the future successes of conferences in conference committees in future legislatures; therefore, I will be voting for this measure.

I had hoped that it could have been a little better to cover the con con delegates, but I'd like to say that a vote for this bill is a vote of confidence for the chairman of the House, because she fought all the way.

And my colleague from Kauai, Mr. Speaker, may I ask that he not be so sensitive."

Representative K. Yamada then rose and asked:

"Would the representative from Pearl City, who has spoken with reservations about this bill, yield to a question?"

Representative Cayetano replied:

"Mr. Speaker, an old saying in the legal profession - don't ask a question unless you know the answer - I'll answer the question when I hear it."

Representative K. Yamada then asked:

"Mr. Speaker, the basis for the various opinions have been based on Article 14, Section 5, of the Hawaii Constitution and also Article 15, Section 2, of the Constitution. Would the representative from Pearl City admit that those sections are open to interpretation and may support either opinion?"

Representative Cayetano answered, stating:

"As any good lawyer, Mr. Speaker, I will admit they support either side."

Representative K. Yamada then stated:

"Thank you very much.

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

Mr. Speaker, the Attorney General's Office is charged with the responsibility of interpreting the statutes of the State of Hawaii, including the State Constitution. It's not always that I agree with the Attorney General's Office. I did have some reservations about the particular opinion that's before us. I, therefore, asked the individual, the deputy attorney general who signed this particular report, to come down and discuss it with me. Because he has failed to do so, I presume that he has refused and, therefore, I was somewhat disturbed.

However, because of the time lapse between the time I placed the call and now, Mr. Speaker, I've had a chance to reconsider what I had intentionally or originally intended to do. The report is also endorsed by Mr. Suzawa and also by the attorney general himself. And because it is open to interpretation, I think on a question that's as close as this one, we should be bound by the opinion of the Attorney General's Office.

Thank you."

Representative Kamalii then rose and asked:

"I wonder, with your permission, if I may have the minority report incorporated in the Journal as my own?"

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

Representative Kunimura then rose and stated:

"If I heard the previous speaker from Hilo suggest or recommend that the attorney general's opinion be accepted, I don't want that for the record, because it's only an opinion. If it was a decision of the court, yes; opinion by an attorney general, county attorneys, corporation council, they are only opinions and I will not accept as making my decision here."

The Chair then stated:

"I believe the representative from Hilo used that merely as an argument to support his position on the measure."

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

"Basically, Mr. Speaker, I think this is a good bill, though I'd like to share the reservations that I think

the previous speaker spoke about with regard to the exception or the non-inclusion of the con con delegates.

I think we should point out the fact that one of the purposes of the conference committees was to try to reach some kind of a reasonable compromise between two different points of view that the conferees bring to the conference, and it seems to me that what seems to be a sensible compromise on this particular matter had been proposed, and that is that a con con delegate be included, but that a severability clause also be included in the bill so that if that particular section of the bill was indeed unconstitutional, that the severability clause would help to deal with the particular issue. It seems to me unfortunate that this compromise which seemed an imminently reasonable one was not accepted by the Senate, and I think we need to have that stated for the record.

Thank you."

Representative Carroll then rose and stated:

"Mr. Speaker, I wanted to amend my original remarks to state that I wanted the minority report adopted by reference as my own. Yes, but in favor of the bill rather than against the bill."

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

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 1820-78, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT, INCLUDING DISCLOSURE OF FINANCIAL INTERESTS BY LEGISLATORS AND STATE EMPLOYEES", passed Final Reading by a vote of 51 ayes.

At 3:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

Conf. Com. Rep. No. 56 on S.B. No. 2595-78, SD 1, HD 1, CD 1 (Deferred from April 12, 1978):

Representative K. Yamada moved that the report of the Committee be adopted and that S.B. No. 2595-78, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Garcia.

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

"Mr. Speaker, I have made my ideas

known when the bill passed the House to the Senate. Excuse me, when the Senate Bill, with this House Draft was here, I made my ideas known about obstruction of justice previously. I believe that the Class A felony is too severe under the circumstances that are outlined here, and I do not believe that the change in language clarifying the offense as a refusal to testify or be qualified as a witness after having been granted immunity pursuant to Chapter 621C is persuasive. But such a designation, Class C felony, is warranted.

Thank you."

Representative Cobb then rose and stated:

"Mr. Speaker, I'd just like to incorporate my previous objections as still being the same in the bill, with particular reference to the fact that the bill is not limited as to tax or category of offenses or severity."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 2595-78, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OBSTRUCTION OF JUSTICE", passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Abercrombie, Cayetano, Cobb and Stanley voting no.

Conf. Com. Rep. No. 57 on H.B. No. 1803-78, HD 2, SD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative Takamine, seconded by Representative Machida and carried, the report of the Committee was adopted and H.B. No. 1803-78, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT", passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 58 on S.B. No. 2581-78, SD 2, HD 1, CD 1 (Deferred from April 12, 1978):

On motion by Representative D. Yamada, seconded by Representative Blair and carried, the report of the Committee was adopted and S.B. No. 2581-78, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 3060-78, SD 1, CD 1, had passed Final Reading at 10:23

o'clock a.m.; H.B. No. 1838-78, HD 2, SD 1, CD 1, at 10:35 o'clock a.m.; H.B. No. 2403-78, HD 1, SD 1, CD 1, at 10:36 o'clock a.m.; H.B. No. 2085-78, HD 1, SD 1, CD 1, at 10:37 o'clock a.m.; H.B. No. 992, SD 2, CD 1, at 10:47 o'clock a.m.; H.B. Nos. 2118-78, HD 1, SD 1, CD 1, and 425, HD 1, SD 1, CD 1, at 11:05 o'clock a.m.; H.B. Nos. 429, SD 1, CD 1, and 2312-78, HD 1, SD 1, CD 1, at 11:07 o'clock a.m.; H.B. No. 3039-78, HD 1, SD 1, CD 1, at 12:03 o'clock p.m.; S.B. No. 2202-78, SD 1, HD 1, CD 1, at 12:20 o'clock p.m.; H.B. No. 1779-78, HD 1, SD 2, CD 1, at 12:36 o'clock p.m.; H.B. No. 1987-78, HD 1, SD 1, CD 1, at 12:45 o'clock p.m.; H.B. Nos. 227, SD 1, CD 1, and 2895-78, HD 1, SD 1, CD 1, at 12:46 o'clock p.m.; H.B. No. 2611-78, HD 1, SD 1, CD 1, at 12:55 o'clock p.m.; H.B. No. 2102-78, HD 2, SD 1, CD 1, at 12:56 o'clock p.m.; H.B. No. 3046-78, SD 2, CD 1, at 12:57 o'clock p.m.; H.B. No. 514, SD 1, CD 1, at 1:23 o'clock p.m.; H.B. No. 1920-78, SD 1, CD 1, at 1:24 o'clock p.m.; S.B. No. 2436-78, HD 1, CD 1, at 1:32 o'clock p.m.; H.B. No. 2850-78, HD 1, SD 1, CD 1, at 1:33 o'clock p.m.; S.B. No. 782, SD 1, HD 1, CD 1, at 1:49 o'clock p.m.; H.B. No. 1998-78, HD 1, SD 1, CD 1, at 1:53 o'clock p.m.; S.B. No. 2332-78, SD 1, HD 1, CD 1, at 1:53 o'clock p.m.; H.B. No. 490, HD 2, SD 1, CD 1, at 1:54 o'clock p.m.; S.B. No. 2114-78, HD 1, CD 1, at 2:00 o'clock p.m.; H.B. No. 2239-78, HD 2, SD 2, CD 1, at 2:29 o'clock p.m.; H.B. No. 2827-78, HD 2, SD 2, CD 1, at 2:34 o'clock p.m.; H.B. No. 1885-78, HD 2, SD 2, CD 1, at 2:35 o'clock p.m.; S.B. No. 1820-78, SD 2, HD 1, CD 1, at 3:05 o'clock p.m.; S.B. No. 2595-78, SD 1, HD 1, CD 1, at 3:47 o'clock p.m.; H.B. No. 1803-78, HD 2, SD 1, CD 1, at 3:48 o'clock p.m.; and S.B. No. 2581-78, SD 2, HD 1, CD 1, at 3:48 o'clock p.m.

#### DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 802-78 on S.B. No. 1627-78:

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and S.B. No. 1627-78, entitled: "A BILL FOR AN ACT MAKING AUTHORIZATIONS FOR COLLECTIVE BARGAINING COST ITEMS FOR EMPLOYEES IN BARGAINING UNIT 11", having been read throughout, passed Third Reading by a vote of 51 ayes.



The Chair directed the Clerk to note that S.B. No. 1627-78 had passed Third Reading at 3:50 o'clock p.m.

Conf. Com. Rep. No. 13 on S.B. No. 2386-78, SD 2, HD 2, CD 1:

On motion by Representative Segawa, seconded by Representative Aki and carried, the report of the Committee was adopted and S.B. No. 2386-78, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEM", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 9 on S.B. No. 2005-78, SD 1, HD 1, CD 1:

On motion by Representative Uechi, seconded by Representative Caldito and carried, the report of the Committee was adopted and S.B. No. 2005-78, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 16 on S.B. No. 1622-78, SD 1, HD 1, CD 1:

Representative Suwa moved that the report of the Committee be adopted and that S.B. No. 1622-78, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Peters.

Representative Abercrombie then rose and asked for a conflict ruling, stating:

"Mr. Speaker, I'd like a conflict ruling. I have a constituent who has been most anxious to see this bill passed and wants me to inform him the moment it does."

The Chair ruled "no conflict".

Representative Carroll then asked:

"Mr. Speaker, I'd like to ask that the remarks that I made in respect to the Reinecke's award be incorporated by reference, made part of my comments against this measure, with those reservations."

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

Representative Ajifu then asked:

"Mr. Speaker, may I make the same

request? I am against the bill and that my remarks that were made earlier during the session be inserted as my comments for today."

The Chair "so ordered".

Representative Larsen then rose and asked:

"Mr. Speaker, I request that my remarks made previously when we discussed this measure against the bill also be included by reference."

The Chair "so ordered".

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 1622-78, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, passed Final Reading by a vote of 38 ayes to 13 noes, with Representatives Ajifu, Carroll, Cobb, Dods, Evans, Fong, Ikeda, Kamalii, Larsen, Medeiros, Narvaes, Poepoe and Sutton voting no.

Conf. Com. Rep. No. 26 on H.B. No. 2185-78, HD 2, SD 1, CD 1:

Representative Shito moved that the report of the Committee be adopted and that H.B. No. 2185-78, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Baker.

At this time, Representative Shito requested that his remarks in favor of the bill be inserted into the Journal, and the Chair, noting that there were no objections, "so ordered".

Representative Shito's remarks are as follows:

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

The number of adults placed in foster care and boarding homes has increased 34% since 1974. And, this upward trend is likely to continue. This being the case, it is our responsibility as legislators to ascertain that these persons be provided with safe, well-regulated homes.

Presently, there are many inequities and questionable practices prevalent in our State's adult care and boarding homes system. This bill seeks to rectify many of the problems with the system and provides for the following major changes.

First, this bill requires that all adult care and boarding homes be licensed. This assures the public that minimum standards will be met.

This bill also addresses another inequity which lies in the fact that presently if a person receives good quality care and his level of need decreases, the home care operator receives less remuneration. There is no financial incentive for the operator to help the client improve. This bill provides that incentive. The payment level will not change if an operator succeeds in rehabilitating a client. Furthermore, additional costs to the State would be negligible.

Another inequity addressed by this bill involves the practice of moving clients from one home to another, sometimes against the clients' wishes. This was done usually because the patient had progressed to a lower level of care and could then be transferred from a care home to a boarding home (resulting in lower fees for the State to pay). Unfortunately, this caused great personal, psychic and, in some cases, physical distress. With this bill, no patient can be removed from a home against his wishes unless there is observed neglect and abuse, or his level of care has increased to a level that can no longer be served by that home. This insures the stability and security so desperately needed by these senior citizens.

We are moving in the right direction now and I urge all of my colleagues to join me in voting for this measure."

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

"Mr. Speaker, because of the high cost of health care, specifically in the area of long-term care, we need more care homes and boarding homes. This bill provides that the payments to the individuals who enter into a care home at a higher level of payment should not have his payments reduced according to his physical condition. To illustrate, a person who enters a care home in need of some medical care or attention, gets or receives a higher subsidy compared to another person who does not require as much care, so that as a person improves in health, the subsidy to this person is reduced. This bill keeps the amount that this person receives when he enters that care home at that same level. In this way, the operator of the care home is allowed to receive a larger payment.

Now, the amount that is paid to this individual is turned over to the care home. This is to pay the operator of the care home for twenty-four hours of service. I received a letter from a care home operator advising me that the HMSA auditors set their per patient cost at \$16.50; however, the rate of reimbursement is \$10.50 per patient day. For this kind of reimbursement, I'm very concerned as to who would be willing to go into the care home and boarding house business. And in this day, people are living longer and longer and their long-term care of the elderly will go proportionately, and also the need for more care home and boarding homes.

The cost to keep a long-term patient in a hospital is \$40.00 to \$50.00 a day. And as I mentioned, the care homes' cost is \$16.50 a day. It is obvious that it is a considerable savings to have more care homes and boarding homes, and it is my hope that the Tenth Legislature will be able to address this problem to allow for a larger subsidy to care home operators in order that they may be able to provide a care home and boarding home at levels without losing money while providing this most necessary service."

Representative Takamura then rose and stated:

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

As the past chairman of the Committee on Youth and Elderly Affairs, I'm well acquainted with the complexities of the long-term care of the elderly, and I think that the bill before us really goes a long way towards improving the system we have here in the State of Hawaii.

I think I would be remiss if I didn't commend the sponsor of the bill, Representative Shito, and the chairmen involved, Representative Aki, Representative Baker and Representative Segawa, plus the other committee members for their really excellent work they did. I know it was a complicated matter and it took a lot of work on their part and I think we should recognize the fact."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 2185-78, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT CARE HOMES, FAMILY BOARDING HOMES, AND OTHER SIMILAR INSTITUTIONS", passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 2386-78, SD 2, HD 2, CD 1, had passed Final Reading at 3:51 o'clock p.m.; S.B. No. 2005-78, SD 1, HD 1, CD 1, at 3:52 o'clock p.m.; S.B. No. 1622-78, SD 1, HD 1, CD 1, at 3:55 o'clock p.m.; and H.B. No. 2185-78, HD 2, SD 1, CD 1, at 4:00 o'clock p.m.

#### CONFERENCE COMMITTEE REPORTS

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2618-78, HD 1, presented a report (Conf. Com. Rep. No. 59) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 59 on H.B. No. 2618-78, HD 1, SD 2, was deferred until tomorrow, April 14, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2618-78, HD 1, SD 2, CD 1, were made available to the members of the House at 12:40 o'clock p.m.

Representative Kiyabu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2173-78, HD 3, presented a report (Conf. Com. Rep. No. 60) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 60 on H.B. No. 2173-78, HD 3, SD 3, was deferred until tomorrow, April 14, 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, SD 3, CD 1, were made available to the members of the House at 3:00 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1151) informing the House that House Resolution Nos. 680 to 685, House Concurrent Resolution No. 148, Standing Committee Report Nos. 1089-78 to 1112-78 and Conference Committee Report Nos. 5 to 58 have printed and distributed.

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

was adopted.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 697 to 713) and concurrent resolutions (H.C.R. Nos. 149 and 150) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 697) expressing condolences and deepest sympathy to the family of Mr. Jack Mitsuyoshi Iriguchi of Kapaau-Kohala, Hawaii, was jointly offered by Representatives Takamine, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Garcia, Ikeda, Inaba, Kawakami, Kihano, Kondo, Kunimura, Larsen, Lunasco, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Takamine, seconded by Representative Inaba and carried, H.R. No. 697 was adopted.

A resolution (H.R. No. 698) recognizing Colleen Kimura for her work in enhancing the arts in Hawaii was jointly offered by Representatives Takamura, Say, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Takamura, seconded by Representative Say and carried, H.R. No. 698 was adopted.

A resolution (H.R. No. 699) congratulating the Campbell High School baseball team for winning the Leeward District title was jointly offered by Representatives Aki, Abercrombie, Baker, Blair, Caldito, Campbell, Cayetano, Cobb, Dods, Kihano, Lunasco, Mina, Morioka, Naito, Narvaes, Peters, Poepoe, Say, Segawa, Takamine, Takamura, Toguchi, Ueoka and Ushijima.

On motion by Representative Aki, seconded by Representative Kihano and carried, H.R. No. 699 was adopted.

A resolution (H.R. No. 700) extending

congratulations to Jan Newhouse and Gay Austin was jointly offered by Representatives Abercrombie, Cayetano, Dods, Evans, Ikeda, Kiyabu, Kunimura, Larsen, Machida, Medeiros, Mina, Mizuguchi, Naito, Nakamura, Peters, Segawa, Shito, Suwa and Takamine.

On motion by Representative Abercrombie, seconded by Representative Kunimura and carried, H.R. No. 700 was adopted.

A resolution (H.R. No. 701) extending congratulations to 50-mile runners was jointly offered by Representatives Abercrombie, Cayetano, Dods, Evans, Ikeda, Kiyabu, Kunimura, Larsen, Machida, Medeiros, Mina, Mizuguchi, Naito, Nakamura, Peters, Segawa, Shito, Suwa and Takamine.

On motion by Representative Abercrombie, seconded by Representative Kunimura and carried, H.R. No. 701 was adopted.

A resolution (H.R. No. 702) commending the rape investigation unit of the Honolulu Police Department for its dedication in the investigation of rape cases and extending special appreciation to Detective Earl F. Benson for his outstanding community service was jointly offered by Representatives Stanley, Kiyabu, Blair, Caldito, Dods, Inaba, Lunasco, Mina, Naito, Peters, Say, Sutton, Suwa, Takamura, Toguchi, Ushijima, Uwaine and Yuen.

On motion by Representative Stanley, seconded by Representative Kiyabu and carried, H.R. No. 702 was adopted.

A resolution (H.R. No. 703) extending warmest Aloha to welcome Professor Walter M. Beattie, visiting professor/community consultant to the University of Hawaii School of Social Work during the Spring Semester of 1978 was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kondo, Kunimura, Larsen, Lunasco, Medeiros, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Uwaine, D. Yamada, Yuen and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, H.R. No. 703 was adopted.

A resolution (H.R. No. 704) recognizing the 18th Annual Hawaii Macadamia Producer's Association Conference to be held on May 13, 1978 and expressing best wishes of the Hawaii State House of Representatives for a successful event was jointly offered by Representatives Takamine, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kondo, Kunimura, Larsen, Lunasco, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Takamine, seconded by Representative Inaba and carried, H.R. No. 704 was adopted.

A resolution (H.R. No. 705) recognizing "The First Annual Macadamia August Fest" to be held in August 1978 in Honokaa, Hawaii, and commending the Hawaiian Holiday Macadamia Nut Company for its leadership in developing the event was jointly offered by Representatives Takamine, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Garcia, Ikeda, Inaba, Kawakami, Kihano, Kondo, Kunimura, Larsen, Lunasco, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Takamine, seconded by Representative K. Yamada and carried, H.R. No. 705 was adopted.

A resolution (H.R. No. 706) honoring Mr. Rikio Nishioka, State Public Works Engineer, on being selected as one of the top ten public works leaders-of-the-year for 1978 by the American Public Works Association was jointly offered by Representatives Stanley, Abercrombie, Ajifu, Aki, Baker, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Garcia, Ikeda, Inaba, Kawakami, Kihano, Kondo, Kunimura, Lunasco, Medeiros, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, Yuen and Wakatsuki.

On motion by Representative Stanley, seconded by Representative Blair and carried, H.R. No. 706 was adopted.

A resolution (H.R. No. 707) extending congratulations to the Kalaheo High School girls basketball team upon their achievement in capturing the 1978 Windward District

championship was jointly offered by Representative Medeiros, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Medeiros, seconded by Representative Poepoe and carried, H.R. No. 707 was adopted.

A resolution (H.R. No. 708) extending congratulations to David I. Ichioka upon receipt of the Sixth Class of the Order of the Sacred Treasure from the Emperor of Japan was jointly offered by Representatives Kiyabu, Ajifu, Aki, Baker, Blair, Caldito, Carroll, Cayetano, Cobb, Dods, Ikeda, Inaba, Kihano, Kondo, Kunimura, Larsen, Lunasco, Machida, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Uwayne, D. Yamada, K. Yamada and Yuen.

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, H.R. No. 708 was adopted.

A resolution (H.R. No. 709) commending Police Officer Hiram Bell for his total commitment to family, community and profession and for his many contributions and accomplishments for the community was jointly offered by Representatives Morioka, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada and Yuen.

On motion by Representative Morioka, seconded by Representative Say and carried, H.R. No. 709 was adopted.

A resolution (H.R. No. 710) congratulating the Distributive Education Clubs of America's Waipahu High School Chapter for its outstanding achievements at the 18th Annual DECA Career Development Conference was jointly offered by Representatives Kihano, Shito, Aki, Baker, Blair, Caldito, Campbell,

Carroll, Cayetano, Cobb, Dods, Evans, Garcia, Inaba, Larsen, Lunasco, Machida, Mina, Naito, Narvaes, Peters, Poepoe, Say, Segawa, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada and Yuen.

On motion by Representative Kihano, seconded by Representative Shito and carried, H.R. No. 710 was adopted.

A resolution (H.R. No. 711) congratulating Dr. Gilbert S. N. Hong on the double celebration of his 75th birthday and his 50th anniversary as a dental surgeon was jointly offered by Representatives Fong, Baker, Blair, Caldito, Carroll, Cayetano, Ikeda, Inaba, Kawakami, Lunasco, Medeiros, Mina, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uwayne, D. Yamada and K. Yamada.

On motion by Representative Fong, seconded by Representative Kawakami and carried, H.R. No. 711 was adopted.

A resolution (H.R. No. 712) expressing appreciation to the Lions Clubs of District 50 and other organizations for assistance in construction of bus stop shelters on Oahu was jointly offered by Representatives Ajifu, Abercrombie, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, K. Yamada and Yuen.

On motion by Representative Ajifu, seconded by Representative Ushijima and carried, H.R. No. 712 was adopted.

A resolution (H.R. No. 713) congratulating the Lung Kung Shaw Society on the occasion of its national convention in Hawaii was jointly offered by Representatives Ajifu, Abercrombie, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada and Yuen.

On motion by Representative Ajifu, seconded by Representative Say and



carried, H.R. No. 713 was adopted.

A concurrent resolution (H.C.R. No. 149) recognizing "The First Annual Macadamia August Fest" to be held in August 1978 in Honokaa, Hawaii, and commending the Hawaiian Holiday Macadamia Nut Company for its leadership in developing the event was jointly offered by Representatives Takamine, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Garcia, Ikeda, Inaba, Kawakami, Kihano, Kondo, Kunimura, Larsen, Lunasco, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Takamine, seconded by Representative K. Yamada and carried, H.C.R. No. 149 was adopted.

A concurrent resolution (H.C.R. No. 150) recognizing the 18th Annual Hawaii Macadamia Producer's Association Conference to be held on May 13, 1978 and expressing best wishes of the Hawaii State House of Representatives for a successful event was jointly offered by Representatives Takamine, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kondo, Kunimura, Larsen, Lunasco, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Takamine, seconded by Representative Inaba and carried, H.C.R. No. 150 was adopted.

At 4:07 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:13 o'clock p.m., Representative Kunimura introduced Mr. Al Sing to the members of the House.

### THIRD READING

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

#### S.B. No. 1639-78, SD 1:

On motion by Representative Stanley, seconded by Representative Uwaine, S.B. No. 1639-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE EMPLOYEES' RETIREMENT SYSTEM", passed Third Reading by a vote of 51 ayes.

#### S.B. No. 2596-78, SD 1:

Representative Garcia moved that S.B. No. 2596-78, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Abercrombie, speaking against the bill, stated:

"Mr. Speaker, I do not believe that it adequately addresses the First Amendment while allowing syndicate type prosecutions."

Representative K. Yamada, upon being recognized, stated:

"Mr. Speaker, I got to congratulate the representative from the Manoa and Makiki district again. It's getting better."

Representative Abercrombie, on a point of information, said:

"Mr. Speaker, the First Amendment is a very succinct amendment to the Constitution, but it says a great deal."

The motion to pass S.B. No. 2596-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESS IMMUNITY", on Third Reading was put by the Chair and carried by a vote of 50 ayes to 1 no, with Representative Abercrombie voting no.

#### S.B. No. 1649-78:

On motion by Representative Garcia, seconded by Representative K. Yamada, S.B. No. 1649-78, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS", passed Third Reading by a vote of 51 ayes.

#### S.B. No. 1824-78, SD 1:

Representative Garcia moved that S.B. No. 1824-78, SD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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



"Mr. Speaker, there are both good and bad things in this bill, but the major thing that I object to here is the fact that we are really sending the very fabric of our community, and that particular fiber of our community, fabric, if you will, is that which says that children, minors, are now responsible for their debts. They have the various types of immunities which have been preserved since I guess the common law for the most part. And what we're doing here, Mr. Speaker, by creating a special statute of limitations, allowing these children to reach the age of majority and then have to pay for the cost of their counseling, really seems to go directly contrary to the very good intent of this bill. I feel that we're trying to do something that's correct we have pressures from the community because people don't want to be liable for the costs, so we're saying, well, the parents don't want to be liable for them, the counselors don't want to be liable for them, so that the very people who are most in need, these children who are coming from apparently broken homes or homes where they cannot relate to the parents even enough to seek their help, we're saying that these children, when they reach the majority, are now going to be liable for these services.

I don't think we're doing them a service by this particular provision. The rest of the bill, I think, is alright, but because of the reservations I have, I ask that we vote 'no'."

Representative Abercrombie, upon being recognized, stated:

"Mr. Speaker, I'm rising to speak in favor of the bill, but in doing so, I would like to hear arguments, if it's sufficiently strong about it. I just make the request in rising to speak for it that if anyone really has a serious argument against it, that they give it, because it's very difficult for me to read in the Journal after the vote has been taken what was said against the bill."

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

"This morning we voted on a bill protecting the minors, and here, on the other hand, is open season on the minors. How do we know these minors, citizens of Hawaii, have the kind of serious consideration as to obligate themselves in the future? How do we know that the counselor will honestly let them know that they are going to be billed after they become responsible and they can be sued

and garnisheed after they reach the majority?

I think we ought to sit down again and take a serious look at this area, cause I cannot stand sitting here for so long today and a bill like this comes up.

I'm sorry I did not attend the majority caucus and take note of this matter. But for the action we took this morning, I feel we acted very inconsistently and, therefore, I urge that maybe we ought to defer this one more day, if the chairman of the Judiciary Committee will allow, or if it needs to vote today, then we ought to vote it down."

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

"Mr. Speaker, I feel I must speak against the bill.

While I am wholly in sympathy with the concerns raised over alcohol and drug abuse problems of young people, I believe this bill actually works against the best interest of minors and, as such, is self-defeating.

My primary objection is based on the legal implications of this bill.

First, we have based our construction of laws relating to minors on the premise that a person does not have the wisdom or maturity of judgment to enter into legal agreements until they have reached the age of majority. In the State of Hawaii, this is the age of 18.

We have before us a bill that would provide for counseling services to a minor on a contractual arrangement agreed to by parties other than himself. All the minor need do is agree to accept counseling services, and the contract is made by other parties on his behalf. He has no direct involvement in the contract agreement.

The catch to this is that two years after the minor reaches the age of majority, he is responsible for repayment of the expenses of the services provided him.

This bill raises some very basic and very important questions that we cannot afford to leave unanswered as we consider its passage today. Is a minor protected by our statutes, or isn't he? When is a minor a minor? We had clearly spelled out in past statutes and in our Constitution that certain protections had to be afforded our young people under the age of 18 because they were unable to make mature or wise judgments. What we are considering here today is to take away a basic

protection, the protection of contractual obligations to which the minor was not a party in the first place.

Mr. Speaker, even if the person were not a minor, I believe there would be legal questions raised as to whether he could be held responsible for a contract to which he was not a party.

I do not think that we should allow ourselves to be stampeded into passing bad legislation simply because we all have deep concerns about drug abuse among our young people.

I, therefore, urge everyone to vote against this bill.

Thank you."

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

"Mr. Speaker, many times we here in the chambers, as parents, cannot let our decisions cloud our thoughts, cloud our decisions.

Mr. Speaker and members of the House, what made you think that the students or youngsters would turn to their parents if communication is gone? Many instances, Mr. Speaker, those youngsters are faced with this problem and cannot even sit down and talk with their parents, let alone get treatment. In fact, Mr. Speaker, in many cases if they did bring it up to the attention of their parents, they would probably get reprimanded and disciplined.

So, Mr. Speaker, I think, you know, as a parent myself, Mr. Speaker, I'd like to see more services like this. If my sons can't relate to me and, I hope, that at least now there is a service in the community that will afford my child that opportunity to go and get treatment. If I can't do it, or sit down and talk to him, I hope that somebody else will do it.

Thank you."

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

"Mr. Speaker, I have to admire the remarks of the last speaker, and I speak as a parent, because this is about the third or fourth time in my career here that we've had similar legislation before us, and I think that two basic points have to be attended to.

First of all, as a minor, he is in a situation where he would not want

his or her parents notified, and I think many of the family ties have already been broken. But it is far more important to have the treatment than it is for us, as parents, to worry about our pride and whether or not we should be notified.

Last year, we passed a measure that provided that minors may have their own household and may, under limited conditions, exercise some degree of responsibility. That measure, I believe, was enacted by this House almost three years ago today.

Now, we're taking it a step further and providing that with the consent of the minor, he can obtain a deferred payment obligation. The testimony that appeared before us in the Committee was very clear on the point that seldom or ever would this be exercised, but if the individual did have the funds and was willing to make a payment at a later time in his or her life, it could be done.

So, Mr. Speaker, I think we have to face the reality that this kind of situation does exist in the community, that not all families may be as fortunate as ours, and that we have to face up to that responsibility.

Accordingly, I'd like to ask my colleagues to support this measure."

Representative Abercrombie, upon being recognized, stated:

"Mr. Speaker, I'd like to change what I said in affirmation of the bill in the negative. It is obvious to me that I misunderstood what this bill is about.

Mr. Speaker, a society that does not provide for minors, that which is necessary for the minors to attain maturity at their majority, without obligating that minor at a time when, by definition, the minors are capable of exercising control or discipline over himself or herself, and then obligates that minor to payments in the future by virtue of that minor's consent, is a contradiction in terms.

I wish I had understood it better prior to discussion. And I do want to say again how important it is that we do have discussion on this floor. It had never really gotten to me that we were asking the consent of the minor in this respect. If that is even remotely the case, it's a rather terrible indictment that the fiscal interest of whoever is providing the service is more to the point than whether or

not the minor involved needs the service. That is what is going to be the end result, and I had not anticipated that. Then, I cannot find myself in favor of the bill and wish to alter my affirmation to the Majority Floor Leader."

Representative Larsen then rose to "express" his "negative support of the bill", stating:

"I understand there is some feeling that we should have maybe, you might say a minor's obligation to pay for his sins. If that's part of it, I don't think this is the applicable place for it. We should agree with the previous speaker. We should offer facilities in the ability of a minor to go into treatment or get counseling in any way he can. There are such things around the State - the Waikiki Drug Abuse Center, the Diamond Head Mental Health Clinic, Halekipa and many others around the State - that are social services and they do not obligate the minor to pay in the future. I think that's kind of ridiculous to expect some young guy who's under pressure to get treatment if he needs an obligation to pay.

I, therefore, urge that we do not vote for this bill and recommit it, if that is possible, but at least please do not vote for it."

Representative Kunimura, upon being recognized, stated:

"Mr. Speaker, you know, if a child has problems already, how can we expect the child to know what he's obligating himself to. I think that in this particular area where the minors are concerned, I think it's the government's duty and responsibility to at least enter into the picture and assume the obligation, and it can be so that these young people won't be exploited. They may be consenting to something that they don't understand.

But if we are going to assume the obligation, then we're going to have some agency check it out if they really need it or not, or whatever it is, but let's not subject the already confused or troubled youngster into this kind of situation, because we actually are throwing them to the wolves."

Representative Takamura, speaking against the bill, stated:

"Mr. Speaker, I would like to express my apologies to the Judiciary Committee Chairman for doing it at this time, because I think I'm also remiss in not investigating this particular issue

earlier.

I think I have very mixed feelings about Senate Bill 1824, because while I agree 100% with the first portion of the bill, with regards to allowing the minor to receive counseling services relating to alcohol or drug abuse, I must admit I have serious concerns about the second part which deals with the assumption of financial responsibilities two years after reaching the age of majority. I guess I based this on the fact that this is related to Senate Bill 2147 which will be coming up later which also deals essentially with the same matter with regard to financial responsibility.

I think, in principal, the attitude we should take is that where the minor can afford to pay, you know, if the minor is old enough to get a part-time job and work to earn the money to pay for the counseling or whatever treatment he or she wants to pay, I think that minor should be encouraged to do that at the time that the minor receives the treatment. It seems to me that that is how we encourage responsible action.

On the other hand, if we're talking about very young people who would have a very difficult time, you know, earning any kind of money, I think it does become an obligation of the society to provide that treatment for that person.

And, I think, until we perhaps look at this matter some more, I think it would not be appropriate at this time for us to move in this direction. I think it is unfortunate that Senate Bill 1824 is combined in this manner; however, I think at this particular point I would suggest that we not act on this measure at this time and perhaps at the next session that we would come in to provide for the ability for the minor to receive these counseling services separately from the issue of payment two years after attaining the age of majority.

So, for those reasons, I believe we should not pass these measures at this time and vote this bill down.

Thank you."

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

"Mr. Speaker, it seems to me that a great number of other speakers are looking at the bill from our face value standpoint. The matter of payment is not the primary concern here. The concern that we're trying to address ourselves to is that there are many youngsters today who hesitate going to any physician to seek help or counseling services

because their parents may be billed. That is the great inhibition which exists among youngsters today.

As far as payment is concerned, Mr. Speaker, we've received a number of testimonies which indicate that if the youngsters cannot pay at that point, most of these debts are going to be charged off anyway and that will be it. There will be a deduction as far as the taxes are concerned, their income taxes, so it has no consequences from the standpoint of the position.

The concern is how are we going to get these youngsters to come in to receive treatment; that's what this bill is addressing, treatment for the youngsters, not payment."

Representative Garcia, upon being recognized, stated:

"Mr. Speaker, in speaking in behalf of the bill, I would like to make just one reference that perhaps the members that spoke against the bill would care to read after and that is relating to Chapter 577A, in the contractual obligations with a physician or a health counselor of some type in order to take care of the concern that was expressed by Representative K. Yamada as it relates to venereal disease.

So, for those members who are concerned with the legal capacity of a minor to enter into this kind of contract, to keep in mind the statute already exist so that this kind of individual, this minor, can already enter into that kind of contract for the treatment of VD.

Thank you."

Representative Kunimura then asked:

"Mr. Speaker, will the chairman of the Committee yield to a question?"

Representative Garcia replied:

"Yes, I will."

Representative Kunimura then asked:

"Mr. Speaker, I would like to know the opinion of the chairman of the Committee that a young person who is in trouble with venereal disease have the same kind of psychological problem as one who is in trouble with drugs or alcohol?"

Representative Garcia answered:

"Mr. Speaker, I would answer in the affirmative. If that particular individual is suffering from those particular problems as addressed in this bill, they themselves would consider it important enough to go to a doctor or physician to take care of that problem. And I would say it is on the same level as that, as it relates to that particular health problem that he's referring to."

Representative Kunimura then asked:

"One more question: is it human instinct to use drugs or is it certain weaknesses or peer group kind of pressure as compared to sexuality which is part of the human nature?"

Representative Garcia replied:

"Mr. Speaker, if it was within my power to answer that question as to why people use drugs, I would, but I really don't know the answer to it."

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

"It seems to me when you're talking about drug abuse, the kind of counseling services that you require, especially as a youngster, those services as enumerated by a member of the Finance Committee, Representative Larsen, it's already available and for free.

I cannot understand the language in the bill which basically calls for a spouse to be responsible for making that kind of payment further down his life as he matures two years after attaining the age of maturity. As a consequence, if that's the case, why are we giving moneys to these kind of centers that's supposed to be providing these services for free? I can't understand it.

As a consequence, I urge my colleagues to vote 'no'."

At 4:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:45 o'clock p.m., Representative Takamura rose and stated:

"Mr. Speaker, I'd just like to say I consulted some more with the chairman of the Judiciary Committee and he presented some more information, and at this time, I think I would change my opinion and think I would be willing to support this measure. However, I guess we will look into this some more, and maybe later on, some other day, it might be necessary to change.

But, I think I'm sufficiently convinced at this point and time with the information that has been presented me, that it might be okay.

Thank you."

Representative Abercrombie, on a point of order, asked:

"My point is that you suppose that we can get some of the information on this out on the floor? People are either filling information in the Journal or they're talking things over and the rest of us can't get any of it. That's my point of order. I wish the hell we could find out what it was?"

The Chair then stated:

"I believe they've made their point."

At 4:47 o'clock p.m., on the request of Representative Kunimura, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:49 o'clock p.m., Representative Abercrombie stated:

"Mr. Speaker, I don't believe you ruled on my point out of order, and I will withdraw it at this time."

The Chair then stated:

"Thank you, Representative Abercrombie, for withdrawing your point of order."

Representative Ajifu then rose and asked:

"I wonder if we could have a Roll Call vote on this bill?"

The motion to pass S.B. No. 1824-78, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNSELING SERVICES FOR MINORS", on Third Reading was put by the Chair and carried by a Roll Call vote of 32 ayes to 15 noes, with Representatives Abercrombie, Ajifu, Campbell, Evans, Ikeda, Kiyabu, Kunimura, Larsen, Medeiros, Mizuguchi, Peters, Poepoe, Suwa, Uechi and Ueoka voting no, and Representatives Carroll, Kamalii, Naito and Sutton being excused.

#### S.B. No. 1919-78:

On motion by Representative Garcia, seconded by Representative K. Yamada, S.B. No. 1919-78, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF DEFENDANTS", passed Third

Reading by a vote of 50 ayes to 1 no, with Representative Abercrombie voting no.

#### S.B. No. 2545-78:

Representative Garcia moved that S.B. No. 2545-78, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, this bill violates the whole theory and philosophy of probation. Having been a probation officer, and I believe a successful probation officer, in terms of recidivism rate of people whose sentences involved jail terms, prison terms, I think that this has not been thought through, that the committee report itself is disgraceful.

The purpose of this bill permits the court, when it sentences a person who has been convicted of a felony, to be placed on probation, require that person to serve a term in prison not to exceed one year. Present law permits the court, when it sentences a person convicted of a felony or a misdemeanor, to be placed on probation, requires that person to serve a term not exceeding six months. The fact that the present law does something that it shouldn't do, should not be an excuse to make a new law to make the mistake that was made in the first place worst.

It is my judgment, in respect to this bill, that the committee report reflects a complete lack of understanding as to what probation is, does and is capable of. If the State does not wish to have probation, if the State wishes to utilize probation as another method of punishment per se, as opposed to a jail sentencing, that I understand and can be condoned, and that is well within the theory and practice of probation, successful probation activity.

What this bill says is that probation is not something we really believe in and that because we don't really believe in it but have to put up with it anyway because we haven't been able to mount an argument against it, because we haven't really studied it or taken the time to find out how it works and what it's all about, that will raise an additional obstacle just to show that we really don't mean it. I don't understand why we persist in this approach, in respect of criminal justice, when all my experiences, personally, and everything that I have been able to read and understand, the probation experience nationwide and

in a historical perspective over time, leaves me to an opposite conclusion.

I did not have the occasion to read through the testimony in respect of this bill. Perhaps I should have, at the time that it was being heard. As you know, Mr. Speaker, we must rely on the basis, on the number of bills that are heard, in many instances on the efforts that are provided for us in the committee report — Senate committee report — does not serve in any way that I can see to enlighten me as to what the reason is, other than to say, excuse me, other than to make references to misdemeanors in the fact that they now have six months attached to it. Whether that's good, whether that's bad, whether it works, whether it doesn't work, whether it succeeds in its purpose, whether it was arbitrarily imposed, whether it has any historical reference, whether it has any particular reference to Hawaii, all of this are missing. Nothing is in here. Not a bit. Perhaps it was in the testimony, perhaps some representations were made to the Committee, of which I'm not aware. But, they're most certainly not reflected in this report, that's for certain.

This is another example, the intent and purpose in committee reports, not reflecting at least the kind of testimony which presumably must have been given to the Committee before it made a presentation to put a bill into law. As far as I can tell, the intent and purpose of Senate Bill 2545-78 is simply to increase it, because we're going to use felony instead of misdemeanor. I quite agree. But, what relation does that have to probation, necessarily, in terms of the idea of what probation is supposed to do? There's not one world of discussion, or one word of commentary in the entire report about that.

I suppose if we have the ex-felonies, that you have the various degrees of felonies, why don't we put an eight months with C, and then twenty-four months with B, and then thirty-six months or something of that nature with A, and put them in for no more reason other than they make a nice sliding scale and attach them to the word probation. If it is the intent of the Legislature to inhibit probation or to make probation some kind of reward one gets for crossing obstacles, one might not otherwise have to cross, why then we should say so. We should not use arbitrary numbers and associate it with a concept as part of our criminal jurisprudence system. This is once again in the area of criminal justice

a sloppily done bill that I suppose will look good when somebody waves it around at election time and has nothing to do whatsoever with the kind of talent that is available in this State that could be utilized, has nothing whatever to do with criminal justice in terms of the correctional master plan that we have passed.

I'm willing to bet that there is not a word of reference in any of the testimony. I haven't seen it, and if somebody wants to produce it and show me up wrong, you have the opportunity now. I'm willing. There's not a single word of reference in the correctional master plan to this particular bill in regard of a justification for changing the time, not a word. I'll be most happy to await five minutes or ten minutes or twenty minutes if it takes to go and find it and bring it in to show me that I'm wrong. I know I'm not going to be wrong.

We are moving, once again, in a vacuum that suits our own, presumably good intentions, but good intentions are not what are supposed to be passed on the floor of a legislature. You're passing these things into law and overall opinions are not to be passed into law, overall judgment is not supposed to be passed into law. Now, if somebody wanted to write at the end of this committee report, your Committee on Judiciary is in accord with the intent and purpose of Senate Bill 2545-78, which was just to figure out what we might like to do and look good with when we argue with someone else who also doesn't have the information, then it should have stated that at the end of the committee report.

This is not the kind of thing that is going to be looked upon in historical perspective as having addressed the problem of crime in our community, and it is just at the time, Mr. Speaker, when it is easiest for the wolves to be crying, to sing at the moon of public opinion that a legislator has to stand strong and pass laws which have something, which pay actual attention to the reality of criminal behavior and its consequences in the community and not delude people with the idea that you're actually doing something about it, when you're in fact merely passing reference to the crime problem and excluding yourself from having any responsibility to what happens as a result of what you've passed."

Representative Peters then rose and asked:

"I just wanted to incorporate the observations made by Representative Abercrombie



to be my own, with an addendum that by way of public opinion, I think I'd like to insert the word, 'media's' opinion - it's played an important role in programming the minds of people throughout this State and the world."

The motion to pass S.B. No. 2545-78, entitled: "A BILL FOR AN ACT RELATING TO PROBATION", on Third Reading was put by the Chair and carried by a vote of 44 ayes to 7 noes, with Representatives Abercrombie, Cayetano, Evans, Larsen, Narvaes, Peters and Takamura voting no.

S.B. No. 1664-78, SD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada, S.B. No. 1664-78, SD 1, 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 51 ayes.

S.B. No. 2147-78:

On motion by Representative Garcia, seconded by Representative K. Yamada, S.B. No. 2147-78, entitled: "A BILL FOR AN ACT RELATING TO MINORS", passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Abercrombie, Ajifu, Campbell, Evans, Ikeda, Medeiros, Poepoe, Uechi and Ueoka voting no.

S.B. No. 1705-78:

On motion by Representative Garcia, seconded by Representative K. Yamada, S.B. 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", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1627-78 had passed Third Reading at 3:50 o'clock p.m.; S.B. No. 1639-78, SD 1, at 4:17 o'clock p.m.; S.B. Nos. 2596-78, SD 1, and 1649-78 at 4:18 o'clock p.m.; S.B. No. 1824-78, SD 1, at 4:47 o'clock p.m.; S.B. No. 1919-78 at 4:48 o'clock p.m.; S.B. Nos. 2545-78 and 1664-78, SD 1, at 5:04 o'clock p.m.; and S.B. Nos. 2147-78 and 1705-78 at 5:05 o'clock p.m.

At 5:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 5:14 o'clock p.m., Representative Abercrombie introduced Noah Slackman to the members of the House.

DISPOSITION OF MATTERS  
PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 2936-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2936-78, HD 1, and H.B. No. 2936-78, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2937-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2937-78, HD 1, and H.B. No. 2937-78, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OAHU METROPOLITAN PLANNING ORGANIZATION", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Abercrombie voting no.

By unanimous consent, H.B. No. 3011-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Segawa, seconded by Representative Shito and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3011-78, HD 1, and H.B. No. 3011-78, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2164-78, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Peters and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2164-78, HD 1, and H.B. No. 2164-78, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATE MEDICAID FRAUD UNIT AND MAKING AN APPROPRIATION THEREFOR",

having been read throughout, passed  
Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2936-78 and 2937-78 had passed Third Reading at 5:17 o'clock p.m.; H.B. No. 3011-78 at 5:18 o'clock p.m.; and H.B. No. 2164-78 at 5:19 o'clock p.m.

DEFERRED MATTERS FROM  
EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 42 on H.B. No. 2319-78, HD 1, SD 2, CD 1:

By unanimous consent, action was

deferred for one day.

At 5:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:35 o'clock p.m.

ADJOURNMENT

At 5:38 o'clock p.m., on motion by Representative Yuen, seconded by Representative Ajifu and carried, the House of Representatives adjourned until 2:00 o'clock p.m. tomorrow, Friday, April 14, 1978, in memory of Mr. Jack Iriguchi.