

TWENTY-NINTH DAY

Tuesday, March 4, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by Reverend Fred Trevino from Kilohana United Methodist Church, after which the Roll was called showing all members present.

By unanimous consent, reading of the Journal was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 90 to 93) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 90) transmitting copies of a report prepared by the Department of Health in response to Senate Resolution No. 418 relating to residential treatment facilities for mental health and/or substance abuse patients, was placed on file.

A message from the Governor (Gov. Msg. No. 91) transmitting copies of reports prepared by the Department of Transportation in response to Act 214-79, was placed on file.

A message from the Governor (Gov. Msg. No. 92) transmitting copies of reports prepared by the Department of Hawaiian Home Lands in response to the following resolutions: Senate Resolution No. 98 requesting a study of the feasibility of establishing Hawaiian Homesteads on lands presently not within the jurisdiction of the Department of Hawaiian Home Lands and Senate Resolution No. 163 requesting the Department of Hawaiian Home Lands to submit methods for generating income, was placed on file.

A message from the Governor

(Gov. Msg. No. 93) transmitting copies of a report entitled: "State Activities to Implement Priority Directions of the Hawaii State Plan", was placed on file.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 8 and 9) were read by the Clerk and were disposed of as follows:

A communication from Ryokichi Higashionna, Director of Transportation, Department of Transportation (Dept. Com. No. 8) transmitting copies of a report entitled, "Manpower Management Study for the Highways Division", which was prepared by the Highways Division of the Department of Transportation, was placed on file.

A communication from Lester E. Cingcade, Administrative Director, Office of the Administrative Director of the Courts (Dept. Com. No. 9) transmitting copies of a study on Community Service Sentencing in Hawaii in compliance with House Resolution No. 140 of 1978, was placed on file.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 7 to 10) were read by the Clerk and were disposed of as follows:

A communication from Cherry Matano, Administrative Assistant to Senator Matsunaga (Misc. Com. No. 7) acknowledging receipt of H.C.R. No. 53, was placed on file.

A communication from Daniel K. Inouye, United States Senator (Misc. Com. No. 8) acknowledging receipt of H.C.R. No. 53, was placed on file.

A communication from Donald E. Fitzpatrick, Special Assistant to the Under-Secretary-General for Political and General Assembly

Affairs, United Nations (Misc. Com. No. 9) acknowledging receipt of a House Concurrent Resolution, was placed on file.

A communication from Frank I. Hamilton, National Commander, The American Legion (Misc. Com. No. 10) acknowledging receipt of H.C.R. No. 35, was placed on file.

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

Representative Medeiros introduced twenty-five students from Kailua Elementary School accompanied by their teachers, Mrs. Burbank, Mrs. Nash and Mrs. Merrian and one parent, Mrs. Runyan.

Representative Lunasco introduced tenth, eleventh and twelfth grade students from the student council of Kahuku High School along with their teacher, Ann Sheridan.

Representative Holt introduced forty tenth-grade students from the U.S. History class at Kamehameha Schools, accompanied by their teacher Mrs. Virginia Bale.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 265 and 268) and concurrent resolution (H.C.R. No. 86) were disposed of as follows:

<u>H.R. No.</u>	<u>Referred to:</u>
265	Jointly to Committees on Health and Consumer Protection and Commerce, then to Committee on Finance.
268	Jointly to Committees on Health, Public Assistance and Human Services and Youth and Elderly Affairs, then to Committee on Legislative Management

H.C.R. No.

86 Committee on Ecology

and Environmental Protection

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of taking up certain resolutions out of order.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 269 and 270) and concurrent resolution (H.C.R. No. 87) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 269) extending congratulations and best wishes to Renee Charla W. S. Quon, the 1980 Narcissus Queen, and her Court was jointly offered by Representatives Larsen, Marumoto, Say, Aki, Anderson, Andrews, Baker, Crozier, Evans, Garcia, Hagino, Hashimoto, Holt, Honda, Kawakami, Kiyabu, Kunimura, Lacy, Lee, Lunasco, Medeiros, Morioka, Narvaes, Sakamoto, Shito, Silva, Stanley, Sutton, Takitani, Uechi, Uwayne and K. Yamada.

On motion by Representative Larsen, seconded by Representative Marumoto and carried, H.R. No. 269 was adopted.

Representative Larsen then rose and presented the 1980 Narcissus Queen, Renee Charla W. S. Quon, to the members of the House. He also introduced Princess Valerie Au, first runner-up; Mr. William Lee, the President of the Narcissus Festival; and Mr. Francis Wong, the Chairperson for the Narcissus Festival.

Representatives Larsen and Say then presented the Queen and her Princess with flower leis while Representative Marumoto presented them with their resolutions.

At 11:45 o'clock a.m., the Chair declared a recess for the purpose of greeting the honorees.

The House of Representatives reconvened at 11:54 o'clock a.m.

A resolution (H.R. No. 270) expressing condolences and deepest sympathy to the family of the late David Kaiupile Kauhane was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Blair, Crozier, de Heer, Fukunaga, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lunasco, Marumoto, Masutani, Medeiros, Narvaes, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, K. Yamada and Wakatsuki.

On motion by Representative Evans, seconded by Representative Toguchi and carried, H.R. No. 270 was adopted by a rising vote.

A concurrent resolution (H.C.R. No. 87) extending Aloha and best wishes to the Waikiki Yacht Club and other participants and visitors in the upcoming International Pan American Clipper Cup Yacht Race and special thanks to Pan American World Airways for their sponsorship of this event was jointly offered by Representatives de Heer, Aki, Anderson, Andrews, Baker, Blair, Crozier, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Masutani, Medeiros, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative de Heer, seconded by Representative Kamalii and carried, H.C.R. No. 87 was adopted.

By unanimous consent, the following resolution (H.R. No. 271) was referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 5, 1980:

A resolution (H.R. No. 271) requesting the Federal Aviation Administration to require a conspicuous marking on the underside of aircraft so that they may be identified by residents on the ground if they fly too low was jointly offered by Representatives

Morioka, Baker, Hagino, Hashimoto, Holt, Honda, Inaba, Kiyabu, Kobayashi, Nakamura, Say, Silva, Takitani, Uwaine and D. Yamada.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 448-80) informing the House that House Resolution Nos. 265 to 268, House Concurrent Resolution No. 86, House Standing Committee Report Nos. 312-80 to 420-80 and Conference Committee Report Nos. 1 and 2 have been printed and distributed.

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

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 449-80) recommending that H.B. No. 377, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 449-80 was deferred until Thursday, March 6, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 377, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 450-80) recommending that H.R. No. 143 be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the joint report of the Committee was adopted and H.R. No. 143, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF CONVERTING THE WETLANDS OF THE PEARL HARBOR AREA, OAHU, INTO AN AGRICULTURAL PARK", was referred to the Committee on Finance.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 451-80) recommending that H.B. No. 1976-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 1976-80, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ADMINISTRATIVE PROCEDURE ACT", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 6, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 452-80) recommending that H.B. No. 2026-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2026-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT AGENCIES FEES", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 6, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 453-80) recommending that H.B. No. 2334-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2334-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 6, 1980.

Representative D. Yamada, for

the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 454-80) recommending that H.B. No. 2096-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 2096-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TERMINATION OF PARENTAL RIGHTS", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 6, 1980.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 455-80) recommending that H.B. No. 2351-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamine, seconded by Representative de Heer and carried, the report of the Committee was adopted and H.B. No. 2351-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 6, 1980.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 456-80) recommending that H.B. No. 2734-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Fukunaga and carried, the report of the Committee was adopted and H.B. No. 2734-80, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION AND MAINTENANCE OF SIDEWALKS AND GUTTERS", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 6, 1980.

Representative Kawakami, for the majority of the Committee on Water, Land Use, Development

and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 457-80) recommending that H.B. No. 2078-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Fukunaga and carried, the report of the majority of the Committee was adopted and H.B. No. 2078-80, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 6, 1980.

Representatives Dods and Blair, for the Committees on Transportation and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 458-80) recommending that H.B. No. 2623-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Dods, seconded by Representative Blair and carried, the joint report of the Committees was adopted and H.B. No. 2623-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE WEIGHTS", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 6, 1980.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 459-80) recommending that H.B. No. 2698-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Ushijima, seconded by Representative Andrews and carried, the report of the Committee was adopted and H.B. No. 2698-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 6, 1980.

Representatives Ushijima and Takamine, for the Committees on

Higher Education and Employment Opportunities and Labor Relations, presented a joint report (Stand. Com. Rep. No. 460-80) recommending that H.B. No. 2702-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Ushijima, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.B. No. 2702-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 6, 1980, with Representative Sutton voting no.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 461-80) recommending that H.B. No. 2745-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Larsen then stated that he had grave reservations concerning this bill and would have some remarks he would like included in the Journal when the bill comes up for Third Reading.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2745-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 6, 1980, with Representative Sutton voting no.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 462-80) recommending that H.B. No. 1981-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 462-80 on H.B. No. 1981-80 was deferred until Thursday, March 6, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies

of H.B. No. 1981-80 were made available to the members of the House at 11:30 o'clock a.m.

Representatives Ushijima and Lunasco, for the Committees on Higher Education and Education, presented a joint report (Stand. Com Rep. No. 463-80) recommending that H.B. No. 2703-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Ushijima, seconded by Representative Lunasco and carried, the joint report of the Committees was adopted and H.B. No. 2703-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", passed Second Reading and was placed on the calendar for Third

Reading Thursday, March 6, 1980, with Representative Sutton voting no.

The Chair directed the Clerk to note that printed copies of the following bills were made available to the members of the House at 11:30 o'clock a.m.:
H.B. Nos. 1976-80; 2026-80, HD 1; 2334-80, HD 1; 2096-80, HD 1; 2351-80, HD 1; 2734-80; 2078-80; 2623-80, HD 1; 2698-80, HD 1; 2702-80, HD 1; 2745-80, HD 1 and 2703-80, HD 1.

ADJOURNMENT

At 12:08 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, March 5, 1980.

THIRTIETH DAY

Wednesday, March 5, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Jo Shinsho of Aiea Hongwanji Church, after which the Roll was called showing all members present with the exception of Representatives Crozier, de Heer, Kobayashi and D. Yamada, who were excused.

The Clerk proceeded to read the Journals of the House of Representatives of the Twenty-Sixth, Twenty-Seventh, Twenty-Eighth and Twenty-Ninth Days.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, reading of the Journals were dispensed with and the Journals of the Twenty-Sixth, Twenty-Seventh, Twenty-Eighth and Twenty-Ninth Days were approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 46 to 53) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 46) transmitting Senate Concurrent Resolution No. 32, congratulating Francisco Flores "Corky" Trinidad for his distinguished achievements as a political cartoonist, which was adopted by the Senate on March 4, 1980, was placed on file.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, S.C.R. No. 32 was adopted.

A communication from the Senate (Sen. Com. No. 47) transmitting Senate Bill No. 2066-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR", which passed Third Reading in the Senate on March 4, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 48) transmitting Senate Bill No. 2079-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY", which passed Third Reading in the Senate on March

4, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 49) transmitting Senate Bill No. 2133-80, entitled: "A BILL FOR AN ACT RELATING TO BENEFIT SOCIETIES", which passed Third Reading in the Senate on March 4, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 50) transmitting Senate Bill No. 2197-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES", which passed Third Reading in the Senate on March 4, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 51) transmitting Senate Bill No. 2740-80, entitled: "A BILL FOR AN ACT RELATING TO SHARES WITHOUT PAR VALUE", which passed Third Reading in the Senate on March 4, 1980, was placed on file.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, S.B. Nos. 2066-80, SD 1; 2079-80, SD 1; 2133-80; 2197-80, SD 1; and 2740-80 passed First Reading by title and further action was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 52) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1703, SD 1, was adopted by the Senate; and Senate Bill No. 1703, SD 1, HD 1, CD 2, passed Final Reading in the Senate on March 4, 1980, by not less than two-thirds vote of all the members to which the Senate is entitled, was placed on file.

A communication from the Senate (Sen. Com. No. 53) 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. 1494, HD 1, was adopted by the Senate; and House Bill No. 1494, HD 1, SD 2, CD 1, passed Final Reading in the Senate on March 4, 1980, was placed on file.

At this time, Representative Holt introduced 44 tenth grade students in the U.S. History Class from Kamehameha School. They were accompanied by their teacher, Mrs. Virginia Ball.

The Chair then directed the Clerk to note the presence of Representatives Crozier and D. Yamada.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
2066-80	Committee on Consumer Protection and Commerce
2079-80	Jointly to the Committees on Consumer Protection and Commerce and Housing
2133-80	Jointly to the Committees on Judiciary and Consumer Protection and Commerce
2197-80	Jointly to the Committees on Public Employment and Government Operations and Corrections and Rehabilitation, then to the Committee on Finance
2740-80	Committee on Consumer Protection and Commerce

DEFERRED RESOLUTION

The following resolution (H.R. No. 271) was disposed of as follows:

<u>H.R. No.</u>	<u>Referred to:</u>
271	Committee on Transportation

COMMITTEE REASSIGNMENT

H.B. No. 2541-80 was re-referred jointly to the Committees on Transportation and Finance.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 424-80 on S.B. No. 1115, SD 2, HD 2:

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

Stand. Com. Rep. No. 444-80 on H.B. No. 1877-80, HD 2:

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

Conf. Com. Rep. No. 1-80 on H.B. No. 1494, HD 1, SD 2, CD 1:

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

Conf. Com. Rep. No. 2-80 on S.B. No. 1703, SD 1, HD 1, CD 2:

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

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 464-80) informing the House that House Resolution Nos. 269 to 271, House Concurrent Resolution No. 87, and Standing Committee Report Nos. 422-80 to 447-80, have been printed and distributed.

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

Representative Kiyabu, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 465-80) recommending that H.R. No. 14, as amended in HD 1, be adopted.

Representative Takitani then rose to speak against the resolution:

"Mr. Speaker, by passing this resolution, we are requesting the Visitor Industry Education Council, the Hawaii Visitors Bureau, and the Hawaii Hotel Association to educate local residents regarding the benefits of tourism. We are asking these groups, in essence, to spread propaganda.

How can this body ask that only one point of view be represented? If we are requesting any education involving tourism and our residents, we must not find out only the good of tourism; we got to point out the bad.

You know, the foremost basis of education, as I understand it, is truth, and truth can only be found in this instance by giving all sides of the story. You know, we presently have a bill right now in the House which would appropriate \$100,000 for a social impact analysis of tourism and you know, who knows, Mr. Speaker, maybe this study will show that tourism affects us very, very negatively.

Mr. Speaker, I don't wish to drag this thing out because I believe the members of this body understand my feelings on this subject, but when

I read the fifth WHEREAS in this resolution. . . if I may: 'WHEREAS, if the local residents were educated as to the effects of tourism and the benefits that the State, and in a sense, themselves, receive as a result of tourism, then perhaps they could learn to graciously accept the visitors' -- graciously accept the visitors.

You know, local residents, Mr. Speaker, in my opinion, we don't have to be educated as to the effects of tourism. You know, we feel the effects; we feel the effects everyday of our lives now and there comes a time, Mr. Speaker, when I feel the whole story must be told. That is why, Mr. Speaker, I urge all the members of this House to please reconsider and vote this resolution down.

Thank you."

Representative Sutton then rose to declare a possible conflict of interest, saying that he owns a hotel in Waikiki.

The Chair ruled "no conflict."

Representative Kiyabu then rose to speak in favor of H.R. No. 14, HD 1:

"Mr. Speaker, while I have some agreement with the previous speaker about his philosophical attitudes about tourism and the social impact, this resolution is to address those that we already know in certain areas that have a very negative impact about tourism and I think we ought to explain to the general populace the impact or the economic benefits of tourism. Many people, even in government, do not realize that a greater portion of their income is derived through the tourist industry and to ask that this resolution talk about the negative impact would be kind of ironic to the Hawaii Visitors Bureau to tell people about how bad tourism is, and I urge all members to vote in favor of this resolution."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 14, HD 1, entitled: "HOUSE RESOLUTION REQUESTING EFFORTS TO EDUCATE RESIDENTS AS TO THE BENEFITS OF TOURISM", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No.

466-80) recommending that H.R. No. 142 be adopted.

On motion by Representative Inaba, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.R. No. 142, entitled: "HOUSE RESOLUTION RESPECTFULLY URGING THE UNITED STATES CONGRESS TO ENACT ENABLING LEGISLATION FOR THE EFFECTUATION OF THE RECENTLY NEGOTIATED INTERNATIONAL SUGAR AGREEMENT", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 467-80) recommending that H.C.R. No. 45 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION RESPECTFULLY URGING THE UNITED STATES CONGRESS TO ENACT ENABLING LEGISLATION FOR THE EFFECTUATION OF THE RECENTLY NEGOTIATED INTERNATIONAL SUGAR AGREEMENT", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 468-80) recommending that H.R. No. 165 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 165, entitled: "HOUSE RESOLUTION URGING GREATER EFFORTS TO PRESERVE AND EXPAND THE TARO INDUSTRY IN WAIPIO VALLEY, HAWAII", was adopted.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 469-80) recommending that H.R. No. 175 be adopted.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and H.R. No. 175, entitled: "HOUSE RESOLUTION URGING EXPEDITIOUS COMPLETION OF THE PANAewa AGRICULTURAL PARK IN THE COUNTY OF HAWAII", was adopted.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 470-80) recommending that H.B. No. 2058-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 2058-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Second Reading and was placed on the calendar for Third Reading on Friday, March 7, 1980.

The Chair directed the Clerk to note that printed copies of H.B. No. 2058-80, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 471-80) recommending that H.B. No. 2181-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 471-80 on H.B. No. 2181-80 was deferred until Friday, March 7, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2181-80 were made available to the members of the House at 11:30 o'clock a.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 472-80) recommending that H.B. No. 2361-80, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 472-80 on H.B. No. 2361-80, HD 1, was deferred until Friday, March 7, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2361-80, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 473-80) recommending that H.B. No. 2071-80, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 473-80 on H.B. No. 2071-80, HD 1, was deferred until Friday, March 7, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2071-80, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 474-80) recommending that H.B. No. 1998-80, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 474-80 on H.B. No. 1998-80, HD 1, was deferred until Friday, March 7, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1998-80, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representatives Blair and D. Yamada, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 475-80) recommending that H.B. No. 2668-80, as amended in HD 1, be recommitted jointly to the Committees on Consumer Protection and Commerce and Judiciary.

On motion by Representative Blair, seconded by Representative D. Yamada and carried, the joint report of the Committees was adopted and H.B. No. 2668-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATION AND PRACTICE", was recommitted jointly to the Committees on Consumer Protection and Commerce and Judiciary.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. No. 278 to 282) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 278) congratulating the Farrington High School Governors Basketball Team on winning the 1980 OIA Eastern Division Basketball championship was jointly offered by Representatives Holt, Lee, Andrews, de Heer, Dods, Hashimoto, Honda, Inaba, Kiyabu, Kunimura, Narvaes, Peters, Stanley, Takamine, Takitani and Ushijima.

On motion by Representative Holt, seconded by Representative Lee and carried, H.R. No. 278 was adopted.

A resolution (H.R. No. 279) congratulating the Po'okela Soccer Team of Kaneohe for capturing the Girls' State championship was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Blair, Crozier, de Heer, Fukunaga, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lunasco, Marumoto, Masutani, Medeiros, Narvaes, Sakamoto, Say, Shito, Silva, Stanley,

Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine and K. Yamada.

On motion by Representative Evans, seconded by Representative Toguchi and carried, H.R. No. 279 was adopted.

A resolution (H.R. No. 280) congratulating the Tiaras Soccer Team of Kaneohe for capturing the Girls State championship was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Blair, Crozier, de Heer, Fukunaga, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lunasco, Marumoto, Masutani, Medeiros, Narvaes, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine and K. Yamada.

On motion by Representative Evans, seconded by Representative Toguchi and carried, H.R. No. 280 was adopted.

A resolution (H.R. No. 281) congratulating the St. Anthony's Boys' Volleyball Team was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Blair, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Medeiros, Narvaes, Sakamoto, Say, Segawa, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi and Uechi.

On motion by Representative Evans, seconded by Representative Medeiros and carried, H.R. No. 281 was adopted.

A resolution (H.R. No. 282) congratulating George Sawai for being the recipient of the Award of Merit presented by the Windward District of the Aloha Council of the Boy Scouts of America was jointly offered by Representatives Evans, Aki, Anderson, Crozier, Fukunaga, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kunimura, Larsen, Lunasco, Marumoto, Masutani, Medeiros, Narvaes, Sakamoto, Say, Shito, Takitani, Toguchi, Uechi, Uwaine, K. Yamada and Wakatsuki.

On motion by Representative Evans, seconded by Representative Narvaes and carried, H.R. No. 282 was adopted.

At 11:46 o'clock a.m., on request by Representative Evans, the Chair declared a recess, subject to the

call of the Chair.

The House of Representatives reconvened at 11:48 o'clock a.m.

By unanimous consent, the following resolutions (H.R. Nos. 273 to 277) and concurrent resolution (H.C.R. No. 88) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 6, 1980:

A resolution (H.R. No. 273) requesting a study of the different types of government structures responsible for land transportation programs on the mainland at the state and local levels was offered by Representative Dods.

A resolution (H.R. No. 274) requesting the Legislative Reference Bureau to conduct a study and propose legislation that will assure compliance with existing requirements in plans for state and county buildings and facilities to accommodate the handicapped was jointly offered by Representatives Segawa, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Garcia, Hagino, Hashimoto, Honda, Ige, Inaba, Kamalii, Kobayashi, Kunimura, Larsen, Lee, Lunasco, Say, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine and D. Yamada.

A resolution (H.R. No. 275) expressing concern of the House of Representatives over the loss of agricultural lands and the underutilization of agricultural lands in Maui County was jointly offered by Representatives Takitani, Andrews, Honda and Uechi.

A resolution (H.R. No. 276) relating to the operations of the State Foundation on Culture and the Arts was jointly offered by Representatives Say and Hagino.

A resolution (H.C.R. No. 277) requesting the energy resources coordinator to conduct a study on fossil fuel catalysts was jointly offered by Representatives Uwaine and Hashimoto.

A concurrent resolution (H.C.R. No. 88) requesting the Legislative Reference Bureau to conduct a study and propose legislation that will assure compliance with existing requirements in plans for State and County buildings and facilities to accommodate the handicapped was jointly offered by Representatives Segawa, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Garcia, Hagino, Hashimoto, Honda, Ige, Kamalii, Kobayashi, Kunimura, Larsen, Lee, Lunasco, Say, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima and Uwaine.

SUSPENSION OF RULES

Representative K. Yamada moved that the House suspend the rules of the House to consider all Third Reading and Final Reading bills by consent calendar.

The Chair then called upon Representative Evans to second the motion whereupon she replied:

"Mr. Speaker, I object to a consent calendar for the reading of today's bills."

Representative Peters then seconded the motion.

Representative Evans then rose and stated:

"Mr. Speaker, I believe when we suspend the rules of the House, there is a two-thirds vote that is necessary. I am asking for a roll call on the two-thirds vote."

At this point, Representative Toguchi asked for a recess and at 11:50 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:56 o'clock a.m., Representative K. Yamada rose and stated:

"Mr. Speaker, at this time, I would like to withdraw the motion to suspend the rules to consider Third Reading and Final Reading bills by consent calendar."

There being no objections, the Chair so ordered.

Representative K. Yamada then moved that the House suspend the rules of the House to consider a resolution.

Representative Evans said:

"Mr. Speaker, I believe the second wasn't withdrawn from the original motion."

The Chair asked Representative Evans to "state your point of inquiry", and Representative Evans responded:

"The parliamentary point of inquiry is that the Representative from Waianae did not withdraw his second that was made to the original motion of the Majority Floor Leader."

The Chair said:

"The Chair raised the question

if there were no objections -- there were no objections, so the Chair has ruled that the motion has been withdrawn."

Representative Evans asked:

"Along with the second?"

The Chair answered in the affirmative.

Representative Evans continued:

"You are assuming that the second is withdrawn?"

The Chair answered:

"That is correct."

Representative Evans then seconded the motion to suspend the rules to hear a congratulatory resolution.

INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 272) commending the play "Big Boys Don't Cry" and the Kalihi-Palama Culture and Arts Prison Ceramics class was jointly offered by Representatives Nakamura, Say, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Honda, Ige, Inaba, Kawakami, Kiyabu, Kobayashi, Kunimura, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Peters, Segawa, Stanley, Takamine, Takitani, Toguchi, Ushijima, Uwaine, D. Yamada and Wakatsuki and was read by the Clerk.

On motion by Representative Nakamura, seconded by Representative Say and carried, H.R. No. 272 was adopted.

Representative Nakamura then rose and stated:

"Mr. Speaker, we have invited the two persons most directly connected with the stage play, 'Big Boys Don't Cry', and the pottery display which is presently going on outside of the Capitol complex. We have invited these persons so that they can be properly recognized by the House of Representatives."

Representative Nakamura then presented Mary Ellen Hancock, instructor at the Kalihi-Palama Culture and Arts Prison Ceramics program, and Tremaine Tamayose, author and director of the stage play, 'Big Boys Don't Cry.'

Representative Nakamura continued, stating:

"Mr. Speaker, by way of an announcement, I would like to say that every member of the House, as well as members

of the public, should go and see the pottery display outside of the Capitol complex. I think it will be a beautiful experience.

And I have been told that the stage play, 'Big Boys Don't Cry' is a real fast-moving, exciting stage play and the stage play is for thirty minutes, and I think it would be well for every member of this House, along with the members of the Senate, to see the play at 4:30 this afternoon at the Capitol auditorium."

Floral leis were presented to Mr. Tamayose by Representative Hashimoto and to Ms. Hancock by Representative Kihano, Representative Nakamura presented them with certified copies of the resolution.

At 12:06 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of allowing all members to extend our personal welcome and aloha to the honorees."

Upon reconvening at 12:33 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives de Heer and Kobayashi.

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Peters and carried, the rules were suspended for the purpose of considering bills on Third and Final Readings on the basis of a modified consent calendar.

Representative Evans then rose on a point of parliamentary inquiry and asked:

"Mr. Speaker, I have requested a roll call vote -- two-thirds necessary -- for the suspension of the rules and I am assuming, as you have assumed when the second was not withdrawn previously, that you are just passing it through without the two-thirds vote required for suspending the rules of the House?"

Representative Peters, on a point of order, stated:

"Mr. Speaker, if the Minority Floor Leader wants to request for a two-thirds vote now on this particular motion, as she knows the other motion was withdrawn, then fine. She is talking about the previous motion and that motion is no longer on the table."

The Chair said:

"That is correct", and ruled Representative Evans out of order.

Representative Kamalii then rose and asked by the Chair, "For what purpose do you rise?", Representative Kamalii replied:

"I request a vote on the suspension of the rules."

The Chair stated:

"The motion has already been passed. The Chair has stated the vote; we are ready to vote."

Representative Evans then rose and asked by the Chair, "For what purpose do you rise?", Representative Evans asked:

"Will you tell us what method you are using to vote?"

Asked by the Chair to restate her question, Representative Evans asked:

"Which method are you employing to vote on suspension of the rules?"

The Chair answered:

"Voice vote."

Representative Evans then rose to a point of order and stated:

"Mr. Speaker, according to Rule 55.1, 'The Rules of the House may be suspended by the approval of two-thirds of the members to which the House is entitled.'"

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

"The motion was already on the floor of the House and the vote taken and you had recorded the votes so there is nothing to rise to a point of order by the Minority Floor Leader at this point."

The Chair then ruled Representative Evans out of order.

Representative Evans answered:

"I'm rising to a point of order on the procedure that is being used and abused."

THIRD READING

The following bills, which were on the calendar for Third Reading,

were read throughout and the following actions taken:

H.B. No. 2193-80, HD 1:

Representative Morioka moved that H.B. No. 2193-80, HD 1, having been read throughout, pass Third Reading, seconded by Representative Inaba.

Representative Kamalii then rose on a point of parliamentary inquiry and asked:

"Mr. Speaker, I have distributed a packet of information to all of the members of the House this morning. As part of that packet is an opinion of the Chief Disciplinary Counsel, Mr. Heely. That Representative from the 18th District. . ."

Representative Peters then interrupted on a point of order and as Representative Kamalii continued her debate, the Chair asked for "some parliamentary decorum."

Representative Peters then said:

"Mr. Speaker, we have a motion before the House and the Minority Leader's observations is not consistent with that motion."

The Chair then stated:

"The motion before the House, Representative Kamalii, is for the passage of House Bill 2193-80, HD 1, for Third Reading. Your remarks should be confined to the passage or the defeat of the measure before this body. I believe what you are attempting to do is untimely at this time."

Representative Kamalii then asked for a recess and at 12:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:40 o'clock p.m.

The motion was put by the Chair and carried, and H.B. No. 2193-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF ALL FUNCTIONS, POWERS AND DUTIES INVOLVING THE TAXATION OF REAL PROPERTY TO THE COUNTIES", having been read throughout, passed Third Reading by a vote of 51 ayes.

H.B. No. 1864-80, HD 1:

Representative Morioka moved

that H.B. No. 1864-80, HD 1, having been read throughout, pass Third Reading, seconded by Representative Inaba.

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

"Mr. Speaker, claims against the State do not go through the proper methodology to satisfy, in my opinion, the accountability that we in this Legislature should have for the disbursing of public monies. We need to tighten up our procedure; we need to have a confirmation; we need to have affidavits. We need to put into effect the laws of perjury and we have to have a documentation that is far more comprehensive, Mr. Speaker, than we have before us.

And so, Mr. Speaker, I would urge you to vote no on this bill."

At 12:41 o'clock p.m., Representative Kunimura asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

Representative Morioka then rose and stated:

"Mr. Speaker, I rise to speak in favor of the bill and in so doing try to clarify the concerns expressed by the previous speaker.

That has been addressed by the Committee and the payments that we are making here are the tax refunds and judgments made by the court. All miscellaneous claims have been deleted or payment deferred. They are not included in this budget. We are also concerned about the policies and guidelines that have been applied in reviewing these claims.

Therefore, Mr. Speaker, the concerns expressed by the previous speaker have been addressed, and request all members to support the bill."

Representative Kunimura then rose and stated:

"Mr. Speaker, if this House was voting on House Bill 1864-80 instead of 1864-80, House draft 1, I would certainly join my colleague from across the aisle in speaking against this bill, but House Bill 1864-80 which is now up for consideration. . . House draft 1, is a refined bill; that we threw out all of this almost frivolous kind of request -- unsubstantiated claims

against the State, and I feel that the House Finance Committee has done a good job. And further, we have a bill now pending that we will be reporting out to set standards so that specific guidelines, by law, and how these claims will be processed, reviewed, investigated. . .this will be coming down and this is the reason why we amended House Bill 1864-80 to 1864-80, House draft 1, so that they may file claims later on, resubmit their claims, and by then we hope standards would have been set so that many of those claims would have to come to the Legislature with specific substantiation and be able to stand the test of standards set by the Legislature.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 1864-80, HD 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 Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

H.B. No. 2179-80, HD 1:

On motion by Representative Takamine, seconded by Representative Blair and carried, H.B. No. 2179-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SAFETY OF BOILERS, ELEVATORS AND AMUSEMENT RIDES", passed Third Reading by a vote of 51 ayes.

At this time, Representative Kamalii rose and asked by the Chair, "For what purpose do you rise?", Representative Kamalii answered:

"Mr. Speaker, I rise on a point of parliamentary inquiry."

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

"Mr. Speaker, I am in receipt of a letter and I would like to know from the Representative of the 18th District and Speaker of the House when he will disqualify himself from matters directly affecting the judiciary."

Representative K. Yamada interrupted on a point of order and stated:

"Mr. Speaker, there are a number

of points I would like to raise on this matter. The first is that the question has been raised in the past and has already been decided upon.

Secondly, as far as the letter is concerned, it does not deal with the operation of the House, Mr. Speaker. . ."

Representative Kamalii then interrupted on a point of order and stated:

"Mr. Speaker, he gets to do all these good things, when do I get to do them?"

The Chair answered:

"Representative Kamalii, your turn will come."

Representative Kamalii thanked the Chair.

Representative K. Yamada asked the Chair if he could continue when Representative Kunimura rose on a point of order.

The Chair asked Representative K. Yamada to finish his point of order and "the Chair will rule and then the Chair will recognize. . ."

Representative Kamalii then interrupted and asked:

"Rule what? I haven't even asked for anything yet."

Representative K. Yamada continued:

"Mr. Speaker, my second point is that as far as the letter that's been referred to is concerned, it does not deal with the operation of the House and, therefore, should not be raised at this point."

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

"Mr. Speaker, there is nothing before this body except consideration of these bills on the agenda and I would like to have you declare both Majority Floor Leader and Minority Leader out of order."

Representative K. Yamada then said:

"Mr. Speaker, that was my third point."

Representative Kamalii stated:

"Well, at least somebody is willing to accept the Speakership to make a decision. I think I have a right on a point of personal privilege, Mr. Speaker, to find out whether you will be disqualifying yourself on any matters."

Both Representatives Peters and K. Yamada then rose and Representative Peters, on a point of order, asked:

"Mr. Speaker, would you make a ruling on the point of order that has been raised?"

The Chair responded:

"The Chair will answer Representative Kamalii. As I understand the opinion, it says, 'directly affecting judiciary matters.' It is my interpretation that any measure that can be construed to be a detriment to the judiciary or a benefit, pecuniary or otherwise, then the Chair would disqualify himself. If there is any measure that the Chair will pecuniarily benefit therefrom, or can be construed as a detriment to the Chair, then the Chair would disqualify himself; otherwise, the Chair sees no conflict and will make decisions as the issue arises. I have reviewed this morning's calendar, reviewed the bills, and I do not see any conflict in my voting for these measures."

Representative Kamalii continued:

"Mr. Speaker, that may be a matter of opinion; however, I thank you for your remarks and we will continue with the agenda. However, there will be occasions. . ."

The Chair interrupted:

"There may be."

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

"I would like to ask the Speaker, at this time, on what legal foundation, on what legal opinion, are you basing your decision on?"

The Chair answered:

"I am basing my decision on my personal convictions in the rulings that I have made in all my administration as the Speaker of the House."

Representative Kunimura continued his query:

"That you are not making any reference or your decisions based on the letter submitted by the honorable Minority Leader together with the writing of Mr. Heely?"

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

"It is quite obvious, I think, to the members of this House that the majority gets to do the speaking

and these requests. . .when I ask for requests which is just as similar, I am called out of order. I would like a clarification of that now."

The Chair stated:

"Representative Kamalii, I did not call you out of order. The Chair said I will answer your question and I did."

Representative Kamalii then said:

"Mr. Speaker, you have called me out of order on parliamentary inquiry earlier this morning which I was trying to do exactly what the good Representative from Kauai is doing and that is fine. . .you know, I would hope that it is from the letter that you've made your decision."

The Chair said:

"I declared that you were out of order because your discussion was untimely. Pending before this body was a motion made, seconded, and stated by the Chair, and that's according to parliamentary procedure."

"May we get on with the business at this time."

Representative Kunimura was recognized and he stated:

"Mr. Speaker, I think I have every right to inquire, as a member of this House, as to the decision you have made because it will affect myself and since the bound door was opened by your answer to the Minority Leader, it is my right. . ."

Representative Kamalii interrupted on a point of order and asked:

"For what good reason is the 'Senator' rising?"

Representative Kunimura replied:

"Mr. Speaker. . ."

Representative Kamalii interrupted, stating:

"Everybody gets elevated in this House; I thought I'll give you a break."

Representative Kunimura replied:

"Mr. Speaker, that's defamation of character."

The Chair then said:

"I believe the Chair has answered Representative Kunimura. . ."

Representative Kunimura interrupted and stated:

"But certainly, Mr. Speaker, then I feel that my query was not answered because if you are going to accept any kinds of opinion, then it should be only the Attorney General of the State of Hawaii because he is the constitutional legal officer for this body and also the State.

Thank you."

H.B. No. 2428-80, HD 1:

Representative Larsen moved that H.B. No. 2428-80, HD 1, be recommitted jointly to the Committees on Ecology and Environmental Protection and Transportation.

Representative Dods then asked for a recess and at 12:54 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:15 o'clock p.m., Representative Dods seconded the motion.

Representative Larsen then rose and stated:

"Mr. Speaker, I would like to say that the reason for recommitment is that in the drafting of the bill, LRB neglected to underline new wording on the second page on a piece of the bill so we have to make that correction and we will resubmit.

Thank you."

The motion to recommit was put by the Chair and carried, and H.B. No. 2428-80, HD 1, was recommitted jointly to the Committees on Ecology and Environmental Protection and Transportation.

H.B. No. 1977-80:

On motion by Representative Larsen, seconded by Representative Kawakami and carried, H.B. No. 1977-80, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", passed Third Reading by a vote of 51 ayes.

H.B. No. 2183-80:

Representative Kawakami moved that H.B. No. 2183-80, having been read throughout, pass Third Reading, seconded by Representative Fukunaga.

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

"Am I to understand that you will not disqualify yourself on this bill?"

The Chair answered:

"Representative Kamalii, the Chair indicated earlier that the Chair will make that determination as the Chair sees fit."

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

"Are we to understand that the setting of fines does not directly affect the judiciary. . ."

Representative K. Yamada then interrupted on a point of order and stated:

"Mr. Speaker, the prior speaker is not referring to the merits or the demerits of the bill but is going into other matters at this point."

Representative Evans stated:

"I was rising on a point of information."

The Chair then ruled Representative Evans out of order.

Representative Kamalii then appealed the ruling of the Chair.

The Chair announced:

"The Chair's ruling has been appealed. Those. . ."

Representative Ikeda then rose and requested a roll call vote."

The Chair continued:

"Roll call has been requested. The Chair's. . ."

At this point, Representative K. Yamada asked for a recess and at 1:19 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 Chair stated:

"The Chair's ruling has been appealed. The Chair has ruled that Representative Evans is out of order in her point of inquiry. The question before this body is: Shall the Chair's ruling be sustained? All in favor of sustaining the Chair's ruling. . ."

Representative Evans interrupted and stated:

"Mr. Speaker, I believe it was a point of information, not a point of parliamentary inquiry."

The Chair said:

"That is correct, point of information. . . that all in favor to sustain the Chair's ruling shall vote 'aye', all opposed shall vote 'no'. Mr. Clerk, call the roll."

Roll call having been requested, the motion was put by the Chair and carried, and the Chair's ruling was upheld by a vote of 36 ayes to 9 noes, with Representatives Anderson, Evans, Ikeda, Kamalii, Lacy, Marumoto, Medeiros, Narvaes and Sutton voting no, and Representatives Andrews, Lee, Say, Uechi, Ushijima and Uwayne being excused.

Representative Sutton then rose and stated:

"Mr. Speaker, I wish to speak against this bill but before I do, Mr. Speaker, I must declare a conflict."

Asked by the Chair to "state your potential conflict", Representative Sutton stated:

"In 49-5, Mr. Speaker, of the House Rules, it states: 'The Speaker may excuse a member who has a monetary interest in the question. . . ' I have 10,000 acres of forest, sir."

The Chair ruled "no conflict" and Representative Sutton asked:

"And do you protect me from any Disciplinary Counsel, being an attorney?"

The Chair answered:

"The Chair will refer you to your Minority Leader", and asked Representative Sutton to "proceed."

Representative Sutton then stated:

"Mr. Speaker, we have a gentleman who is now over in the Senate and who used to read the Committee Report, and I will not go to that extent but I do want to get the issue in front of you very carefully and so I am looking at the Committee Report and it says: 'Under the present law the penalty provision of a maximum fine of \$500. . . ' and that is per violation at the present time, and this is not served as a deterrent.

Now, I have been a federal judge, Mr. Speaker, and I have found that deterrents are very definitely affected by the pocketbook so that this bill does have a good concept in \$500 per violation. The only thing is, as a federal judge, I found it very difficult to either enforce a law wherein it's per violation because we have a very grave due process problem here and we also have a very grave equal protection of the law problem.

Does the individual have adequate notice? Supposing we have some young hippie that goes into the forest who does not know anything about our laws; he just come from Los Angeles, goes into those forests, and he finds that he himself sets up a campfire, not knowing and no signs -- nothing of that nature. I find that this is quite excessive, and as a federal judge, when I ruled on these things, I always looked at the adequacy of notice.

Now, I am bothered by the fact that we are putting on the statutes something as tremendously deterrent as \$500 a day because the person who we are going to hit by that \$500 per day and instead of the violation, generally speaking, somebody who is ignorant of the law be he, for all intents and purposes, from another jurisdiction like Washington, or Oregon, or Montana where they are invited to go into the forest. There are no restrictions of this nature in the great Pacific Northwest and we are a state now; we do have interstate communication and people do come into our borders and do go into our forests.

Now, State Representative Larsen has brought out the environmental problems that are concerned herewith and as he brought out these concerns, he pointed out a while back in an environmental bill that these types of infiltration in our forests are not really something that is unique to Hawaii but that Hawaii has not made trails. And so he provided a bill which gave us an entrance and trails for our various forests. How does an individual know when he is going on one of these trails if, for instance, the trail is overgrown; that this particular trail will lead him into an area where he is trespassing and causing this violation of \$500 a day?

And so, Mr. Speaker, looking at these very standards that I, as a judge, have looked at on the bench, I would find that this bill has numerous standards that are lacking. It is, therefore, the type of thing that Justice Oliver Wendell Holmes said we should avoid in the law. We should avoid whatever we have anything that is criminal,

whatever anything that is confiscatory, wherever there is anything that defines, that we should avoid having on our books something that does not give adequate notice. For any criminal statutes, you want the maximum of notice and each individual knows at the time that he is violating because, as you know, Mr. Speaker, we attorneys look at intent and when we look at intent, we look at the proposition. Did this individual have that basic background of knowledge that this violation would be \$500 per day? Supposing he camped there for ten days? That's \$5,000. That's more expensive, Mr. Speaker, than Kahala Hilton, and it is pretty high going, you know.

So, as I was on the bench, I would weigh these various categories and if I got somebody in front of me and I had a fine situation, what I would do -- I would suspend sentence until I could get my probation officer to go out and check as to whether or not this individual (a) had any prior notice; (b) had any knowledge thereof; and (c) whether or not he was actually desecrating the landscape and doing anything that was harmful to the forest.

We want deterrents but, Mr. Speaker, as a judge, it was not my job to make a deterrent per se, but to make a ruling which would carry all these factors that I have given you. And going back to the great Oliver Wendell Holmes and his concept of how criminal law and confiscatory law and the imposing of fines should be done so I would urge you, Mr. Speaker, and I think you have a better advantage than most people here because of your judicial background, because of your background in the law, that you make a decision here and vote against this."

Representative Kawakami then rose and stated:

"Mr. Speaker, after that short lesson in judicial procedure, I would like to get back to the bill itself.

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

As the previous speaker has stated, problems that we have been having, primarily from people out of state, and we are not talking about trail construction or anything else. These individuals have been building improvements, or building buildings on conservation lands without proper permit from the Department of Land

and Natural Resources, and in most cases, these individuals have refused to comply with the rules of the conservation zone and I feel that this bill should be a deterrent.

Thank you, Mr. Speaker."

Representative Larsen then rose and stated:

"Mr. Speaker, in response to the speaker from Nuuanu, it's like the old adage that if you have to worry about the cost of operating a yacht, you shouldn't have one, and if man has to worry about the cost of staying in the forest overnight, he shouldn't stay in overnight."

Representative Sutton, in rebuttal, stated:

"Mr. Larsen has given the joke that was very commonly stated by J.P. Morgan and since he has had the privilege of the floor of this House, may I give an analogy also?"

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

"Mr. Speaker, there was a funeral and it was being held in Vermont and, Mr. Speaker, there were two hearses and behind the two hearses was a man walking with a big black dog and behind that man were seventy-five people, single filed. Somebody came up and said to the man, 'Would you tell me who is in the first hearse?' He said, 'Yes, my wife.' 'And then who is in the second hearse?' 'Well, that's my mother-in-law', and the man said to him, 'Well, now this big black dog. . . what is that dog?' 'Oh, that's the dog that killed my wife and my mother-in-law.' 'And would you tell me why these seventy-five people are single filed behind the man with the dog?' 'They are waiting to buy the dog.'"

And so, Mr. Speaker, I just feel that Mr. Larsen, by quoting J.P. Morgan and saying that if a man has to ask the price of a yacht, he doesn't need. . . is a type of cursory thing that these laymen have, but you and I are judicially trained. We do not have that type of a concept and, therefore, Mr. Larsen is somewhat like Marie Antoinette who said, 'let them eat cake', and then she had a revolution.

Now, may I rebut the learned gentleman from Kauai and I just hope that when I attack one person from Kauai, I don't get the others because. . ."

The Chair interrupted and stated:

"The Chair would like to caution Representative Sutton that we are not here to attack people but to argue the merits and demerits of the bill. Proceed on that basis."

Representative Sutton continued his rebuttal, stating:

"Yes, sir, and thank you for taking me back to judicial decorum.

Now, the learned gentleman from Kauai who is the head of this Committee looks at it from the point of view of how can we stop them. But you and I, sir, trained as we are on the common law, trained as we are for four years of very hard work in a law school, then interning as law clerks, then going out in the busy world and finding that the dollars just don't come in -- you and I have found, sir, that we can't look at it in an arbitrary way that the State Representative from Kauai has stated. We just can't look at the deterrents. We have to balance the equity, and with our minds trained in a very different way. . . now, you see, when we go to law school, they sharpen our minds; they are like a pencil and it has been put in a pencil sharpener, and your mind and mine, sir, come out considerably sharper than his. . ."

The Chair interrupted and stated:

"The Chair does not share your view and I am sure many others don't share your view. The Chair would appreciate if you make reference to yourself rather than the Chair. Proceed."

Representative Sutton continued:

"Yes, sir, I shall, and we talked about a pencil and there is lead in my pencil.

But this gentleman has talked about a deterrent -- \$500 a violation! How would you like to leave your car, Mr. Speaker, out here on the road and have a \$500 a day for each violation. Just think of that, because you are trespassing when you park the car illegally, but at no time do we have anything as punitive of that nature. I am somewhat shocked because this learned gentleman from Kauai has put such good legislation on the books and rather than let him make this error, let's you and I vote no.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 2183-80, entitled: "A BILL FOR AN ACT RELATING TO FOREST AND WATER RESERVE ZONES", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

H.B. No. 2853-80:

On motion by Representative Dods, seconded by Representative Masutani and carried, H.B. No. 2853-80, entitled: "A BILL FOR AN ACT RELATING TO HARBORS", passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Evans, Lacy, Marumoto and Sutton voting no.

H.B. No. 2195-80:

On motion by Representative Dods, seconded by Representative Masutani and carried, H.B. No. 2195-80, entitled: "A BILL FOR AN ACT RELATING TO AERONAUTICS", passed Third Reading by a vote of 51 ayes.

H.B. No. 1979-80, HD 1:

On motion by Representative Segawa, seconded by Representative Lunasco and carried, H.B. No. 1979-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ENTRY EXAMINATION", passed Third Reading by a vote of 51 ayes.

H.B. No. 2161-80, HD 1:

On motion by Representative D. Yamada, seconded by Representative Honda and carried, H.B. No. 2161-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2258-80, HD 1:

Representative D. Yamada moved that H.B. No. 2258-80, HD 1, having been read throughout, pass Third Reading, seconded by Representative Honda.

Representative Kamalii then rose on a point of parliamentary inquiry and asked by the Chair to "state your point", Representative Kamalii asked:

"Am I to understand that you will not disqualify yourself from this bill?"

The Chair then said:

"I believe your question is out of order" and ruled Representative Kamalii out of order.

Representative Evans then rose on a point of information and asked by the Chair to "state your point", Representative Evans asked:

"Mr. Speaker, are we to understand that the revocation of probation and suspension of sentences does not directly affect the Judiciary?"

Representative K. Yamada then interrupted on a point of order and stated:

"The point of inquiry does not relate directly to the merits or demerits of the bill."

Representative Evans then said:

"I am asking a point of information, not a point of inquiry."

The Chair then ruled Representative Evans out of order and said:

"May we proceed with the business at hand."

Representative Kamalii then rose and asked by the Chair, "For what purpose do you rise?", Representative Kamalii answered:

"I rise because I think we have, on a point of personal privilege. . ."

The Chair interrupted and asked Representative Kamalii to "state your point", to which Representative Kamalii answered:

"Mr. Speaker, you stated earlier that your decision was your opinion and I question that opinion at this time. I feel that this bill does have judiciary. . ."

At this point, Representative Peters interrupted on a point of order and stated:

"Mr. Speaker, we have made a determination on that by virtue of taking a vote by roll call. The Minority Leader knows that she has been ruled out of order for that purpose as well. Mr. Speaker, your decision, as it has to do with conflict of interest, has been stated on this floor and it has been ruled upon. I would suggest that the Minority Leader not employ deleterious tactics on this floor and get on with the business at hand."

The Chair then ruled Representative Kamalii out of order.

Representative Kamalii then rose on a point of personal privilege and stated:

"I have just been attacked by the Majority Leader and I don't feel that I have been doing what he is saying I am doing. I think I have a right to question whether you are going to disqualify yourself because you are the only one that can disqualify us. Mr. Speaker, I just feel that this is the point of this whole thing, that you can disqualify me but who disqualifies you?"

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

"It is very clear, Mr. Speaker, that you are a member of this House; you were selected by this body to serve as the Speaker of the House and part of your functions and responsibilities, as a consequence, is to make that kind of ruling and if the Minority Leader is displeased with that ruling, then it is appealed to this House and this House as a body, collectively, has made that decision -- not you alone."

Representative Kamalii then rose on a privilege of the House and stated:

"Am I to understand, and I think this is in our rules and parliamentary procedures, that you as the Speaker of this House serve all of us. You are given that privilege to rule us out of order. Who rules you out of order on these particular questions of whether you can vote on a judiciary matter because of this very serious conflict of interest."

The Chair ruled Representative Kamalii out of order and stated:

"The motion before the House is for the passage of House Bill 2258-80, HD 1."

The motion was put by the Chair and carried, and H.B. No. 2258-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSPENSION OF SENTENCE AND PROBATION", having been read throughout, passed Third Reading by a vote of 51 ayes.

H.B. No. 2324-80, HD 1:

On motion by Representative D. Yamada, seconded by Representative Honda and carried, H.B. No. 2324-

80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTRAINING ORDERS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2241-80, HD 1:

On motion by Representative D. Yamada, seconded by Representative Honda and carried, H.B. No. 2241-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPOUSE ABUSE", passed Third Reading by a vote of 51 ayes.

H.B. No. 1919-80:

Representative D. Yamada moved that H.B. No. 1919-80, having been read throughout, pass Third Reading, seconded by Representative Honda.

Representative Evans then rose to speak in favor of H.B. No. 1919-80, stating:

"Mr. Speaker, while I agree with the contents of the bill, I also believe that we should have also denied the opportunity to be sentenced as a young adult so a person convicted of the offense of rape in the first degree which is a Class A felony, and this bill only requires a maximum sentence of eight years for young persons convicted of a Class A felony. The Class A felony in the Penal Code for adults has a maximum sentence of twenty years. I believe that rape in the first degree is as serious as murder and I would have hoped that it would have been addressed as such. However, a partial loaf is always better than none.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 1919-80, entitled: "A BILL FOR AN ACT RELATING TO YOUNG ADULT DEFENDANTS", having been read throughout, passed Third Reading by a vote of 51 ayes.

H.B. No. 2066-80:

On motion by Representative Blair, seconded by Representative Shito and carried, H.B. No. 2066-80, entitled: "A BILL FOR AN ACT RELATING TO THE WATER CARRIER LAW", passed Third Reading by a vote of 51 ayes.

H.B. No. 2043-80, HD 1:

Representative Blair moved that

H.B. No. 2043-80, HD 1, having been read throughout, pass Third Reading, seconded by Representative Shito.

Representative Sutton then rose and asked the Chair for a ruling on a potential conflict saying: "Mr. Speaker, I am a Jack-of-all-trades, a master of none, and I hold in my hand here an official card as a real estate broker and a member of the Honolulu Realtor Board and has held this post since I was the age of 16. Now, I got that under age of 16 by waiver, Mr. Speaker, and I got that waiver because of the fact that I was playing football and the football school got me the. . ."

At this point, the Chair interrupted and stated:

"The Chair rules that you are not in conflict. May we proceed?"

The motion was put by the Chair and carried, and H.B. No. 2043-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND TRUSTS", having been read throughout, passed Third Reading by a vote of 51 ayes.

H.B. No. 2042-80, HD 1:

On motion by Representative Blair, seconded by Representative Shito and carried, H.B. No. 2042-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHARES WITHOUT PAR VALUE", was recommitted to the Committee on Consumer Protection and Commerce, inasmuch as the companion Senate bill has come over.

H.B. No. 1422:

On motion by Representative Blair, seconded by Representative Shito and carried, H.B. No. 1422, entitled: "A BILL FOR AN ACT RELATING TO QUORUM OF REAL ESTATE COMMISSION", passed Third Reading by a vote of 51 ayes.

H.B. No. 2151-80, HD 1:

On motion by Representative Blair, seconded by Representative Shito and carried, H.B. No. 2151-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Dods voting no.

H.B. No. 2359-80:

On motion by Representative Blair,

seconded by Representative Shito and carried, H.B. No. 2359-80, entitled: "A BILL FOR AN ACT RELATING TO PARTNERSHIPS", passed Third Reading by a vote of 51 ayes.

H.B. No. 1911-80, HD 1:

On motion by Representative D. Yamada, seconded by Representative Honda and carried, H.B. No. 1911-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION; AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, AND CORRECTING REFERENCES", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2193-80 had passed Third Reading at 12:40 o'clock p.m.; H.B. Nos. 1864-80 and 2179-80 at 12:46 o'clock p.m.; 1977-80 at 1:16 o'clock p.m.; 2183-80 at 1:35 o'clock p.m.; 2853-80 and 2195-80 at 1:36 o'clock p.m.; 1979-80 and 2161-80 at 1:37 o'clock p.m.; 2258-80 at 1:41 o'clock p.m.; 2324-80 and 2241-80 at 1:42 o'clock p.m.; 1919-80 at 1:43 o'clock p.m.; 2066-80 at 1:44 o'clock p.m.; 2043-80 and 1422 at 1:45 o'clock p.m.; 2151-80 and 2359-80 at 1:46 o'clock p.m.; and 1911-80 at 1:47 o'clock p.m.

DEFERRED MATTERS FROM
EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 424-80
on S.B. No. 1115, SD 2, HD 2:

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and S.B. No. 1115, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE RATES", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 444-80
on H.B. No. 1877-80, HD 2:

On motion by Representative Blair, seconded by Representative Shito and carried, H.B. No. 1877-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", was recommitted to the Committee on Consumer Protection and Commerce inasmuch as a companion Senate bill has come over.

Conf. Com. Rep. No. 1-80 on H.B. No. 1494, HD 1, SD 2, CD 1:

Representative Stanley moved that the report of the Committee be adopted and H.B. No. 1494, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kunimura.

Representative Stanley then rose and stated:

"Mr. Speaker, I wish for the record to point out that this bill refers to giving nationals and permanent resident aliens the right to be appointed to state and county governments."

Representative Evans then rose and asked:

"Mr. Speaker, are we requesting a roll call vote on Final Reading bills -- this bill and the next one?"

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

"My understanding that the motion that the Majority Floor Leader has made included Final Reading bills by consent calendar."

Representative Evans proceeded to say that it did not include Final Reading bills when the Chair, at 1:50 o'clock p.m., declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:51 o'clock p.m.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1494, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", having been read throughout, passed Final Reading by a roll call vote of 45 ayes, with Representatives Anderson, Andrews, Say, Uechi, Ushijima and Uwayne being excused.

Conf. Com. Rep. No. 2-80 on S.B. No. 1703, SD 1, HD 1, CD 2:

Representative D. Yamada moved that the report of the Committee be adopted and S.B. No. 1703, SD 1, HD 1, CD 2, having been read throughout, pass Final Reading, seconded by Representative Honda.

Representative Fukunaga then rose to speak against the bill:

"Mr. Speaker, one of the features

of this bill is that it would increase the percentage of voters required to approve an amendment to the State Constitution from 35 percent to 50 percent of the votes cast in that election.

I believe that this means that it will become practically impossible for the people to ratify constitutional amendments in the future. For this reason, I am voting against this measure.

Thank you."

Representative D. Yamada then rose to speak in favor of the bill:

"Mr. Speaker, I would like to clarify one thing -- by raising it from 35 to 50, it will not make it practically impossible to pass any constitutional amendment in the future. I think this question was asked last year and especially this year of the Lieutenant Governor's office and while I don't have the letter from the Lieutenant Governor's office, the far majority of the amendments would have passed even if 50 percent of those votes were not cast.

Thank you."

Representative Marumoto then rose and requested that her remarks, in favor of the bill with reservations, be inserted into the Journal and the Chair, noting that there were no objections, so ordered.

Representative Marumoto's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of S.B. No. 1703, SD 1, HD 1, CD 2, with reservations.

I am voting for this bill because, if enacted, voters will have the opportunity to note either yes or no on constitutional amendments.

My reservations have to do with the requirement that future constitutional amendments require a supra majority for passage.

If 100,000 voters cast ballots for governor but only 80,000 cast votes on a particular constitutional question at a general election, it will take 50,001, a simple majority to win the governorship and 50,001, a supra majority to pass the constitutional amendment.

This bill, if passed, will make it extraordinarily difficult to enact future amendments."

Representative Blair then rose and stated:

"Mr. Speaker, I would just like to, in speaking in favor of the bill, point out for the record that this being a constitutional amendment, it will be placed on the ballot for voter ratification. Essentially, the voters have had the opportunity to see what happens when you make it too easy to pass constitutional amendments and I think this provides them with the opportunity to speak out on questions of whether or not they feel it should be somewhat more difficult to make changes to the basic structure of our government.

Thank you."

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

"Mr. Speaker, the requirement of the Constitution that majority members of this House and the Senate in a bicameral situation must vote in the affirmative to pass a bill that would be law, then I believe it is very important that the organic law of the State of Hawaii should also be ratified by at least one over fifty percent of those voting in that election because the Constitution governs any and all actions by public officials of the State of Hawaii, and therefore, it is very important that the tail does not wag the dog."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1703, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 2, OF THE HAWAII CONSTITUTION, TO SPECIFY VOTING PROCEDURE FOR CONSTITUTIONAL AMENDMENTS", having been read throughout, passed Final Reading by a roll call vote of 36 ayes to 9 noes, with Representatives Evans, Fukunaga, Hagino, Hashimoto, Kamalii, Narvaes, Silva, Sutton and Takitani voting no, and Representatives Anderson, Andrews, Say, Uechi, Ushijima and Uwayne being excused.

The Chair directed the Clerk to note that H.B. No. 1494 had passed Final Reading at 1:53 o'clock p.m. and S.B. No. 1703 at 1:59 o'clock p.m.

At 2:00 o'clock p.m., Representative Kunimura asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:14 o'clock p.m.

At this time, Representative Lacy rose on a point of information and asked:

"The Finance Committee 3:00 o'clock meeting -- can we get any information for future planning whether there will be an evening session continuing?"

Asked by Representative Inaba to restate the question, Representative Lacy asked:

"Will we stay in session from 3:00 o'clock on and take it in the evening or is there a plan for a . . . in time, so that we can do some planning since the timing is a little late."

Representative Inaba answered:

"I am sorry I am not able to answer that question."

The Chair recognized Representative Kunimura who said:

"May I try to answer that? Like usual, at about this time of the session when the avalanche of bills come over to the Finance Committee, we are going to try and finish up the calendar as soon as we can and if we can't, then we will go into

evening session so members of the Finance Committee historically have had a rather difficult time in making plans about this time of the session."

Representative Lacy then rose and stated:

"Mr. Speaker, my point is that I don't like to have such long breaks. It's fine with me if we stay in session and get the work done but if we are going to have a break, I would like to have it for planning purposes so that we can make some other personal plans."

Representative Kunimura replied:

"I am pretty sure the Chairman of the Finance Committee will be providing us with evening meal so that we can stay in session if we have to."

ADJOURNMENT

At 2:16 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives adjourned to 11:30 o'clock a.m. tomorrow, Thursday, March 6, 1980.

THIRTY-FIRST DAY

Thursday, March 6, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by Reverend Hoover Wong of First Chinese Church, after which the Roll was called showing all members present with the exception of Representative Wakatsuki, who was excused.

By unanimous consent, reading of the Journal was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 94 to 96) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 94) transmitting copies of the report, Flexible Working Hours as a Management Tool, Report on a Survey of Civil Service Supervisors to Assess the Effects of Flexhours on Management Operations, prepared by the Department of Personnel Services, was placed on file.

A message from the Governor (Gov. Msg. No. 95) transmitting copies of the Department of Transportation's report in response to Senate Resolution No. 437, SD 1, relating to the continuation promotion and expansion of the Van Go Hawaii program, was placed on file.

A message from the Governor (Gov. Msg. No. 96) transmitting copies of a report entitled, "Vocational Education Annual Report, FY 1979", prepared by the State Commission on Manpower and Full Employment, was placed on file.

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

Representative Stanley introduced several members of the Junior League who have been visiting the capital to observe the legislative process.

Representative Evans introduced nine students from Kailua High School's School Within a School Program along with their teachers Mr. Kane, Mrs. Soares and Mrs. Uehara.

Representative Shito introduced fifty seventh and eighth grade students from the Lanakila Baptist School, accompanied by their teachers Mr. Roger House, Mr. David Wilson and parents, Mrs. Smith and Mrs. Yamashita.

Representative Say then introduced 25 students from the Kamehameha Schools and their teacher, Mrs. Cindy Reagan.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 273 to 277) and concurrent resolution (H.C.R. No. 88) were disposed of as follows:

<u>H.R. No.</u>	<u>Referred to:</u>
273	Committee on Transportation, then to Committee on Finance
274	Committee on Health, then to Committee on Finance
275	Jointly to Committees on Agriculture and Water, Land Use, Development and Hawaiian Affairs
276	Committee on Culture and the Arts, then to Committee on Legislative Management
277	Committee on Energy, then to Committee on Finance

H.C.R. No.

88 Committee on Health,

then to Committee on Finance

COMMITTEE REASSIGNMENT

The following bill was re-referred as follows:

H.B. No. Re-Referred to:

1792 Jointly to Committees
on Water, Land Use, Development
and Hawaiian Affairs and Judiciary

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 476-80) informing the House that House Resolution Nos. 272 to 282, House Concurrent Resolution No. 88 and House Standing Committee Report Nos. 449-80 to 463-80 have been printed and distributed.

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

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 477-80) recommending that H.R. No. 174, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Ige and carried, the report of the Committee was adopted and H.R. No. 174, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND AMEND PUBLIC HEALTH REGULATIONS ON RADIATION PROTECTION", was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 478-80) recommending that H.C.R. No. 50, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Ige

and carried, the report of the Committee was adopted and H.C.R. No. 50, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND AMEND PUBLIC HEALTH REGULATIONS ON RADIATION PROTECTION", was referred to the Committee on Finance.

Representatives Kiyabu, Dods and Morioka, for the Committees on State General Planning, Transportation and Finance, presented a joint report (Stand. Com. Rep. No. 479-80) recommending that H.R. No. 29 be referred to the Committee on Legislative Management.

On motion by Representative Kiyabu, seconded by Representative Dods and carried, the joint report of the Committees was adopted and H.R. No. 29, entitled: "HOUSE RESOLUTION REQUESTING A JOINT STUDY OF THE FEASIBILITY OF THE USE OF MUTUAL TELECOMMUNICATIONS SYSTEMS BY PRIVATE AND PUBLIC EMPLOYERS", was referred to the Committee on Legislative Management.

Representatives Kiyabu and Kawakami, for the Committees on State General Planning and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 480-80) recommending that H.R. No. 27 be referred to the Committee on Finance.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and H.R. No. 27, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY AND DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO STUDY THE FEASIBILITY OF UTILIZING MUTUAL TELECOMMUNICATIONS IN THE PLANNED REDEVELOPMENT OF THE KAKAOKO COMMUNITY DEVELOPMENT DISTRICT", was referred to the Committee on Finance.

Representatives Kiyabu and Kawakami, for the Committees on State General Planning and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No.

481-80) recommending that H.C.R. No. 9 be referred to the Committee on Finance.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and H.C.R. No. 9, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY AND DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO STUDY THE FEASIBILITY OF UTILIZING MUTUAL TELECOMMUNICATIONS IN THE PLANNED REDEVELOPMENT OF THE KAKAOKO COMMUNITY DEVELOPMENT DISTRICT", was referred to the Committee on Finance.

Representative Blair, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 482-80) recommending that H.B. No. 1991-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the majority of the Committee was adopted and H.B. No. 1991-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE", passed Second Reading and was placed on the calendar for Third Reading Monday, March 10, 1980.

Representatives Blair and Uwaine, for the Committees on Consumer Protection and Commerce and Energy, presented a joint report (Stand. Com. Rep. No. 483-80) recommending that H.B. No. 2535-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Uwaine and carried, the joint report of the Committees was adopted and H.B. No. 2535-80, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE BY FUEL IMPORTERS, MANUFACTURERS, DISTRIBUTORS AND EXPORTERS", passed Second Reading and was placed on the calendar for Third Reading Monday, March 10, 1980.

Representatives Blair and D. Yamada, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 484-80) recommending that H.B. No. 2189-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative D. Yamada and carried, the joint report of the Committees was adopted and H.B. No. 2189-80, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF REGULATORY AGENCIES", passed Second Reading and was placed on the calendar for Third Reading Monday, March 10, 1980.

Representatives Blair and D. Yamada, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 485-80) recommending that H.B. No. 2572-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative D. Yamada and carried, the joint report of the Committees was adopted and H.B. No. 2572-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PEST CONTROL OPERATORS LAW", passed Second Reading and was placed on the calendar for Third Reading Monday, March 10, 1980.

Representatives Shito and Blair, for the Committees on Housing and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 486-80) recommending that H.B. No. 1784-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Blair and carried, the joint report of the Committees was adopted and H.B. No. 1784-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading Monday, March 10, 1980.

At 11:44 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:52 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 288 to 290) and concurrent resolutions (H.C.R. Nos. 92 and 93) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 288) congratulating the University of Hawaii-Hilo Vulcans basketball team on capturing the NAIA District-2 championship was jointly offered by Representatives K. Yamada, Aki, Andrews, Baker, Blair, Crozier, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Inaba, Kawakami, Kihano, Kiyabu, Larsen, Lee, Lunasco, Masutani, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Ushijima and Uwayne.

On motion by Representative K. Yamada, seconded by Representative Segawa and carried, H.R. No. 288 was adopted.

A resolution (H.R. No. 289) congratulating the Hilo High School basketball team for winning the 1979-1980 Big Island Interscholastic Federation championship was jointly offered by Representatives Segawa, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Segawa, seconded by Representative K. Yamada and carried, H.R. No. 289 was adopted.

A resolution (H.R. No. 290) congratulating the Waipahu High School Marauders upon winning the 1979-1980 OIA varsity basketball championship was jointly offered by Representatives Kihano, Shito, Andrews, Crozier, de Heer, Dods, Evans, Fukunaga, Hashimoto, Honda, Ikeda, Inaba, Kiyabu, Kunimura, Larsen, Lunasco, Medeiros, Peters, Say, Segawa, Silva, Stanley, Takamine, Uechi, Ushijima, Uwayne and K. Yamada.

On motion by Representative Shito, seconded by Representative Silva and carried, H.R. No. 290 was adopted.

A concurrent resolution (H.C.R. No. 92) commending Genevieve "Genny" T. Okinaga upon her appointment to the Federal Advisory Board on Child Abuse and Neglect and wishing her every success during her term of appointment was jointly offered by Representatives Kunimura, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Peters, seconded by Representative Kunimura and carried, H.C.R. No. 92 was adopted.

A concurrent resolution (H.C.R. No. 93) extending heartiest best wishes to the Future Farmers of America, Kohala Chapter, for a successful 50th anniversary celebration; congratulating the Kohala Chapter on the occasion of its 50th anniversary; and encouraging the furtherance of agricultural development in Kohala, Hawaii, was jointly offered by Representatives Takamine, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco,

Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada and K. Yamada.

On motion by Representative Takamine, seconded by Representative Silva and carried, H.C.R. No. 93 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 283 to 287) and concurrent resolutions (H.C.R. Nos. 89 to 91) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 7, 1980:

A resolution (H.R. No. 283) expressing concern about the Federal Occupational Safety and Health Act (OSHA) and the Federal Environmental Protection Agency (EPA) and requesting appropriate actions as may serve to alleviate unwarranted hardships and inconveniences to Hawaii's farmers was jointly offered by Representatives Uechi, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kiyabu, Kunimura, Lunasco, Masutani, Nakamura, Narvaes, Sakamoto, Segawa, Shito, Silva, Stanley, Takitani, Toguchi, Uwayne and D. Yamada.

A resolution (H.R. No. 284) requesting the Education and Labor Committee of the United States House of Representatives to conduct hearings and support the passage of the Native Hawaiian Education Act was jointly offered by Representatives Holt, Peters, Kawakami, Kamalii, Anderson, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kihano, Kiyabu, Kunimura, Lacy, Larsen, Lee, Marumoto, Masutani, Morioka, Nakamura, Narvaes, Sakamoto, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada and K. Yamada.

A resolution (H.R. No. 285) relating to the North Kohala district was jointly offered by Representatives

Takamine, Inaba, Segawa, Silva and K. Yamada.

A resolution (H.R. No. 286) requesting a study of the feasibility of cultivating low-land protea on low elevation sites on Oahu was jointly offered by Representatives Narvaes, Aki, Anderson, Baker, Crozier, de Heer, Dods, Garcia, Hagino, Hashimoto, Holt, Honda, Inaba, Kobayashi, Kunimura, Lacy, Marumoto, Masutani, Say, Segawa, Stanley, Sutton, Toguchi, Uechi, Ushijima, Uwayne and D. Yamada.

A resolution (H.R. No. 287) requesting a study of the various means by which rental deposits could be deposited in interest bearing insured accounts with the earnings to accrue to the depositor without necessitating additional bookkeeping requirements for landlords was jointly offered by Representatives de Heer, Baker, Blair, Crozier, Dods, Garcia, Hashimoto, Holt, Honda, Ige, Kawakami, Kobayashi, Kunimura, Lee, Lunasco, Masutani, Sakamoto, Takamine, Takitani, Toguchi and Wakatsuki.

A concurrent resolution (H.C.R. No. 89) relating to the North Kohala district was jointly offered by Representatives Takamine, Inaba, Segawa, Silva and K. Yamada.

A concurrent resolution (H.C.R. No. 90) requesting the Education and Labor Committee of the United States House of Representatives to conduct hearings and support the passage of the Native Hawaiian Education Act was jointly offered by Representatives Holt, Peters, Kawakami, Kamalii, Anderson, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada and K. Yamada.

A concurrent resolution (H.C.R. No. 91) requesting a study of the various means by which rental deposits could be deposited in interest

bearing insured accounts with the earnings to accrue to the depositor without necessitating additional bookkeeping requirements for landlords was jointly offered by Representatives de Heer, Baker, Crozier, Dods, Garcia, Hashimoto, Holt, Honda, Ige, Kobayashi, Kunimura, Lee, Lunasco, Masutani, Sakamoto, Takamine, Takitani, Toguchi and Wakatsuki.

SUSPENSION OF RULES

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

THIRD READING

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

H.B. No. 1976-80

Representative Blair moved that H.B. No. 1976-80 pass Third Reading, seconded by Representative Shito.

At this time, Representative Kamalii rose to speak on H.B. No. 1976-80:

"Mr. Speaker, I rise to speak in favor of this bill. Mr. Speaker, this House Bill No. 1976-80 continues the tradition of the legislature to act responsibly in the clarification of court rulings and procedures. For too many of our citizens, the courtroom is a very frightening and confusing experience where an attorney is needed if only to explain what is happening.

By this bill, however, we would specifically define an administrative proceeding as outside the basic requirements of the judiciary and that a corporation does not need to be represented by counsel.

Further, this bill as indicated

by your Committee's report would also clarify the process of appeals to the circuit court of cases resulting from administrative decisions. As your Committee concluded, criteria used for the granting of an injunction by the circuit court should operate to insure that stay orders are permitted in only those cases which are meritorious.

I hope you agree, Mr. Speaker, that this bill will indeed assist the circuit court judge in his determination. Thank you."

Representative Sutton then rose to ask the Speaker to determine whether or not he had a conflict of interest as he is a former FAA judge, a former federal judge and a practicing attorney.

The Chair ruled no conflict.

The motion to pass H.B. No. 1976-80, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ADMINISTRATIVE PROCEDURE ACT", on Third Reading was put by the Chair and carried by a vote of 50 ayes, with Representative Wakatsuki being excused.

H.B. No. 2026-80, HD1

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 2026-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT AGENCIES FEES", passed Third Reading by a vote of 43 ayes to 7 noes, with Representatives Anderson, Evans, Ikeda, Marumoto, Medeiros, Narvaes and Sutton voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 1976-80 and 2026-80, HD 1, had passed Third Reading at 11:59 o'clock a.m.

H.B. No. 2334-80, HD1

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 2334-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

H.B. No. 2096-80, HD1

On motion by Representative D. Yamada, seconded by Representative Honda, H.B. No. 2096-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TERMINATION OF PARENTAL RIGHTS", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 2334-80, HD 1 and 2096-80, HD 1, had passed Third Reading at 12:00 o'clock noon.

H.B. No. 2351-80, HD1

On motion by Representative Takamine, seconded by Representative de Heer, H.B. No. 2351-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 2351-80, HD 1, had passed Third Reading at 12:01 o'clock p.m.

H.B. No. 2734-80

By unanimous consent, action on H.B. No. 2734-80 was deferred until tomorrow, March 7, 1980.

H.B. No. 2078-80

On motion by Representative Kawakami, seconded by Representative Fukunaga and carried, H.B. No. 2078-80, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND", was recommitted to the Committee on Water, Land Use, Development and Hawaiian Affairs.

H.B. No. 2623-80, HD1

On motion by Representative Dods, seconded by Representative Blair, H.B. No. 2623-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE WEIGHTS", passed Third Reading by a vote of 50 ayes,

with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 2623-80, HD 1, had passed Third Reading at 12:04 o'clock p.m.

H.B. No. 2698-80, HD1

On motion by Representative Ushijima, seconded by Representative Andrews, H.B. No. 2698-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

H.B. No. 2702-80, HD1

On motion by Representative Ushijima, seconded by Representative Takamine, H.B. No. 2702-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 2698-80, HD 1, and 2702-80, HD 1, had passed Third Reading at 12:05 o'clock p.m.

H.B. No. 2745-80, HD1

Representative Uechi moved that H.B. No. 2745-80, HD 1, pass Third Reading, seconded by Representative Inaba.

At this time, Representative Larsen rose to speak on H.B. No. 2745-80, HD 1:

"Mr. Speaker, I would like to speak in favor of this bill but express some concern. We took up this bill in the Agriculture Committee hearing and had considerable discussion on it. The thing that concerns me is that by State law we are now cutting out the opportunity for the public to come to a hearing to discuss the merits or demerits of any rise in the producer price of milk.

Now, why I'm a little concerned about them coming to discuss it in public is that the milk production in this State is a monopoly. It does not apply to retail sales or even to the two producers there are, but milk production is a monopoly, a State monopoly, and I believe the public should be given the opportunity to discuss the pros and cons of any, shall we say, mandated price increase through the formula.

Now, I realize that there was a public meeting when we discussed the formation, the creation of this formula; however, once the formula was set, then all public debate and discussion was cut off. Now, the bill does stipulate, it has been amended, so that public notice upon any price change will be given, but this is not the same thing as the opportunity to discuss and to have public input into the creation of any increased price. And that's my concern, but since I have gone along with the bill, I would hope that all members will vote aye on this measure. Thank you."

Representative Sutton also rose to speak on H.B. No. 2745-80, HD 1:

"Mr. Speaker, I rise to speak against this bill. Many times you have heard that one of the most essential ingredients in nutrition is milk; therefore, all children must have it and all people of an older age must have it. Now, Mr. Speaker, we are talking about one of the most essential ingredients in your diet, the most essential ingredient of our population.

Today, they are being destroyed by inflation. We sit here and do nothing about it except increase their cost of living. Hawaii today is second to Alaska on the highest cost of living in any place in the United States of America and we can start right here, on the price of milk, but as our Representative from the Kahala-Diamond Head area has stated, the consumer is not given due process of law, is not allowed to come in. What the devil public notice means, I don't know,

because what good does it do, Mr. Speaker, if you get all the notice in the world and you can't be heard.

Now, Mr. Speaker, we should be putting our attention at this session, during the period of the most rapid rise in inflation that's ever occurred in the economy of either Hawaii or our nation, to cutting down on inflation, and we are doing nothing. Therefore, Mr. Speaker, let us vote no on this, recommit it back to Committee and when we do recommit it, let's get a second on the last recomittal and let's see if we can't get better legislation. Thank you."

Representative Anderson then rose to speak in favor of this bill:

"Mr. Speaker, I sit on that Committee and I would feel very bad if I didn't say in response to our Representative from Nuuanu that irregardless of this bill, your milk prices could go up. Any one of your stores could raise the price of their milk. All this does is take care of your dairy farmers, that could perhaps have an increase in their feed, in their gas and other employment, but the milk could still be raised any time that any store so desired. Thank you, Mr. Speaker."

Representative Uechi also rose to speak in favor of this bill:

"Mr. Speaker, I feel that this is a very volatile subject because of the fact that milk is such a vital part of our diet. However, Mr. Speaker, because of the Milk Control Act that was passed in 1967, the number of dairies have not decreased as drastically as prior to the enactment of the Milk Act.

In 1957 we had about 90 dairies. This was reduced to 56 when the Milk Commission Act was implemented. Today, we have only 24. We find that milk is the only food product in which Hawaii is completely self-sufficient, so we must protect this particular industry.

Should an index have been incorporated into the Milk Commission Act, in 1978 we would have seen a decrease

of price to the farmer and may have seen an increase with the retailers because of the fact that feed costs to the farmer represents about 56 or 57% of the cost to the producers. In 1977, the feed price per ton was \$149.04. In 1978, the price was \$116. So, you see the tremendous increase and decrease of feed. If we had a formula in 1978, we would have seen that the decrease in the price of milk. The farmers made a lot of money, yes, in that period, but if the index was there, you'll find that the price to the farmer would have been decreased and subsequently, hopefully, we would have seen a decrease in price of the retail market. This a very good provision that we should incorporate into the Milk Control Act. Thank you very much."

Representative Sutton rose to rebut the previous speakers' remarks:

"Mr. Speaker, these learned gentlemen have given us a rationale, but they have not attacked the problem. Let's go back, Mr. Speaker, and first of all remember Oliver Wendell Holmes and that one page of history is worth a hundred pages of law; let's go back and look at history. Louie Pasteur developed a method by which we could keep milk free of the terrible dangers that ruined milk prior to pasteurization and, therefore, we have a product that can be purified and preserved.

Now, let's look at another angle. The late Senator Sherman in 1898 put on the books of this nation, the anti-trust laws that were to preserve competition. What we did with the original Milk Act was to remove competition. These figures that you have just heard by the learned Chairman are because of the fact you have a monopoly in this business and whenever you have a monopoly that is granted this type of regulation, they cannot be indicted for price fixing per se. Lacking that indictment, we cannot control it. Were we to free this completely, repeal all of the entire act, put it out on a competitive board, allow Louie Pasteur's great invention to come in, and have compe-

tion, your consumer would not find the price of milk having doubled almost every three and one half years.

And therefore, Mr. Speaker, I say to you, let us get better legislation on the books. Thank you."

Representative Kunimura rose to speak in favor of H.B. No. 2745-80, HD 1:

"The previous speaker talked about the wonders of competition. First of all, Mr. Speaker, I cannot see the relevance between pasteurization and this particular bill. I thought maybe he would talk about importation of milk since it can be preserved longer than raw milk, but that was not it.

I would like to make reference, Mr. Speaker, to the profession the previous speaker is engaged in. It has a certain degree of monopoly in that no attorney outside the State of Hawaii can practice in the circuit court or the district court of Hawaii without first being admitted to the Hawaii bar. They can practice only in the federal court. Now, isn't this a form of monopoly? Why can't we open up to any attorney licensed in any state of this nation, to come and practice law?

If we're going to talk about the poor farmers who have to deal with the elements, who have to deal with disease, getting up early in the morning to milk their cows and, prior to the Milk Commission Act, Mr. Speaker, you saw, you were around Honolulu, when they had to dump the milk on the streets of Honolulu, right in front of Iolani Palace, and circling Iolani Palace, because it was cheaper for them to dump the milk than to take it to the processor. And these are the things, Mr. Speaker. Milk is essential, it is very important, and I think it is wiser for us to give this kind of legalized monopoly to preserve this industry. If we should talk about the farmers, the milk farmers, then maybe we should take the franchise away from the telephone company, the gas company and the electric

company and see what kind of chaos we would have.

In our system, Mr. Speaker, where we live so closely to each other, we need to have a certain amount of legalized monopoly and this is one way of preserving the milk industry in Hawaii. Thank you."

The motion to pass H.B. No. 2745-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL", on Third Reading was put by the Chair and carried by a vote of 49 ayes to 1 no, with Representative Sutton voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 2745-80, HD 1, had passed Third Reading at 12:17 o'clock p.m.

H.B. No. 2703-80, HD1

By unanimous consent, action on H.B. No. 2703-80, HD 1, was deferred until tomorrow, March 7, 1980.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 449-80 on H.B. No. 377, HD2

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 377, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING OF USED OIL", having been read throughout, passed Third Reading

by a vote of 50 ayes, with Representative Wakatsuki being excused.

Stand. Com. Rep. No. 462-80 on H.B. No. 1981-80

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 1981-80, entitled: "A BILL FOR AN ACT RELATING TO RECORDING FEES IN THE STATE BUREAU OF CONVEYANCES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representative Sutton voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 377, HD 2, and 1981-80 had passed Third Reading at 12:18 o'clock p.m.

At this time, Representative Kawakami made a late introduction to the members of the House. He introduced Mayor Malapit of the County of Kauai and the Director of Economic Development, James Kurita.

Representative K. Yamada also made a late introduction. He introduced the Hilo High School basketball team, the Vikings, along with the school's cheerleaders.

ADJOURNMENT

At 12:22 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Kamalii and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, March 7, 1980.

THIRTY-SECOND DAY

Friday, March 7, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Bernard Eikmeier of Saint Anthony Church, after which the Roll was called showing all members present with the exception of Representatives Aki and Nakamura, who were excused.

By unanimous consent, reading and approval of the Journal of the Thirty-First Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 54 to 67) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 54) returning House Concurrent Resolution No. 87 which was adopted by the Senate on March 5, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 55) transmitting Senate Bill No. 1885-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RULES AND REGULATIONS", which passed Third Reading in the Senate on March 6, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 56) transmitting Senate Bill No. 1911-80, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION", which passed Third Reading in the Senate on March 6, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 57) transmitting Senate Bill No. 1913-80, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION EDUCATION", which passed Third Reading in the Senate on March 6, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 58) transmitting Senate Bill No. 1983-80, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ENTRY EXAMINATION", which passed Third Reading in

the Senate on March 6, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 59) transmitting Senate Bill No. 2002-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LOST AND FOUND MONEY OR PROPERTY AT AIRPORTS", which passed Third Reading in the Senate on March 6, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 60) transmitting Senate Bill No. 2004-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", which passed Third Reading in the Senate on March 6, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 61) transmitting Senate Bill No. 2081-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", which passed Third Reading in the Senate on March 6, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 62) transmitting Senate Bill No. 2098-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT AGENCIES", which passed Third Reading in the Senate on March 6, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 63) transmitting Senate Bill No. 2188-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ARTICLES OF INCORPORATION", which passed Third Reading in the Senate on March 6, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 64) transmitting Senate Bill No. 2214-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", which passed Third Reading in the Senate on March 6, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 65) transmitting Senate Bill No. 2319-80, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION", which passed Third Reading in the Senate on March 6, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 66) transmitting Senate Bill No. 2883-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES", which passed Third

Reading in the Senate on March 6, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 67) transmitting Senate Bill No. 3094-80, entitled: "A BILL FOR AN ACT RELATING TO CREDIT", which passed Third Reading in the Senate on March 6, 1980, was placed on file.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, S.B. Nos. 1885-80, SD 1; 1911-80; 1913-80; 1983-80; 2002-80, SD 1; 2004-80, SD 1; 2081-80, SD 1; 2098-80, SD 1; 2188-80, SD 1; 2214-80, SD 1; 2319-80; 2883-80, SD 1; and 3094-80 passed First Reading by title and further action was deferred until Monday, March 10, 1980.

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

Representative Sakamoto introduced a calabash cousin of his and wife of Representative Takitani, Mrs. Audrey Kimura Takitani.

Representative Garcia introduced a large class of students from Kaiulani Elementary School. They were accompanied by their teacher, Mrs. Bernice Chung "who will be retiring this year after 30 years of teaching and she has been coming to the Capitol since it opened in 1969", and a parent, Mrs. Saiki.

Representative Stanley introduced 20 fifth grade students from Kaahumanu Elementary School. They were accompanied by their teacher, Mrs. Frances Onaga, and a parent, Mrs. Kaneshiro.

Representative Larsen introduced a visitor from Seattle, Mr. Carl Benke, who is "working as Vice President in the Al-Pac Corporation which produces Pepsi-Cola and 7-Up here in the State." He was accompanied by Mr. Richard Botti.

Representative Say introduced 31 students (seniors, juniors and sophomores) from Kamehameha School. They were accompanied by their teacher, Mrs. Cindy Regan.

Representative Ikeda introduced Mr. Paul Gabriel, "a good friend and constituent."

Representative Hagino introduced 52 children (3 and 4 year olds)

from Mother Rice Pre-School. They were accompanied by their teachers, Julie Padello, Marsha Little, Maria Hunter, Germaine Rawlins and assistant teacher, Penny Torres, and parents, Elizabeth Lewis, Joan Fautrot, Helene Zoid and Delsey Mokulehua.

Representative Kunimura introduced Mr. John Gilroot, "a person who had added so much to the welfare and well-being of the people of Kauai and especially the visitor industry. He has worked on Kauai to promote and to help us build our economic base, and for many years, Manager of Gray Line-Kauai."

Representative Crozier introduced Mr. Henry Koja from Kula, Maui, and President of the Maui Farmers Association.

At 11:45 o'clock a.m., Representative K. Yamada asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:47 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Nakamura.

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of considering certain resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 291 to 295) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 291) congratulating Kekuhaupio Akana on winning and setting new State of Hawaii records in Olympic weightlifting competition was jointly offered by Representatives Takitani, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Takitani, seconded by Representative Honda and carried, H.R. No. 291 was adopted.

Representative Takitani, prior to introducing the honoree, stated:

"Mr. Speaker, we are very, very proud today to be honoring Keku Akana. For me personally, you know, I am not proud just because of his record-setting but also because I have known Keku for quite a few years now and to me, he exemplifies the perseverance and dedication that leads one to success. He worked at his weightlifting diligently over the last few years and, well, you can just look at the product -- 250 pounds of home-grown muscle!

I would just like to point out to this body that Keku wasn't always that big. In fact, I can remember back when I used to go down to the beach and I used to kick sand on him. Seriously, though, I would just like to give you an example, Mr. Speaker, of the kind of strength that Keku Akana possesses.

Now, the resolution points out that he cleaned and jerked 374 pounds. Now, he picked up this weight and lifted it over his head. That is equivalent to him picking up Representative Holt and myself in one hand each and lifting us over his head. You know, I was going to use Representative Kunimura as an example but I didn't want to exaggerate.

Incidentally, though, for those of you from the Big Island, Keku's brother, Kawika, is a member of the Hilo Vulcans basketball team so it is quite a family tradition of winners. His sister was a former Miss Hawaii so there are all kinds of winners in that family."

Representative Takitani then presented the "strongest man in this State and a hell of a nice guy as well", Mr. Kekuhaupio Akana, to the members of the House and audience.

Representative Hashimoto presented the honoree with an orchid lei while Representative Honda presented him with a certified copy of the resolution.

A resolution (H.R. No. 292) congratulating and commending Shigeru Kansako upon his selection by the Hawaii Farm Bureau Federation as "The 1979 Outstanding Hawaii Farm Bureau Federation Member of the Year" was jointly offered by Representatives Takamine, Aki, Anderson, Andrews, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kiyabu,

Kunimura, Lunasco, Masutani, Nakamura, Narvaes, Sakamoto, Segawa, Shito, Stanley, Takitani, Toguchi, Uechi, Uwayne and D. Yamada.

On motion by Representative Takamine, seconded by Representative Uechi and carried, H.R. No. 292 was adopted.

Representative Takamine then rose and stated:

"Before I introduce the honoree, I would like to. . .they say that behind each successful person there is a better person and without whose understanding Mr. Kansako couldn't have accomplished so much, introduce Mrs. Kansako in the gallery."

Representative Takamine then presented the honoree, Mr. Shigeru Kansako, to the members of the House and audience.

A red carnation lei was presented to Mr. Kansako by Representative Stanley while Representative Takamine presented him with a certified copy of the resolution.

At this time, Representative K. Yamada requested permission to make a late introduction "in relation to the resolution just adopted" and introduced Mr. Slim Takayama, "a very close friend of mine and President of the Hilo County Farm Bureau."

A resolution (H.R. No. 293) honoring and congratulating Dickey Nitta, 1980 President of the Hawaii Farm Bureau Federation; the youngest person by age to ever be elected President of any of the fifty state-level farm bureau federations of the American Farm Bureau Federation; and for also being chosen as the Outstanding Hawaii Young Farmer of the Year for 1979 was jointly offered by Representatives Sakamoto, Aki, Anderson, Andrews, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kiyabu, Kunimura, Lunasco, Masutani, Nakamura, Narvaes, Segawa, Shito, Stanley, Takitani, Toguchi, Uechi, Uwayne and D. Yamada.

On motion by Representative Sakamoto, seconded by Representative Uechi and carried, H.R. No. 293 was adopted.

Representative Sakamoto then rose and introduced the honoree, Mr. Dickey Nitta, "a very close friend of mine and supporter who is also a great asset to the community of Waimanalo."

Representative Stanley presented Mr. Nitta with a red carnation lei and Representative Sakamoto presented

him with a certified copy of the resolution.

A resolution (H.R. No. 294) recognizing and commending Judy M. Kaneshiro, immediate past President, Women's Committee, Hawaii Farm Bureau Federation, for her diligent and dedicated work in Hawaii's diversified agricultural sector was jointly offered by Representatives Uechi, Andrews, de Heer, Fukunaga, Garcia, Hagino, Honda, Ige, Inaba, Kawakami, Kiyabu, Kobayashi, Kunimura, Lacy, Lee, Lunasco, Marumoto, Masutani, Narvaes, Sakamoto, Segawa, Shito, Silva, Takitani, Toguchi, Uwaine and K. Yamada.

On motion by Representative Uechi, seconded by Representative Inaba and carried, H.R. No. 294 was adopted.

Representative Uechi then introduced the honoree, Mrs. Judy Kaneshiro, saying:

"She truly is a hard worker within the Farm Bureau organization. I am doubly proud that she is a relative of mine and also that she comes from Kauai."

Representative Uechi then presented Mrs. Kaneshiro with a red carnation lei and a certified copy of the resolution.

A resolution (H.R. No. 295) commending Randall Kamiya, President of the Hawaii Farm Bureau Federation, for his exceptional leadership during 1978 and 1979 and extending best wishes for success in his future endeavors was jointly offered by Representatives Toguchi, Andrews, de Heer, Fukunaga, Garcia, Hagino, Honda, Ige, Inaba, Kawakami, Kiyabu, Kobayashi, Kunimura, Lacy, Lee, Lunasco, Marumoto, Masutani, Narvaes, Sakamoto, Segawa, Shito, Silva, Takitani, Uechi, Uwaine and K. Yamada.

On motion by Representative Toguchi, seconded by Representative Uechi and carried, H.R. No. 295 was adopted.

Representative Toguchi rose and stated:

"Before I make the introduction, I would just like to say a few words about Randy. Randy and I have been friends since high school so I have known him a long time.

In addition to all of the accomplishments mentioned in this resolution,

I think members of the Agriculture Committee in the House and also the other members in the House owe him a lot. I found him to be very helpful when I first came on as a freshman here in 1976 and then the later years. I think he has helped us in many ways, educating us and enlightening us on many of the agricultural issues that we have faced.

On behalf of the House, Randy, thank you for all the help."

Representative Toguchi then presented Mr. Randall Kamiya to the members of the House and audience.

Representative Hashimoto presented the honoree with a red carnation lei while Representative Toguchi presented him with a certified copy of the resolution.

At 12:11 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of extending our personal congratulations and best wishes to our honorees."

The House of Representatives reconvened at 12:20 o'clock p.m.

The following late introductions were made at this time:

Representative Kamalii introduced Mrs. Velma Santos, "a former member and an individual who has given unselfishly of her time and energy to the citizens of the State and is now serving the residents of Maui along with Republican Mayor, Hannibal Tavares, as Director of Human Services."

Representative Kihano introduced Senator Norman Glasser of Nevada and his wife, Mrs. Glasser, and stated:

"Senator Glasser will be meeting with all interested legislators this afternoon to discuss the Sage Brush Rebellion which is becoming a popular movement among western states. This movement deals with a very relevant issue to us here because of the ownership and use of federal lands. This meeting will be held this afternoon at 4:00 o'clock p.m. in Senate Conference Room 5 on the second floor. The meeting is also open to the press and members of the public."

Representative Kawakami then rose and stated:

"Mr. Speaker, just a correction to the announcement made by the Vice Speaker.

The House will also be having a meeting in the Speaker's lounge at 3:00 o'clock p.m. this afternoon, specifically for the House members."

Representative Anderson then rose to "clarify something that Representative Toguchi said when he was introducing Randy. He said that he has known him for a long time. Actually, he is not losing any hair and he is not getting gray very fast but the Representative forgets how long he has been out of school. It's a long, long time that he's known Randy."

Representative Toguchi responded:

"It might be a long time but I am not worried because my hair is not falling out."

ORDER OF THE DAY

UNFINISHED BUSINESS

Stand. Com. Rep. No. 456-80
on H.B. No. 2734-80:

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

Stand. Com. Rep. No. 463-80
on H.B. No. 2703-80, HD 1:

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

Stand. Com. Rep. No. 471-80
on H.B. No. 2181-80:

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

Stand. Com. Rep. No. 472-80
on H.B. No. 2361-80, HD 1:

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

Stand. Com. Rep. No. 473-80
on H.B. No. 2071-80, HD 1:

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

Stand. Com. Rep. No. 474-80
on H.B. No. 1998-80, HD 1:

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

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 487-80) informing the House that House Resolution Nos. 283 to 293, House Concurrent Resolution Nos. 89 to 93, and Standing Committee Report Nos. 465-80 to 475-80, have been printed and distributed.

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

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 488-80) recommending that H.B. No. 2063 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 2063-80, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 489-80) recommending that H.B. No. 2967-80, as amended in HD 1, be recommitted to the Committee on Finance.

At 12:25 o'clock p.m., on request by Representative Dods, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:27 o'clock p.m.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2967-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FUEL TAX", was recommitted to the Committee on Finance.

Representatives Blair and D. Yamada, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 490-80) recommending that H.B. No. 2537-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative D. Yamada and carried, the joint report of the Committees was adopted and H.B.

No. 2537-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EVICTION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representatives Ushijima and Morioka, for the Committees on Higher Education and Finance, presented a joint report (Stand. Com. Rep. No. 491-80) recommending that H.B. No. 2730-80, as amended in HD 1, be recommitted jointly to the Committees on Higher Education and Finance.

On motion by Representative Ushijima, seconded by Representative Morioka and carried, the joint report of the Committees was adopted and H.B. No. 2730-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE UNIVERSITY OF HAWAII", was recommitted jointly to the Committees on Higher Education and Finance.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 492-80) recommending that H.B. No. 2809-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 2809-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDUCT OF ELECTIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 493-80) recommending that H.B. No. 1873-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 1873-80, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 494-80) recommending that H.B.

No. 2053-80, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 494-80 on H.B. No. 2053-80, HD 1, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2053-80, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 495-80) recommending that H.B. No. 2185-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 495-80 on H.B. No. 2185-80 was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2185-80 were made available to the members of the House at 11:30 o'clock a.m.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2063-80; 2537-80, HD 1; 2809-80, HD 1; and 1873-80 were made available to the members of the House at 11:30 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 298 and 299) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 298) honoring Marcus Hayashida on the occasion of his sixty-first birthday was jointly offered by Representatives Takamine, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Takamine, seconded by Representative Hashimoto and carried, H.R. No. 298 was adopted.

A resolution (H.R. No. 299) expressing congratulations to Mr. Sandy Sumida, Chief of the Personnel Development and Training Division, City and County of Honolulu, upon his retirement from

public service was jointly offered by Representatives Larsen, Marumoto, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Lee, Lunasco, Masutani, Medeiros, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada and K. Yamada.

On motion by Representative Larsen, seconded by Representative Marumoto and carried, H.R. No. 299 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 296, 297 and 300) and concurrent resolutions (H.C.R. Nos. 94 to 97) were referred to the Committee on Legislative Management and further action was deferred until Monday, March 10, 1980:

A resolution (H.R. No. 296) requesting City & County of Honolulu authorization of jitney taxi operations linking off-corridor communities to MTL routes was jointly offered by Representatives Larsen and Dods.

A resolution (H.R. No. 297) requesting a study to determine the effectiveness of the coordination of employment training, vocational-technical education, and related manpower training programs in the State of Hawaii was jointly offered by Representatives Kiyabu, Ushijima, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Evans, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwayne and K. Yamada.

A resolution (H.R. No. 300) requesting development of the Makena-Laperouse State Park was jointly offered by Representatives Crozier, Andrews, de Heer, Hagino, Honda, Kawakami, Kunimura, Peters, Segawa, Shito, Takitani, Uechi, D. Yamada and K. Yamada.

A concurrent resolution (H.C.R. No. 94) relating to a transportation functional plan was offered by Representative Wakatsuki. (By request)

A concurrent resolution (H.C.R. No. 95) requesting City & County

of Honolulu authorization of jitney taxi operations linking off-corridor communities to MTL routes was jointly offered by Representatives Larsen and Dods.

A concurrent resolution (H.C.R. No. 96) requesting a study to determine the effectiveness of the coordination of employment training, vocational-technical education, and related manpower training programs in the State of Hawaii was jointly offered by Representatives Kiyabu, Ushijima, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwayne and K. Yamada.

A concurrent resolution (H.C.R. No. 97) requesting development of the Makena-Laperouse State Park was jointly offered by Representatives Crozier, Andrews, de Heer, Hagino, Honda, Kawakami, Kobayashi, Kunimura, Peters, Shito, Takitani, Toguchi, Uechi, D. Yamada and K. Yamada.

At 11:31 o'clock a.m., on request by Representative Narvaes, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:36 o'clock a.m.

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of taking up a Third Reading bill on the basis of a modified consent calendar.

THIRD READING

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

H.B. No. 2058-80, HD 1:

Representative D. Yamada moved that H.B. No. 2058-80, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, the basic element of justice through law is equal treatment regardless of station, race, or political affiliation. With House Bill 2058-80, we address and equalize the judicial protections extended to the property of protected persons and of decedent's estate. By present law, a circuit court judge's permission will be required to sell the property of a protected person but the court would only exercise its right on the nature of a sale or the sales price. Just the opposite applies to judicial protections during probate in a circuit court.

In the name of justice then, this bill is needed if the powers of the Judiciary are to be consistent and equitable. I hope you agree, Mr. Speaker, that equitability in the courts will have a direct and meritorious effect on the integrity of the Judiciary.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 2058-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Aki being excused.

The Chair directed the Clerk to note that H.B. No. 2058-80 had passed Third Reading at 12:39 o'clock p.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 456-80 on H.B. No. 2734-80:

Representative Kawakami requested that action on H.B. No. 2734-80 be deferred to the night calendar.

At 12:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:43 o'clock p.m., the Chair stated:

"If there are no objections, H.B. No. 2734-80 shall be deferred to the beginning of this evening's calendar."

There being no objections, the Chair "so ordered."

Stand. Com. Rep. No. 463-80

on H.B. No. 2703-80, HD 1:

Representative Ushijima rose and noted:

"Mr. Speaker, before moving for the passage of H.B. No. 2703-80, HD 1, may I note a typographical error that exists on line 3 of paragraph 3 of this Standing Committee Report 463-80. May the Journal reflect, Mr. Speaker, that Section 452-2 as referred in the Standing Committee Report be changed to Section 457-5."

On motion by Representative Ushijima, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2703-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Aki being excused.

Stand. Com. Rep. No. 471-80 on H.B. No. 2181-80:

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2181-80, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Aki being excused.

Stand. Com. Rep. No. 472-80 on H.B. No. 2361-80, HD 1:

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2361-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Evans voting no, and Representative Aki being excused.

Stand. Com. Rep. No. 473-80 on H.B. No. 2071-80, HD 1:

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2071-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSURE OF INDEPENDENT GROUP RESIDENCES FOR ELDERLY, HANDICAPPED OR DISABLED PERSONS", having been read throughout, passed

Third Reading by a vote of 50 ayes,
with Representative Aki being excused.

Stand. Com. Rep. No. 474-80
on H.B. No. 1998-80, HD 1:

On motion by Representative Morioka,
seconded by Representative Inaba
and carried, Stand. Com. Rep. .
No. 474-80 and H.B. No. 1998-80,
HD 1, entitled: "A BILL FOR AN
ACT RELATING TO LOST AND FOUND
MONEY OR PROPERTY AT AIRPORTS",
were recommitted to the Committee
on Finance inasmuch as a companion
Senate bill has come over.

The Chair directed the Clerk to
note that H.B. No. 2703-80 had passed
Third Reading at 12:44 o'clock p.m.;
2181-80 and 2361-80 at 12:45 o'clock
p.m.; and 2071-80 at 12:46 o'clock
p.m.

At this time, Representative Ushijima
rose and requested waiver of the
House Rules requiring the 48-hour
notice on public hearings on H.B.
No. 2730-80, HD 1.

There being no objections, the
waiver was granted by the Chair.

At this time, the Chair made the
following announcement:

"The Chair would like to remind
all members that today, tomorrow
and Sunday are crucial days for
the purpose of getting signatures,
for the purpose of having the bills
down to the printshop. Please check
with the chairmen and be available
to sign reports. Otherwise, we
are going to have some logistical
problems and possibly bills not
passing."

Representative Evans then rose
and made the following announcement:

"Mr. Speaker, I would like to
announce the presentation of my
first Golden Goose Award of the
Year to the Hawaii Foundation on
History and the Humanities and
the Historic Places Review Board
for the historic mess they have made
of 579 historic sites and buildings.

Thank you."

At 12:50 o'clock p.m., on motion
by Representative K. Yamada, seconded
by Representative Evans and carried,

the House of Representatives stood
in recess until 9:00 o'clock p.m. this
evening.

EVENING SESSION

The House of Representatives reconvened
at 9:17 o'clock p.m.

The Chair then directed the Clerk
to note the presence of Representative
Aki.

DEFERRED MATTER FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 456-80 on
H.B. No. 2734-80:

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

STANDING COMMITTEE REPORTS

Representative Morioka, for the
majority of the Committee on Finance,
presented a report (Stand. Com. Rep.
No. 496-80) recommending that H.B.
No. 2773-80, as amended in HD 1,
pass Second Reading and be placed
on the calendar for Third Reading.

On motion by Representative Inaba,
seconded by Representative Holt and
carried, the report of the majority
of the Committee was adopted and
H.B. No. 2773-80, HD 1, entitled:
"A BILL FOR AN ACT RELATING TO
BONDS", passed Second Reading and
was placed on the calendar for Third
Reading on Monday, March 10, 1980.

Representative Morioka, for the
majority of the Committee on Finance,
presented a report (Stand. Com. Rep.
No. 497-80) recommending that H.B.
No. 1964-80 pass Third Reading.

By unanimous consent, consideration
of Stand. Com. Rep. No. 497-80 on
H.B. No. 1964-80 was deferred until
Monday, March 10, 1980, and in accordance
with Article III, Section 16, of the
Constitution of the State of Hawaii,
printed copies of H.B. No. 1964-80
were made available to the members
of the House at 9:00 o'clock p.m.

Representative Morioka, for the
Committee on Finance, presented a
report (Stand. Com. Rep. No. 498-
80) recommending that H.B. No. 2093-
80 pass Third Reading.

By unanimous consent, consideration

of Stand. Com. Rep. No. 498-80 on H.B. No. 2093-80 was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2093-80 were made available to the members of the House at 9:00 o'clock p.m.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 499-80) recommending that H.B. No. 2733-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2733-80, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LICENSES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 500-80) recommending that H.B. No. 2368-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative K. Yamada and carried, the report of the majority of the Committee was adopted and H.B. No. 2368-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATORY PRICING IN SUPPLYING LIQUOR", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 501-80) recommending that H.B. No. 2443-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2443-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE CHARTERED CREDIT UNIONS", passed Second Reading and was placed on the calendar

for Third Reading on Monday, March 10, 1980.

Representatives Blair and D. Yamada, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 502-80) recommending that H.B. No. 2850-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Honda and carried, the joint report of the Committees was adopted and H.B. No. 2850-80, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representatives Blair and Shito, for the majority of the Committees on Consumer Protection and Commerce and Housing, presented a joint report (Stand. Com. Rep. No. 503-80) recommending that H.B. No. 1875-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative K. Yamada and carried, the joint report of the majority of the Committees was adopted and H.B. No. 1875-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HORIZONTAL PROPERTY REGIME", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representatives Blair and Segawa, for the Committees on Consumer Protection and Commerce and Health, presented a joint report (Stand. Com. Rep. No. 504-80) recommending that S.B. No. 2134-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Segawa and carried, the joint report of the Committees was adopted and S.B. No. 2134-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD, DRUGS, AND COSMETICS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 505-80) recommending that H.B. No. 2589-80 pass Second Reading and be placed on the calendar for

Third Reading.

On motion by Representative Blair, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2589-80, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

At 9:20 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.

Representatives Blair and Uwaine, for the Committees on Consumer Protection and Commerce and Energy, presented a joint report (Stand. Com. Rep. No. 506-80) recommending that H.B. No. 2555-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the joint report of the Committees was adopted and H.B. No. 2555-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEALERS OF SOLAR ENERGY DEVICES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representatives Blair and Shito, for the Committees on Consumer Protection and Commerce and Energy, presented a joint report (Stand. Com. Rep. No. 507-80) recommending that H.B. No. 1945-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the joint report of the Committees was adopted and H.B. No. 1945-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representatives Blair and D. Yamada, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 508-80) recommending that H.B. No. 2668-80, as amended in HD 2, pass Second Reading and

be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Blair and carried, the joint report of the Committees was adopted and H.B. No. 2668-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATION AND PRACTICE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 509-80) recommending that H.B. No. 1985-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 1985-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 510-80) recommending that H.B. No. 2322-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2322-80, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF PRIVATE DETECTIVES AND GUARDS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 511-80) recommending that H.B. No. 2732-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2732-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING COMPANIES OR REPAIR BUSINESSES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 512-80) recommending that H.B. No. 3046-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 3046-80, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATE OF REGISTRATION; CERTIFICATE OF OWNERSHIP; CONTAINERS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 513-80) recommending that H.B. No. 2226-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2226-80, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 514-80) recommending that H.B. No. 2171-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Holt and carried, the report of the Committee was adopted and H.B. No. 2171-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 515-80) recommending that H.B. No. 2219-80, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Holt and carried, the report of the Committee

was adopted and H.B. No. 2219-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 516-80) recommending that H.B. No. 2035-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 516-80 on H.B. No. 2035-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2035-80, HD 2, were made available to the members of the House at 9:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 517-80) recommending that H.B. No. 1992-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 517-80 on H.B. No. 1992-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1992-80, HD 2, were made available to the members of the House at 9:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 518-80) recommending that H.B. No. 1965-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 518-80 on H.B. No. 1965-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1965-80, HD 2, were made available to the members of the House at 9:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 519-80) recommending that H.B. No. 2410-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 519-80 on

H.B. No. 2410-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2410-80, HD 2, were made available to the members of the House at 9:00 o'clock p.m.

Representatives D. Yamada and Blair, for the Committees on Judiciary and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 520-80) recommending that H.B. No. 2590-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Blair and carried, the joint report of the Committees was adopted and H.B. No. 2590-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURE ACT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 521-80) recommending that H.B. No. 2551-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 521-80 on H.B. No. 2551-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2551-80, HD 2, were made available to the members of the House at 9:00 o'clock p.m.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 522-80) recommending that H.B. No. 2558-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.B. No. 2558-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No.

523-80) recommending that H.B. No. 2810-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.B. No. 2810-80, entitled: "A BILL FOR AN ACT RELATING TO ELECTION REGISTRATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 524-80) recommending that H.B. No. 2454-80, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2454-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO POLITICAL SUBDIVISION POLLUTION CONTROL BONDS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 525-80) recommending that H.B. No. 2540-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2540-80, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 526-80) recommending that H.B. No. 2822-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 526-80 on H.B. No. 2822-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2822-80, HD 2, were made available to the members of the House at 9:00 o'clock p.m.

Representative Morioka, for the

majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 527-80) recommending that H.B. No. 2472-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 527-80 on H.B. No. 2472-80 was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2472-80 were made available to the members of the House at 9:00 o'clock p.m.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 528-80) recommending that H.B. No. 1813-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 1813-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 529-80) recommending that H.B. No. 2163-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 2163-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 530-80) recommending that H.B. No. 1807-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 1807-80, entitled: "A BILL FOR AN ACT

RELATING TO CONSERVATION EMPLOYMENT PROGRAMS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 531-80) recommending that H.B. No. 2666-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2666-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RETAIL INSTALLMENT SALES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representatives Blair and Shito, for the majority of the Committees on Consumer Protection and Commerce and Housing, presented a joint report (Stand. Com. Rep. No. 532-80) recommending that H.B. No. 1782-80, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the joint report of the majority of the Committees was adopted and H.B. No. 1782-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 533-80) recommending that H.B. No. 2845-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.B. No. 2845-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 534-80) recommending that H.B. No. 2929-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakamura and carried, the report of the majority of the Committee was adopted and H.B. No. 2929-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF DEFENDANTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 535-80) recommending that H.B. No. 2816-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.B. No. 2816-80, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representatives Kiyabu and Kawakami, for the majority of the Committees on State General Planning and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 536-80) recommending that H.B. No. 1775-80, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the joint report of the majority of the Committees was adopted and H.B. No. 1775-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE PLANNING", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representatives Kiyabu and Morioka, for the Committees on State General Planning and Finance, presented a joint report (Stand. Com. Rep. No. 537-80) recommending that H.B. No. 1777-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, the joint report of the Committees was adopted and H.B. No. 1777-80, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PLAN AND EXECUTIVE BUDGET", passed Second Reading

and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 538-80) recommending that H.B. No. 2842-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.B. No. 2842-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISH AND GAME", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Lunasco, for the Committee on Education, presented a report (Stand. Com. Rep. No. 539-80) recommending that H.B. No. 2712-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2712-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF TEACHERS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 540-80) recommending that H.B. No. 2870-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 2870-80, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLDS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 541-80) recommending that H.B. No. 2318-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2318-80,

entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 542-80) recommending that H.B. No. 2319-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2319-80, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF VETERINARY EXAMINERS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2773-80, HD 1; 2733-80; 2368-80, HD 1; 2443-80, HD 1; 2850-80; and 1875-80, HD 1; S.B. No. 2134-80, HD 1; H.B. Nos. 2589-80; 2555-80, HD 1; 1945-80, HD 1; 2668-80, HD 2; 1985-80, HD 1; 2322-80; 2732-80, HD 1; 3046-80; 2226-80; 2171-80, HD 1; 2219-80, HD 1; 2590-80, HD 1; 2558-80, HD 1; 2810-80; 2454-80, HD 2; 2540-80; 1813-80, HD 1; 2163-80, HD 1; 1807-80; 2666-80, HD 1; 1782-80, HD 2; 2845-80, HD 1; 2929-80, HD 1; 2816-80; 1775-80, HD 2; 1777-80; 2842-80, HD 1; 2712-80, HD 1; 2870-80; 2318-80; and 2319-80 were made available to the members of the House at 9:00 o'clock p.m.

At 10:28 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:29 o'clock p.m.

DEFERRED MATTER FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 456-80 on H.B. No. 2734-80:

On motion by Representative Kawakami, seconded by Representative K. Yamada and carried, Stand. Com. Rep. No. 456-80 and H.B. No. 2734-80, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION AND MAINTENANCE OF SIDEWALKS AND GUTTERS", were recommitted to the Committee on Water, Land Use,

Development and Hawaiian Affairs.

At 10:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:50 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 543-80) recommending that H.B. No. 2680-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.B. No. 2680-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC RECORDS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 544-80) recommending that H.B. No. 2646-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.B. No. 2646-80, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 545-80) recommending that H.B. No. 2669-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.B. No. 2669-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 546-80) recommending that H.B. No. 2262-

80, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 546-80 on H.B. No. 2262-80, HD 1, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2262-80, HD 1, were made available to the members of the House at 10:30 o'clock p.m.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 547-80) recommending that H.B. No. 1957-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 1957-80, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF CIVIL SERVICE ELIGIBLES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representatives Stanley and Nakamura, for the Committees on Public Employment and Government Operations and Corrections and Rehabilitation, presented a joint report (Stand. Com. Rep. No. 548-80) recommending that H.B. No. 2191-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Nakamura and carried, the joint report of the Committees was adopted and H.B. No. 2191-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNERSHIP AND POSSESSION OF FIREARMS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representatives Stanley and Takamine, for the Committees on Public Employment and Government Operations and Employment Opportunities and Labor Relations, presented a joint report (Stand. Com. Rep. No. 549-80) recommending that H.B. No. 1958-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley,

seconded by Representative Kunimura and carried, the joint report of the Committees was adopted and H.B. No. 1958-80, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SICK LEAVE CREDITS WITH WORKERS' COMPENSATION BENEFITS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 550-80) recommending that H.B. No. 2533-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative de Heer, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.B. No. 2533-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 551-80) recommending that H.B. No. 2178-80, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 551-80 on H.B. No. 2178-80, HD 1, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2178-80, HD 1, were made available to the members of the House at 10:30 o'clock p.m.

Representatives Larsen and Dods, for the Committees on Ecology and Environmental Protection and Transportation, presented a joint report (Stand. Com. Rep. No. 552-80) recommending that H.B. No. 2428-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 552-80 on H.B. No. 2428-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2428-80, HD 2, were made available to the members of the House at 10:30 o'clock p.m.

Representative Morioka, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 553-80) recommending that H.B. No. 2577-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2577-80, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 554-80) recommending that H.B. No. 2059-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2059-80, entitled: "A BILL FOR AN ACT RELATING TO THE GRAND JURY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 555-80) recommending that H.B. No. 2224-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2224-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 556-80) recommending that H.B. No. 1361, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 556-80 on H.B. No. 1361, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1361, HD 2, were made available

to the members of the House at 10:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 557-80) recommending that H.B. No. 273, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 557-80 on H.B. No. 273, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 273, HD 2, were made available to the members of the House at 10:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 558-80) recommending that H.B. No. 2218-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 558-80 on H.B. No. 2218-80 was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2218-80 were made available to the members of the House at 10:30 o'clock p.m.

Representatives Lee and Shito, for the Committees on Public Assistance and Human Services and Housing, presented a joint report (Stand. Com. Rep. No. 559-80) recommending that H.B. No. 2286-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Shito and carried, the joint report of the Committees was adopted and H.B. No. 2286-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representatives Lee and Blair, for the Committees on Public Assistance and Human Services and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 560-80) recommending that H.B. No. 2795-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Blair and carried, the joint report of the Committees was adopted and H.B.

No. 2795-80, entitled: "A BILL FOR AN ACT RELATING TO NURSING HOME ADMINISTRATORS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Lee, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 561-80) recommending that H.B. No. 1997-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Ige and carried, the report of the Committee was adopted and H.B. No. 1997-80, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF SOCIAL SERVICES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Lee, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 562-80) recommending that H.B. No. 2073-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Ige and carried, the report of the Committee was adopted and H.B. No. 2073-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Lee, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 563-80) recommending that H.B. No. 2173-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Ige and carried, the report of the Committee was adopted and H.B. No. 2173-80, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE PROGRAM VIOLATIONS AND PENALTIES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Lee, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 564-80) recommending

that H.B. No. 2362-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Ige and carried, the report of the Committee was adopted and H.B. No. 2362-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMICILIARY CARE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Lunasco, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 565-80) recommending that H.B. No. 2388-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kunimura and carried, the report of the majority of the Committee was adopted and H.B. No. 2388-80, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT SCHOOL ADVISORY COUNCILS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Uwaine, for the Committee on Energy, presented a report (Stand. Com. Rep. No. 566-80) recommending that H.B. No. 1947-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 566-80 on H.B. No. 1947-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1947-80, HD 2, were made available to the members of the House at 10:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 567-80) recommending that H.B. No. 2297-80, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 567-80 on H.B. No. 2297-80, HD 1, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2297-80, HD 1, were made available to the members of the House at 10:30 o'clock p.m.

Representatives Kawakami and Uechi, for the Committees on Water, Land Use, Development and Hawaiian Affairs, and Agriculture, presented a joint report (Stand. Com. Rep. No. 568-80) recommending that H.B. No. 2418-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Uechi and carried, the joint report of the Committees was adopted and H.B. No. 2418-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY PRODUCTION FACILITIES IN AGRICULTURE DISTRICTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 569-80) recommending that H.B. No. 2661-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 2661-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 570-80) recommending that H.B. No. 3048-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Kobayashi and carried, the report of the Committee was adopted and H.B. No. 3048-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Lee, for the majority of the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 571-80) recommending that H.B. No. 1685, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Segawa and carried, the report of the majority of the Committee was adopted and H.B. No. 1685, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Lunasco, for the Committee on Education, presented a report (Stand. Com. Rep. No. 572-80) recommending that H.B. No. 2487-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2487-80, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Segawa, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 573-80) recommending that H.B. No. 521, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 573-80 on H.B. No. 521, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 521, HD 2, were made available to the members of the House at 10:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 574-80) recommending that H.B. No. 2177-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 574-80 on H.B. No. 2177-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2177-80, HD 2, were made available to the members of the House at 10:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 575-80) recommending that H.B. No. 2128-80 pass Third Reading.

By unanimous consent, consideration

of Stand. Com. Rep. No. 575-80 on H.B. No. 2128-80 was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2128-80 were made available to the members of the House at 10:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 576-80) recommending that H.B. No. 2188-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 576-80 on H.B. No. 2188-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2188-80, HD 2, were made available to the members of the House at 10:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 577-80) recommending that H.B. No. 2889-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 577-80 on H.B. No. 2889-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2889-80, HD 2, were made available to the members of the House at 10:30 o'clock p.m.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 578-80) recommending that H.B. No. 2051-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.B. No. 2051-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CODE OF ETHICS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 579-80) recommending that H.B. No. 1811-80, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 579-80 on H.B. No. 1811-80, HD 1, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1811-80, HD 1, were made available to the members of the House at 10:30 o'clock p.m.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 580-80) recommending that H.B. No. 1982-80 pass Second Reading and be placed on the calendar for Third Reading.

At 10:58 o'clock p.m., on request by Representative Larsen, the Chair declared a recess, subject to the call of the Chair.

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

On motion by Representative Kawakami, seconded by Representative Fukunaga and carried, the report of the Committee was adopted and H.B. No. 1982-80, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF PUBLIC LANDS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Lunasco, for the Committee on Education, presented a report (Stand. Com. Rep. No. 581-80) recommending that H.B. No. 2711-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2711-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Segawa, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 582-80) recommending that H.B. No. 1787-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Kobayashi and carried, the report of the majority of the Committee was adopted and H.B. No. 1787-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE HANDICAPPED", passed Second Reading and was placed

on the calendar for Third Reading on Monday, March 10, 1980.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 583-80) recommending that H.B. No. 2629-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Lee and carried, the report of the Committee was adopted and H.B. No. 2629-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representatives Dods and Blair, for the Committees on Transportation and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 584-80) recommending that H.B. No. 2339-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Dods, seconded by Representative Blair and carried, the joint report of the Committees was adopted and H.B. No. 2339-80, entitled: "A BILL FOR AN ACT RELATING TO PORT PILOTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 585-80) recommending that H.B. No. 2367-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2367-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE IMPORTATION, PURCHASE AND SALE OF INTOXICATING LIQUOR", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2680-80, HD 1; 2646-80; 2669-80, HD 1; 1957-80; 2191-80, HD 1; 1958-80; 2533-80, HD 1; 2577-80; 2059-80; 2224-80, HD 1; 2286-80, HD 1; 2795-80; 1997-80; 2073-

80, HD 1; 2173-80; 2362-80, HD 1; 2388-80; 2418-80, HD 1; 2661-80, HD 1; 3048-80, HD 1; 1685-80, HD 1; 2487-80; 2051-80, HD 1; 1982-80; 2711-80, HD 1; 1787-80, HD 1; 2629-80, HD 1; 2339-80; and 2367-80, HD 1, were made available to the members of the House at 10:30 o'clock p.m.

At 11:02 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:35 o'clock p.m.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 586-80) recommending that H.B. No. 2892-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2892-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII BANK ACT OF 1931", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 587-80) recommending that H.B. No. 721, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 721, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER TRANSACTIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 588-80) recommending that H.B. No. 1925-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1925-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March

10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 589-80) recommending that H.B. No. 2321-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2321-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 590-80) recommending that H.B. No. 2789-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2789-80, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 591-80) recommending that H.B. No. 2264-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2264-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT OF A MARRIAGE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 592-80) recommending that H.B. No. 2549-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative K. Yamada and carried, the report of the majority of the Committee was adopted and H.B. No. 2549-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 593-80) recommending that H.B. No. 2930-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative K. Yamada and carried, the report of the majority of the Committee was adopted and H.B. No. 2930-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 594-80) recommending that H.B. No. 2448-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2448-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ABUSE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 595-80) recommending that H.B. No. 2674-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2674-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL REMEDIES AND DEFENSES AND SPECIAL PROCEEDINGS, LIMITATION OF ACTION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented

a report (Stand. Com. Rep. No. 596-80) recommending that H.B. No. 2826-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2826-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY OF DOG OWNERS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 597-80) recommending that H.B. No. 2625-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 597-80 on H.B. No. 2625-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2625-80, HD 2, were made available to the members of the House at 11:30 o'clock p.m.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 598-80) recommending that H.B. No. 2944-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 598-80 on H.B. No. 2944-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2944-80, HD 2, were made available to the members of the House at 11:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 599-80) recommending that H.B. No. 2328-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 599-80 on H.B. No. 2328-80, HD 2, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2328-80, HD 2, were made available to the members of

the House at 11:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 600-80) recommending that H.B. No. 2660-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 600-80 on H.B. No. 2660-80, was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2660-80 were made available to the members of the House at 11:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 601-80) recommending that H.B. No. 2458-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 601-80 on H.B. No. 2458-80 was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2458-80 were made available to the members of the House at 11:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 602-80) recommending that H.B. No. 3047-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 602-80 on H.B. No. 3047-80 was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3047-80 were made available to the members of the House at 11:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 603-80) recommending that H.B. No. 2196-80, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2196-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUPIL TRANSPORTATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a

report (Stand. Com. Rep. No. 604-80) recommending that H.B. No. 2225-80, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2225-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 605-80) recommending that H.B. No. 1987-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 605-80 on H.B. No. 1987-80 was deferred until Monday, March 10, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1987-80 were made available to the members of the House at 11:30 o'clock p.m.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 606-80) recommending that H.B. No. 1826-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 1826-80, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 607-80) recommending that H.B. No. 2372-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2372-80, entitled: "A BILL FOR AN ACT RELATING TO SELECTIVE EMPLOYMENT AND THE

CIVIL SERVICE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 608-80) recommending that H.B. No. 2874-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2874-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Stanley, for the majority of the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 609-80) recommending that H.B. No. 2168-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative K. Yamada and carried, the report of the majority of the Committee was adopted and H.B. No. 2168-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980, with Representatives Evans and Kunimura registering no votes.

Representatives D. Yamada and Aki, for the Committees on Judiciary and Youth and Elderly Affairs, presented a joint report (Stand. Com. Rep. No. 610-80) recommending that H.B. No. 2175-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Ige and carried, the joint report of the Committees was adopted and H.B. No. 2175-80, entitled: "A BILL FOR AN ACT RELATING TO NAMES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 611-80) recommending that H.B. No. 3045-80 pass Second Reading

and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 3045-80, entitled: "A BILL FOR AN ACT RELATING TO PROCEDURE WHEN TITLE OF VEHICLE TRANSFERRED; DELIVERY OF CERTIFICATE MANDATORY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 10, 1980.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2892-80; 721, HD 1; 1925-80, HD 1; 2321-80, HD 1; 2789-80; 2264-80, HD 1; 2549-80, HD 1; 2930-80, HD 1; 2448-80, HD 1; 2674-80, HD 1; 2826-80, HD 1; 2196-80, HD 2; 2225-80, HD 2; 1826-80; 2372-80, HD 1; 2874-80, HD 1; 2168-80; 2175-80; and 3045-80 were made available to the members of the House at 11:30 o'clock p.m.

At 11:40 o'clock p.m., on request by Representative Dods, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:46 o'clock p.m.

At this time, Representative Dods rose and requested waiver of the House Rules requiring the 48-hour notice for a bill on pilotage to be discussed on Monday morning.

There being no objections, the waiver was granted by the Chair.

At 11:47 o'clock p.m., on request by Representative Peters, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:48 o'clock p.m.

The Chair then made the following announcement:

"The Chair would like to remind all members that Monday will be a very long day. Dress comfortably and have your stomachs filled with food."

ADJOURNMENT

At 11:50 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives adjourned to 12:00 o'clock noon on Monday, March 10, 1980.

THIRTY-THIRD DAY

Monday, March 10, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 12:00 o'clock noon, with the Vice Speaker presiding.

The Divine Blessing was invoked by Reverend James W. Beebee representing Kailua United Methodist Church, after which the Roll was called showing all members present with the exception of Representatives Garcia and Wakatsuki, who were excused.

By unanimous consent, reading of the Journal was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 68 to 71) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 68) returning H.C.R. No. 92 which was adopted in the Senate on March 7, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 69) returning H.C.R. No. 93 which was adopted in the Senate on March 7, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 70) transmitting Senate Bill No. 1832-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREER CRIMINALS", which passed Third Reading in the Senate on March 7, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 71) transmitting Senate Bill No. 2200-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXPUNGEMENT OF ARREST RECORDS", which passed Third Reading in the Senate on March 7, 1980, was placed on file.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, S.B. No. 1832-80, SD 1, and S.B. No. 2200-80, SD 1, passed First Reading by title and further action was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 71-A) informing the House that the Senate had reconsidered its action taken on March 4, 1980, on Senate Bill No. 1703, SD1, HD1, CD1; that the bill would be on the agenda for March 18, 1980; and that the Governor had been notified in accordance with Article XVII, Section 3 of the Constitution of the State of Hawaii, was placed on file.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were disposed of as follows:

<u>S.B. No.</u>	<u>Referred to:</u>
1832	Committee on Judiciary
1885	Jointly to Committees on Consumer Protection and Commerce and Judiciary
1911	Jointly to Committees on Energy and Education, then to Committee on Finance
1913	Jointly to Committees on Education and Energy, then to Committee on Finance
1983	Jointly to Committees on Health and Education
2002	Jointly to Committees on Judiciary and Transportation, then to Committee on Finance
2004	Committee on Transportation
2081	Committee on Consumer Protection and Commerce
2098	Committee on Consumer

Protection and Commerce

2188 Committee on Consumer Protection and Commerce

2200 Committee on Judiciary

2214 Jointly to Committees on Consumer Protection and Commerce and Public Employment and Government Operations, then to Committee on Finance

2319 Committee on Judiciary

2883 Committee on Judiciary, then to Committee on Finance

3094 Jointly to Committees on Consumer Protection and Commerce and Judiciary

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 283 to 287, 296 to 297 and 300) and concurrent resolutions (H.C.R. Nos. 89 to 91 and 94 to 97) were disposed of as follows:

<u>H.R. No.</u>	<u>Referred to:</u>
283	Jointly to Committees on Employment Opportunities and Labor Relations and Agriculture, then to Committee on Legislative Management
284	Committee on Water, Land Use, Development and Hawaiian Affairs
285	Committee on Water, Land Use, Development and Hawaiian Affairs, then to Committee on Finance
286	Jointly to Committees on Agriculture and Higher Education, then to Committee on Finance
287	Committee on Consumer Protection and Commerce, then to Committee on Finance
296	Committee on Transportation
297	Jointly to Committees on Employment Opportunities

and Labor Relations and Higher Education and Education, then to Committee on Finance

300 Jointly to Committees on Water, Land Use, Development and Hawaiian Affairs and State General Planning, then to Committee on Finance

H.C.R. No.

89 Committee on Water, Land Use, Development and Hawaiian Affairs, then to Committee on Finance

90 Committee on Water, Land Use, Development and Hawaiian Affairs

91 Committee on Consumer Protection and Commerce, then to Committee on Finance

94 Jointly to Committees on State General Planning and Transportation

95 Committee on Transportation

96 Jointly to Committees on Employment Opportunities and Labor Relations, Higher Education and Education, then to Committee on Finance

97 Jointly to Committees on Water, Land Use, Development and Hawaiian Affairs and State General Planning, then to Committee on Finance

COMMITTEE REASSIGNMENT

The following bill was re-referred as follows:

<u>H.B. No.</u>	<u>Re-referred to:</u>
2086	Committee on Transportation

At 12:08 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:22 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 612-80) informing the House that House Resolution Nos. 291 to 300, House Concurrent Resolution Nos. 94 to 97 and House Standing Committee Report Nos. 477-80 to 486-80 have been printed and distributed.

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

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 613-80) recommending that H.B. No. 2167-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Ushijima and carried, the report of the Committee was adopted and H.B. No. 2167-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 614-80) recommending that H.B. No. 501, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Ushijima and carried, the report of the Committee was adopted and H.B. No. 501, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL RECORDS", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 615-80) recommending that H.B. No. 2932-80, as amended in HD 1,

pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Ushijima and carried, the report of the Committee was adopted and H.B. No. 2932-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2167-80, HD 1; 501, HD 1 and 2932-80, HD 1, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 616-80) recommending that H.B. No. 2645-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 616-80 on H.B. No. 2645-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2645-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 617-80) recommending that H.B. No. 1852-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 617-80 on H.B. No. 1852-80 was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1852-80 were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 618-80) recommending that H.B. No. 2217-80, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 618-80 on H.B. No. 2217-80, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2217-80, HD 1, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 619-80) recommending that H.B. No. 2294-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 619-80 on H.B. No. 2294-80 was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2294-80 were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 620-80) recommending that H.B. No. 1961-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 620-80 on H.B. No. 1961-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1961-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 621-80) recommending that H.B. No. 2945-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 621-80 on H.B. No. 2945-80 was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2945-80 were made available to the members of the House

at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 622-80) recommending that H.B. No. 2672-80, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 622-80 on H.B. No. 2672-80, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2672-80, HD 1, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 623-80) recommending that H.B. No. 2215-80, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 623-80 on H.B. No. 2215-80, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2215-80, HD 1, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 624-80) recommending that H.B. No. 2343-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 624-80 on H.B. No. 2343-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2343-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 625-80) recommending that H.B. No. 2141-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 625-80 on H.B. No. 2141-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2141-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 626-80) recommending that H.B. No. 2216-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 626-80 on H.B. No. 2216-80 was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2216-80 were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 627-80) recommending that H.B. No. 2647-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 627-80 on H.B. No. 2647-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2647-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 628-80) recommending that H.B. No. 2723-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 628-80 on H.B. No. 2723-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed

copies of H.B. No. 2723-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 629-80) recommending that H.B. No. 1772-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 629-80 on H.B. No. 1772-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1772-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 630-80) recommending that H.B. No. 2752-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 630-80 on H.B. No. 2752-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2752-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 631-80) recommending that H.B. No. 2633-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 631-80 on H.B. No. 2633-80 was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2633-80 were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 632-80) recommending that H.B.

No. 584, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 632-80 on H.B. No. 584, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 584, HD 1, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 633-80) recommending that H.B. No. 1933-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 633-80 on H.B. No. 1933-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1933-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 634-80) recommending that H.B. No. 2296-80, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 634-80 on H.B. No. 2296-80, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2296-80, HD 1, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 635-80) recommending that H.B. No. 3052-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 635-80 on H.B. No. 3052-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with

Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3052-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 636-80) recommending that H.B. No. 2983-80, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 636-80 on H.B. No. 2983-80, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2983-80, HD 1, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 637-80) recommending that H.B. No. 2153-80, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 637-80 on H.B. No. 2153-80, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2153-80, HD 1, were made available to the members of the House at 12:00 o'clock noon.

At 12:30 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 638-80) recommending that H.B. No. 2897-80, HD 2, as amended in HD 3, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2897-80,

HD 3, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 639-80) recommending that H.B. No. 1611 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the majority of the Committee was adopted and H.B. No. 1611, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATORS IN THE DEPARTMENT OF THE ATTORNEY GENERAL", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 640-80) recommending that H.B. No. 2980-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2980-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 641-80) recommending that H.B. No. 2552-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2552-80, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS", passed Second Reading and was

placed on the calendar for Third Reading Wednesday, March 12, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 642-80) recommending that H.B. No. 2444-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2444-80, entitled: "A BILL FOR AN ACT RELATING TO INDEXING OF THE HAWAII REVISED STATUTES", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980.

The Chair directed the Clerk to note that printed copies of the following bills were made available to the members of the House at 12:00 o'clock noon: H.B. Nos. 2897-80, HD 3; 1611; 2980-80, HD 1; 2552-80 and 2444-80.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 643-80) recommending that H.B. No. 2634-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 643-80 on H.B. No. 2634-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2634-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 644-80) recommending that H.B. No. 2496-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 644-80 on H.B. No. 2496-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed

copies of H.B. No. 2496-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 645-80) recommending that H.B. No. 2344-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 645-80 on H.B. No. 2344-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2344-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 646-80) recommending that H.B. No. 1610, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 646-80 on H.B. No. 1610, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1610, HD 1, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 647-80) recommending that H.B. No. 2072-80, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 647-80 on H.B. No. 2072-80, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2072-80, HD 1, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No.

648-80) recommending that H.B. No. 2753-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 648-80 on H.B. No. 2753-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2753-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 649-80) recommending that H.B. No. 1853-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 649-80 on H.B. No. 1853-80 was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1853-80 were made available to the members of the House at 12:00 o'clock noon.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 650-80) recommending that H.B. No. 2409-80, HD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2409-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A RADIOLOGICAL SAFETY TASK FORCE", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 651-80) recommending that H.B. No. 2222-80, HD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka,

seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2222-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT PARKING CONTROL", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2409-80, HD 2 and 2222-80, HD 2, were made available to the members of the House at 12:00 o'clock noon.

At 12:45 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives recessed until 3:00 o'clock p.m.

The House of Representatives reconvened at 3:34 o'clock p.m.

At this time, the Speaker assumed the rostrum.

STANDING COMMITTEE REPORTS

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 652-80) recommending that H.B. No. 2086-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Dods, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2086-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 653-80) recommending that H.B. No. 2539-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba

and carried, the report of the Committee was adopted and H.B. No. 2539-80, entitled: "A BILL FOR AN ACT RELATING TO TAX REBATES AND PROVIDING AN APPROPRIATION THEREFOR", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980, with Representatives Anderson, Evans, Hagino, Hashimoto, Ikeda, Kamalii, Lacy, Larsen, Lunasco, Marumoto, Medeiros, Say, Sutton, Toguchi and Uechi voting no.

The Chair directed the Clerk to note that printed copies of H.B. No. 2086-80, HD 1, and H.B. No. 2539-80 were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 654-80) recommending that H.B. No. 2023-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 654-80 on H.B. No. 2023-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2023-80, HD 2, were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 655-80) recommending that H.B. No. 2673-80, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 655-80 on H.B. No. 2673-80, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2673-80, HD 1, were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 656-80) recommending that H.B. No. 2574-80, HD 1, as amended in HD 2

pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 656-80 on H.B. No. 2574-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2574-80, HD 2, were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 657-80) recommending that H.B. No. 2022-80, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 657-80 on H.B. No. 2022-80, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2022-80, HD 1, were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 658-80) recommending that H.B. No. 2815-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 658-80 on H.B. No. 2815-80 was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2815-80 were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 659-80) recommending that H.B. No. 2847-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No.

2847-80, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REPAIR AND MAINTENANCE OF PUBLIC FACILITIES", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980.

The Chair directed the Clerk to note that printed copies of H.B. No. 2847-80, HD 1, were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 660-80) recommending that H.B. No. 3006-80, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 660-80 on H.B. No. 3006-80, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3006-80, HD 1, were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 661-80) recommending that H.B. No. 2720-80 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 661-80 on H.B. No. 2720-80 was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2720-80 were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 662-80) recommending that H.B. No. 2729-80, HD 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 662-80 on H.B. No. 2729-80, HD 3, was deferred until Wednesday, March

12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2729-80, HD 3, were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 663-80) recommending that H.B. No. 2834-80, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 663-80 on H.B. No. 2834-80, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2834-80, HD 1, were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 664-80) recommending that H.B. No. 2358-80, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 664-80 on H.B. No. 2358-80, HD 1, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2358-80, HD 1, were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 665-80) recommending that H.B. No. 1865-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, H.B. No. 1865-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY BUDGET", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980, with Representative Sutton voting no and Representative Wakatsuki

being excused.

The Chair directed the Clerk to note that printed copies of H.B. No. 1865-80, HD 1, were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 666-80) recommending that H.B. No. 2029-80, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 666-80 on H.B. No. 2029-80, HD 2, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2029-80, HD 2, were made available to the members of the House at 3:00 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 667-80) recommending that H.B. No. 1912-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 1912-80, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIAL JULY 1, 1979 TO JUNE 30, 1981", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980.

The Chair directed the Clerk to note that printed copies of H.B. No. 1912-80, HD 1, were made available to the members of the House at 3:00 o'clock p.m.

At 3:41 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:42 o'clock p.m.

SUSPENSION OF RULES

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

At 3:43 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:44 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 556-80 on H.B. No. 1361, HD 2

Representative Morioka moved that H.B. No. 1361, HD 2, pass Third Reading, seconded by Representative Inaba.

Representative Morioka then offered the following amendment to H.B. No. 1361, HD 2:

H.B. No. 1361, HD 2, is amended by underscoring the figures in the last column in lines 11 to 16, inclusive, on page 1 thereof, as follows:

"Under \$5,000	[40] <u>48</u>
\$5,000 under \$6,000	[32] <u>39</u>
\$6,000 under \$7,000	[28] <u>34</u>
\$7,000 under \$8,000	[26] <u>32</u>
\$8,000 under \$9,000	[22] <u>27</u>
\$9,000 under \$10,000	[20] <u>24</u> "

Representative Morioka moved that the amendment be adopted, seconded by Representative Inaba.

The motion was put by the Chair and carried and the amendment was adopted.

By unanimous consent, further action on H.B. No. 1361, HD 2, as amended, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1361, HD 3, were made available to the members of the House at 3:45 o'clock p.m.

THIRD READING

H.B. No. 2171-80, HD1

Representative Morioka moved that H.B. No. 2171-80, HD 1, pass Third Reading, seconded by Representative Inaba.

Representative Morioka then offered the following amendment to H.B. No. 2171-80, HD 1.

H.B. No. 2171-80, HD 1, is amended by adding at the end of page 1 after line 13 the following:

"purchased by any such office, department, institution, or agency, from any other source unless excepted from this section, as hereinafter provided. [All purchases shall be"

Representative Morioka moved that the amendment be adopted, seconded by Representative Inaba.

The motion was put by the Chair and carried and the amendment was adopted.

By unanimous consent, further action on H.B. No. 2171-80, HD 1, as amended, was deferred until Wednesday, March 12, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2171-80, HD 2, were made available to the members of the House at 3:45 o'clock p.m.

Representative Kamalii then thanked the minority attorneys for catching the errors in both amendments.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 494-80 on H.B. No. 2053-80, HD1

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2053-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", having been read throughout, passed Third Reading by a vote of 50 ayes

with Representative Garcia being excused.

Stand. Com. Rep. No. 495-80
on H.B. No. 2185-80

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2185-80, entitled: "A BILL FOR AN ACT RELATING TO RECORDING FEES IN THE OFFICE OF THE ASSISTANT REGISTRAR OF THE LAND COURT IN THE STATE BUREAU OF CONVEYANCES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2053-80, HD 1, and 2185-80 had passed Third Reading at 3:47 o'clock p.m.

Stand. Com. Rep. No. 497-80
on H.B. No. 1964-80

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the majority of the Committee was adopted and H.B. No. 1964-80, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEE COMPENSATION LAW", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representative Sutton voting no and Representative Garcia being excused.

Stand. Com. Rep. No. 498-80
on H.B. No. 2093-80

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2093-80, entitled: "A BILL FOR AN ACT RELATING TO WITNESS FEES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

Stand. Com. Rep. No. 516-80
on H.B. No. 2035-80, HD 2

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2035-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS BONUS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 1964-80; 2093-80 and 2035-80, HD 2, had passed Third Reading at 3:48 o'clock p.m.

Stand. Com. Rep. No. 517-80 on
H.B. No. 1992-80, HD 2

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 1992-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF REGULATORY AGENCIES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representative Sutton voting no and Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 1992-80, HD 2, passed Third Reading at 3:49 o'clock p.m.

Stand. Com. Rep. No. 518-80 on
H.B. No. 1965-80, HD 2

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 1965-80, HD 2, pass Third Reading, seconded by Representative Inaba.

Representative Evans then rose to speak in favor of H.B. No. 1965-80, HD 2:

"Mr. Speaker, by requiring that the Department of Social Services and Housing provide various state agencies, inclusive of the legislature and the judiciary, with telecommunications devices for use by deaf and speech-impaired persons, H.B. No. 1965, HD 2, combines two important considerations for the future well-being of our State.

On the one hand, the bill addresses the problem of insuring fair and adequate access to government departments and agencies for the deaf and speech-impaired. As one step toward the goal of bringing all the citizens of Hawaii into the mainstream of our society, I thoroughly endorse this aspect of the bill's intent. We must always be mindful of the fact that it is in our interests to leave no person behind in the forward march of events.

On the other hand, the bill acknowledges the tremendous potential of telecommunications in solving this and other problems which our State now faces. Just as the installation and usage of telecommunications devices in the homes of the deaf and speech-impaired has greatly aided their sense of independence and self-motivation, so they may provide similar benefits to all of us in the years to come.

I believe that H.B. No. 1965-80, HD 2, will prove to be a significant step in the direction of making the general public more aware of the great medium- and long-range benefits derivable from telecommunications technology.

For this reason, and because of the immediate relief it provides for the deaf and hearing-impaired, I fully support H.B. No. 1965, HD 2, and urge its swift passage by the House of Representatives. Thank you."

Representative de Heer requested that the following remarks in favor of H.B. No. 1965-80, HD 2, be inserted into the Journal:

"Mr. Speaker, a new age of civil rights for equal opportunities and equal rights is approaching for deaf and speech-impaired persons in Hawaii. A new world is opening up for them. Soon they will be able to communicate with their legislators to discuss current issues and have access to information from State and County offices and emergency services.

Deafness deprives a person of

the vital communication tools necessary to receive human services provided all citizens in the community. Deaf persons are neither able to express their needs nor are they able to receive communication sufficient enough to even know about the available services in the community. The task of learning English without the benefit of hearing is monumental. Speech production and lip-reading are skills few deaf persons are able to master. These conditions result in a deaf sub-culture that is largely educationally, culturally, vocationally and politically deprived.

To the deaf person, the telephone is a constant reminder of his limited communication potential. By implementing the use of telecommunication devices, the telephone can become the communication tool it was meant to be.

In the Vocational Rehabilitation Act of 1973, and its amendments, Congress instructed all recipients of federal funds (which is just about every State and County office) to make all facilities constructed with federal funds accessible to handicapped persons. For the deaf, this would mean installation of telecommunication terminals. By not meeting federally mandated requirements, local government is potentially jeopardizing future federal funds.

This bill provides a constructive and positive solution to one of the problems of civil rights of equal opportunity and equal access that deaf and hearing-impaired individuals experience today in Hawaii. In the future, perhaps a system such as this is a precursor that will enable every citizen of Hawaii to have better access to their government."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1965-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO GOVERNMENT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to

note that H.B. No. 1965-80, HD 2, passed Third Reading at 3:51 o'clock p.m.

Stand. Com. Rep. No. 519-80 on H.B. No. 2410-80, HD 2

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2410-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED AND DERELICT VEHICLES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2410-80, HD 2, passed Third Reading at 3:52 o'clock p.m.

Stand. Com. Rep. No. 521-80 on H.B. No. 2551-80, HD 2

Representative D. Yamada moved that the report of the Committee be adopted and that H.B. No. 2551-80, HD 2, pass Third Reading, seconded by Representative Honda.

Representative Ikeda then rose to speak in opposition to H.B. No. 2552-80, HD 2:

"Mr. Speaker, it has long been one of my concerns that by the terms of the State Constitution and of our legislative implementation of such sections, that we continue to believe that the Board of Education is capable of handling its legal responsibilities.

I simply see no reason for such a glib assumption.

Instead, the Board has consistently shown itself to be, at best, incompetent and, at times, totally irresponsible in the discharge of its duties. In particular, Mr. Speaker, during last year's strike by the UPW and the subsequent closing of the schools, the Board of Education:

1) Abdicated its powers to the superintendent as to the advisability of closing the schools;

2) Then resisted taking its proper role in the re-opening of the schools; and

3) Has maintained silence regarding any formal resolution of these same problems and their role in the future.

As a parent and a legislator, I know how frustrating it is to make the Board live up to its obligations. In fact, I introduced a bill which would have abolished the BOE.

Please understand, though, that I did not make that proposal only in a fit of anger. I believe that parents are the most directly concerned and would show the greatest courage and commitment in the fulfillment of what are now BOE responsibilities. The creation of seven district school councils would be of the greatest advantage.

However, to show my continued opposition to the Board as now constituted, I am voting against this bill. Thank you."

Representative Lunasco then rose to speak in favor of H.B. No. 2551-80, HD 2:

"Mr. Speaker, while I sympathize with the comments made by my colleague from Hawaii Kai, and sometimes I kind of agree with her, but unfortunately, Mr. Speaker, the Con Con mandated us to clarify the powers of the Board and we are just following the Con Con amendment and this is the bill presently before us. I urge all the members to vote in favor of it."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2551-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION", having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Ikeda and Sakamoto voting no and Representative Garcia being excused.

Stand. Com. Rep. No. 526-80 on H.B. No. 2822-80, HD 2

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2822-80, HD 2, entitled: "A BILL FOR AN ACT ESTABLISHING A UNIVERSITY OF HAWAII SYSTEMWIDE STUDENT ACTIVITIES REVOLVING FUND", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos 2551-80, HD 2 and 2822-80, HD 2, passed Third Reading at 3:55 o'clock p.m.

Stand. Com. Rep. No. 527-80 on H.B. No. 2472-80

Representative Morioka moved that the report of the majority of the Committee be adopted and that H.B. No. 2472-80 pass Third Reading, seconded by Representative Inaba.

Representative Sutton then rose to speak against H.B. No. 2472-80:

"Mr. Speaker, the purpose of this bill is to repeal the reporting requirement of the Executive Budget Act and it deletes section 37-71(C), the requirement for a report on the amount and percentage change in expenditures between the biennium in progress and the ensuing biennium for each program at the lowest level of the state program structure.

Now we used to have lump sum budgeting, then we moved to program budgeting; now all of a sudden we are deleting the very essential information we need to properly evaluate program budgeting. This is a major change in our whole concept of what we, the legislature, is supposed to do.

The Governor sends down a budget that goes before various subject committees; they in turn pass it down to the Finance Committee; the Finance Committee in turn is supposed to make an evaluation which allows it to determine whether or not these programs are being properly carried out, whether they're worth having, whether they should be expanded or contracted.

There are four processes before it comes to us and even on this floor, an evaluation process is occurring. The evaluation of the very most important thing that this body exists for. This is the only body that can appropriate. This is the only body that can make any type of evaluation that is significant toward appropriating. If you have a corporate structure, you have an internal auditor. Your internal auditor today is backed up by immense amounts of reports that come from the very thing that our own State Representative Faith Evans just talked on, and that is the use of computers.

Now, all of a sudden, we are taking the surgical knife and cutting off this essential information. I would hope, Mr. Speaker, that in your infinite wisdom, you would join me in voting no against this measure."

Representative Kobayashi rose to speak in favor of this bill:

"This so-called major change takes out exactly one sentence from chapter 37. It is not a major change. That one sentence will take out one hundred fifty-seven pages per copy of the bi-annual budget. That one hundred fifty-seven pages times approximately 200 copies printed, equals 30,000 pages of information which most of you will not miss because I doubt whether most of you have read. If you can tell me which 30,000 pages those are, you are an exceptional member of this body.

The budget section that will be deleted takes out no essential information not reported elsewhere in the budget document. You can get all of the information that you currently have, you only need, in some cases, to compare two items in the bi-annual budget from one year with the bi-annual budget from the next year and calculate with a simple calculator the percentage difference between one year versus another. I would suggest that we should view our capabilities in analyzing the budget where it counts, and in this particular case, I would suggest that careful attention to dollar items other than lump sum budgeting or lump sum categories

per program item would be appropriate.

The fallacy of this particular amendment is that while it was and still is a favorite item in the Department of Budget and Finance, that proposal that suggests the deletion of this one sentence failed to get out of the Department of Budget and Finance on two separate occasions because of a particular and peculiar administrative stance about how to amend chapter 37. Only after this particular item was brought to the attention of Budget and Finance, were they willing to say that they had indeed considered internally, within the department, two attempts to eliminate that sentence. Thank you very much."

Representative Sutton then rose in rebuttal:

"Mr. Speaker, I had a favorite caddy when I played golf and when I had a bad hole I would tell him not to mark it down, I was 4 putting, 3 putting, in the sand trap. This is very comparable. None of us like to look at 857 pages, it's laborious, it takes an immense amount of time. In the Budget Committee we were spending the Sabbath, violating the Sabbath, working all night, we worked the entire night, that is one of the prices that you have to pay. You have to pay a price for anything and one of the prices for having a good budget is do some work.

This gentleman says who cares about 30,000 pages, who cares about 157 pages. The gentleman is looking at an efficiency that he should apply to government spending. He should apply it to government programs, not apply it to the work we in the Budget Committee should be doing. Mr. Speaker, you were former Chairman of this Finance Committee. I never saw you deleting anything, and I would hope you'll vote with me against this."

Representative Kunimura also rose to speak on H.B. No. 2472-80:

"I chose not to speak on this subject

matter, but I feel I must speak to support this bill. We cannot take things like this so lightly. We try our best to streamline our reporting system, to cut down the weight of the budget to carry around physically, and pages are pages. It costs money. It's not going to break us but certainly, Mr. Speaker, if it's not going to be of any use, then I think it's foolish to continue to print this many pages and put it in the budget.

We were here, Mr. Speaker, a few of us, when we originally bought PPBS and you know what I said about PPBS, it was a pile of purple BS. It had some use, but in its very inception, because we did not know what the system was like, we tried to put everything into it. I think it's about time, now, that we review what we can use, what is useful and what we don't use, what is not useful, that we should decide, and with that savings, just a little bit, in the long due time and due process, if we continue to strive to do better, we may be able to support some of our programs with the savings. Thank you."

Representative Sakamoto then rose to speak in favor of this bill:

"The information to be deleted as alluded to by our honorable representative from Nuuanu are found elsewhere in the budget document; therefore, Mr. Speaker, I urge all members to vote in favor of this bill."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.B. No. 2472-80, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET", having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Ige and Sutton voting no and Representative Garcia being excused.

Stand. Com. Rep. No. 546-80 on H.B. No. 2262-80, HD 1

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B.

No. 2262-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

Stand. Com. Rep. No. 551-80
on H.B. No. 2178-80, HD 1

On motion by Representative Takamine, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2178-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIMITATION OF FEES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2472-80; 2262-80, HD 1, and 2178-80, HD 1, passed Third Reading at 4:05 o'clock p.m.

Stand. Com. Rep. No. 552-80
on H.B. No. 2428-80, HD 2

Representative Larsen moved that the joint report of the Committees be adopted and that H.B. No. 2428-80, HD 2, pass Third Reading, seconded by Representative Dods.

Representative Kamalii then rose to speak in favor of H.B. No. 2428-80, HD 2:

"Mr. Speaker, there is little doubt that there is a need for a statement of concern in regulation over the transportation of nuclear materials through Honolulu. We are in an international port and in the past, have been unsuspecting hosts to very explosive visitors from the Orient on their way to Europe. That is not a part of the tourist industry that we would ever want to grow.

Such control, however, is controversial. I would expect some form of court challenge on this matter once it is implemented. Such an appeal would hold serious and lasting consequences for the health and

safety of the people of Hawaii. Our confidence in the Judiciary to seek the fullest protection of our citizens should be fairly tried by whatever decisions are made. I hope you agree, Mr. Speaker, that this impact is of great significance and meant to give legislative support for courageous decisions by the courts. It seems to me that this bill directly affects the Judiciary and the future welfare of these fine islands. Thank you."

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and H.B. No. 2428-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VESSELS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2428-80, HD 2, passed Third Reading at 4:07 o'clock p.m.

Stand. Com. Rep. No. 557-80 on
H.B. No. 273, HD 2

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 273, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RENTER'S INCOME TAX CREDIT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

Stand. Com. Rep. No. 558-80 on
H.B. No. 2218-80

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2218-80, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 273, HD 2 and

2218-80 passed Third Reading at
4: 08 o'clock p.m.

Stand. Com. Rep. No. 566-80
on H.B. No. 1947-80, HD 2

On motion by Representative Uwaine, seconded by Representative Hashimoto and carried, the report of the Committee was adopted and H.B. No. 1947-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICITY GENERATED FROM NON-FOSSIL FUELS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

Stand. Com. Rep. No. 567-80
on H.B. No. 2297-80, HD 1

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2297-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRADE, TECHNICAL AND VOCATIONAL SCHOOLS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 1947-80, HD 2, and 2297-80, HD 1, passed Third Reading at 4: 09 o'clock p.m.

Stand. Com. Rep. No. 573-80
on H.B. No. 521, HD 2

Representative Segawa moved that the report of the majority of the Committee be adopted and that H.B. No. 521, HD 2, pass Third Reading, seconded by Representative Kobayashi.

Representative Kunimura then rose to speak on H.B. No. 521, HD 2:

"I rise to be neutral about this bill, I don't know whether I should speak for or against, so until I finish my talk, I cannot decide.

Since the passage of the original

act to prohibit smoking, I would like to report to this honorable House that I have stopped smoking now for sixteen months, I believe, and, Mr. Speaker, I don't particularly mind if people smoke, it's their business. I sit next to people who smoke, I still breathe and it doesn't bother me. I mean, people shouldn't smoke and blow cigarette smoke into babies' faces, but grown-ups, you know, what kind of a society.... I think I shall speak against this bill. I'm now convinced, what kind of society are we trying to create here? There are certainly some things we should tolerate, enjoyment, especially cigarettes when it's not going to hurt people that much and you know, I remember, Mr. Speaker, it wasn't too long ago a tragedy happened when some investigators said the mercury in the fish, especially swordfish, was dangerous to health and fishing companies went bankrupt, people were committing suicide because they couldn't make a living, and now, today, we find out that if you ate the amount of swordfish necessary to affect one with mercury poisoning, you would have died of eating too much fish anyway.

So, you know, about smoking again, I would like to ask the gentleman from Hilo what kind of hangup is this? I think we've gone pretty far now, the original bill would have made it even worse, but let's not say that cutting one's neck is a little better than hanging, so I would like to request that as many of you as possible who feel that love thy neighbor and love thy country, if everybody stopped smoking tomorrow, like me, there would be so many people out of work in the tobacco field, in the tobacco factories, shipping companies, trucking companies, would be a catastrophe, and especially to Uncle Sam as far as revenues are concerned, and the State of Hawaii also enjoys a large amount of that revenue, and I am speaking as a non-smoker. Thank you, Mr. Speaker."

Representative Lee then asked Representative Kunimura if he would yield to the following question:

"Did you try to say enough is enough?"

Representative Kunimura:

"Well, I think I tried to say something stronger than enough is enough, but the words I have in my vocabulary are not tolerated in the halls of this chamber."

Representative Lunasco then rose to speak against H.B. No. 521, HD 2:

"Mr. Speaker, when this bill appeared several years ago, I also rose to speak against it. If my colleague from Kauai remembers, he was on the opposite side of the aisle at that time, and what really makes me laugh, Mr. Speaker, is that ever since this no smoking prohibition was enacted several years ago, I adhered to the law within this chamber and also this building, but yet, if you look around, there are some of us, although the signs are clearly displayed, who don't think it applies to us. I say to all of you, if you vote on this, I don't want to see you smoking in the conference rooms because if I have to listen to the law, then I think everybody else should."

Representative Segawa also rose to speak in favor of this bill:

"I wanted to stress this very important point that we are not saying don't smoke, but that you cannot smoke in certain areas. As it states in the bill, any state owned or operated building, and we have enlarged or expanded the areas where we ask that people not smoke, including state and school libraries, auditoriums and classrooms in school buildings, cafeterias, any government operated buses and public areas of government operated health care facilities.

Mr. Speaker, the bill addresses certain problem areas that we find in the state as well as in the nation and I am very happy that the learned representative from Kauai has quit smoking entirely. I can comment that he looks much healthier and

smiles more and doesn't seem to yell any more, so I believe that not smoking has really helped this gentleman from Kauai and I would like to also state that while adult smoking has dropped in the nation, there has been an increase of teenage smoking throughout the nation. As you can see, this bill has been expanded to take care, to a large degree, the areas of the school where smoking has been prevalent throughout the state. And so, Mr. Speaker, I ask that this body please to comply with some of our no smoking signs in the conference rooms, but for your information, you are permitted to smoke in the chambers which is considered a normal working area for legislators, and there is an exception to allow smoking in the chambers, but not in the conference rooms where it is enclosed. I ask all of my colleagues to vote aye on this bill."

Representative Sutton then rose to speak against this bill:

"Mr. Speaker, generals of the army Pershing, Eisenhower and admiral of the fleet, Nimitz, put out special directives that when a man was hurt the first thing to do was to give him a cigarette. We're in the trenches here, so let us smoke."

Representative Kunimura again rose to speak on H.B. No. 521, HD 2:

"Mr. Speaker, I rise to make one correction. The last time when this bill came up on the floor, I spoke against it and I voted against it, so Mr. Lunasco and I were on the same side, and I want this understood, I didn't quit smoking because of this damn law, I quit smoking because my daughter said that she loved me more if I quit smoking. Passing laws like this, Mr. Speaker, is going to cause people bigger hangups if they want to smoke. I still remember, Mr. Speaker, that we never sold so much liquor until the war broke out and they put liquor on the rationing program, then everybody who never drank in their life, I know ministers and their wives used to buy liquor because, you know something, it

was hard to get. And I think enough is enough. The more you start poking around areas like this, the bigger the stench, and I think it's about time that we have enough of no smoking bans. It's kind of double justice, we can smoke here in the chamber, but they can't smoke up there — they can watch us smoke. Is this justice?

So, you know, when we make laws, let's temper ourselves, enough protection is enough. Overprotection is bad."

Representative Toguchi rose to speak in favor of this bill:

"Mr. Speaker, first of all I would like to say that I am a smoker and I still speak in favor of this bill, and I say this because I think the representative from Hawaii, Representative Segawa, described the areas where smoking will be not permitted under this law, and I think it's fair. I think that, even as a smoker myself, I feel that there are certain areas where we, as smokers, will have to also... I know that we have certain rights, but I think the non-smokers also have certain rights and I just want to assure the representative from Waialua that in terms of the conference rooms, I am one of those that if I have to smoke, I go outside the door and smoke because I know it's an enclosed area.

Now this matter of prohibition on smoking, it just takes into account some of the enclosed areas where, if you were to smoke in those areas, the others will catch whatever we do, so this is why I will be voting in favor of this bill even though I am a smoker. Thank you."

Representative Larsen then rose to speak in favor of H.B. No. 521, HD 2:

"Most of the things have been said and all I want to do is add my impetus on the idea that the State, in my opinion, should lead the way in setting up the type of legislation that we'd like the private sector to follow, to give guidance as a

matter of fact by illustration and example and the example that is quoted here about smoking on the floor and not letting the folks smoke up above, I think is a good example of where we should trim our ship and put it in compliance with the folks up there, and not the other way around, and the same thing applies in conference rooms.

The areas that I really feel that smokers take advantage of non-smokers is in places like restaurants and so forth where people go in to enjoy a meal. There's nothing I love more than to pay \$50 for a meal and have a guy sitting next to me smoking a cigar. I know this bill doesn't address that point, but it does set up the idea that places in public rooms shall be designated to allow smokers to imbue their habit and they don't have to inflict the rest of us. I hope that this type of thing will be given as an illustration of how restaurants can also set up smoking rooms, maybe it could be next to the parking lot, or something like that. Thank you."

Representative Kamalii asked that the Chairman of the Health Committee yield to a question. Representative Segawa yielded and Representative Kamalii asked:

"Mr. Speaker, is there a penalty in this bill?"

Representative Segawa answered:

"Yes, Mr. Speaker, the original bill calls for a \$100 fine."

Representative Kamalii:

"And who is to enforce this bill, Mr. Speaker?"

Representative Segawa:

"Mr. Speaker, there is no provision to say who will enforce this law; however, it appears that the peer enforcement has been very strong where people have been abiding with the no smoking signs, they have called upon people who smoke to quit smoking and I think a very good example of this law is that

the City and County of Honolulu has written up a law that is exactly what we have, and I think a good example is going to the Blaisdell Center to watch a basketball game or a boxing match and now you can see the game or the boxing match and not be bothered by smoke."

Representative Kamalii:

"Mr. Speaker, I will be voting no against this bill and I rise to speak against it. It appears to me that it's just another introduction of more paper work that is unenforceable; therefore, I will vote no."

Representative Narvaes asked that the Chairman of the Health Committee yield to a question. Representative Segawa yielded and Representative Narvaes asked:

"Mr. Speaker, I am kind of curious to know if this bill will mean that the ashtray in the representatives' elevator below the no smoking sign will be removed?"

Representative Segawa answered:

"I do not think that pertains to the bill. The law already pertains to no smoking in the elevators. The ashtray is placed there so that people stepping in can squash out their cigarettes."

Representative Kobayashi then rose to speak in favor of H.B. No. 521, HD 2:

"Mr. Speaker, this is a very, very limited bill. It excludes many of the previously cited instances where there were objections to smoking and, in its present form, excludes smoking only from a limited number of government operated or controlled facilities. It does not affect public institutions such as restaurants as mentioned earlier in the discussion. Due to the very compassionate nature of our Finance Chairman, there is a compromise clause in the bill. The bill does not allow a person to carry around in these prohibited areas lighted cigarettes, cigars or pipes. But, for some reason, there is an exclusion of two words

in this sentence and you are now able to carry around in these prohibited places a lighted match. So, for whatever it's worth, I would suggest that the present bill really has already been compromised right down to the bone. It will not affect anything but public governmental spaces and it will protect those people interested in protecting their everyday work places in government buildings."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.B. No. 521, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SMOKING", having been read throughout, passed Third Reading by a vote of 34 ayes to 16 noes, with Representatives Anderson, Crozier, de Heer, Dods, Evans, Inaba, Kamalii, Kawakami, Kunimura, Lee, Lunasco, Sakamoto, Shito, Sutton, Uechi and Ushijima voting no and Representative Garcia being excused.

Stand. Com. Rep. No. 574-80 on H.B. No. 2177-80, HD 2

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2177-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATORY EMPLOYMENT PRACTICES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

Stand. Com. Rep. No. 575-80 on H.B. No. 2128-80

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2128-80, entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

Stand. Com. Rep. No. 576-80 on H.B. No. 2188-80, HD 2

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2188-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 521, HD 2; 2177-80, HD 2; 2128-80 and 2188-80, HD 2, passed Third Reading at 4:28 o'clock p.m.

Stand. Com. Rep. No. 577-80
on H.B. No. 2889-80, HD 2

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2889-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AUTHORIZING COMPENSATION OF WITNESSES BY THE DIRECTOR OF THE OFFICE OF CONSUMER PROTECTION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

Stand. Com. Rep. No. 579-80
on H.B. No. 1811-80, HD 1

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 1811-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representative Sutton voting no and Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2889-80, HD 2, and 1811-80, HD 1, passed Third Reading at 4:28 o'clock p.m.

Stand. Com. Rep. No. 597-80
on H.B. No. 2625-80, HD 2

Representative Morioka moved that the report of the Committee

be adopted and that H.B. No. 2625-80, HD 2, pass Third Reading, seconded by Representative Inaba.

Representative Ikeda then rose and spoke for the measure but expressed certain reservations:

"House Bill No. 2625-80, HD 2, sets up an occupational information coordinating committee to facilitate the development, implementation and application of the Hawaii Occupational Information System. Such a system would assist in decision-making for employers training programs, educational facilities and career planning, with the goal of improving the relationship of current and projected supply and demand in the Hawaii work force.

It would help students, government planners, the private sector and the community in planning and providing for the labor needs for the future. The creation of the State Occupational Information Coordinating Committee has been mandated by federal law and it should be provided for in state law in order to be implemented.

This bill sets up such a committee to manage the system and the Department of Labor to operate a career information delivery system which would use the data collected. The bill also appropriates \$39,000 to be expended in extension of the system.

My reservations about this bill, Mr. Speaker, center on several areas of concern. First, the \$39,000 appropriation in this bill would only supplement another \$211,000 on state and federal manpower development funds with no guarantee that funds will be available in 1982. What happens at that time? This program will then require a great deal more funding by the state to make up for the loss of federal money and, even then, we know that a statewide information system will cost millions.

Second, if this program is federally mandated, why was it not included in the executive budget submitted to the legislature? Why is it submitted to us on its own as an optional appropriation? Since it is not in the administration's

program structure, there are no accurate cost projections available and such necessary cost projections should have been made.

Also, when the program is implemented statewide, will counties be required to share the cost?

Thirdly, after the pilot project ends in 1982, who will continue the program? Will it still have this nebulous committee subject to administrators but not program oversight authority? That's another question which has not been satisfactorily answered.

Lastly, and perhaps the most important concern I have about this program, who is going to disseminate the career information to the students? I anticipate many problems ahead for us if we expect our meager number of high school counselors who have to add comprehensive career planning to their already over-burdened workload.

This is what I believe is the hidden cost of this new program, the necessity of increasing tremendously the number as well as the educational capabilities of our high school counselors, and unless we do, all of this information put together by the coordinating committee will be a complete waste of time because there is no way enough high school students are going to be able to benefit, and that's really the bottom line, isn't it?

I am also concerned about who will be bird-dogging this coordinating committee, to watch over its operations and make sure that the effort is not wasted. During any pilot project, you must be especially vigilant to insure that the dollars spent are used wisely to find out whether the program is worth continuing on a more permanent level. That, too, isn't answered in this bill.

With all of these questions in mind, I am still very supportive of the need for such a system and realize the kind of potential service it can provide for our entire state and will therefore vote in favor 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. 2625-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL AND CAREER INFORMATION", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representative Anderson voting no and Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2625-80, HD 2, passed Third Reading at 4:34 o'clock p.m.

Stand. Com. Rep. No. 598-80 on H.B. No. 2944-80, HD 2

Representative Morioka moved that the report of the majority of the Committee be adopted and that H.B. No. 2944-80, HD 2, pass Third Reading, seconded by Representative Inaba.

Representative Sutton then rose to speak in opposition to H.R. No. 2944-80, HD 2:

"Mr. Speaker, this is the bill that has to do with emergency medical services and, Mr. Speaker, when we talk of emergency medical services, we're talking about life and death. We're talking about using all the technology of modern medicine to save a human life.

Now, that freeway that you and I come in on, gracious, anything could happen to you on that freeway. I've noticed that these city and county ambulances are responding almost within ten or fifteen minutes and we have, as you know, terribly serious accidents on our major freeways.

We have had an excellent city and county of Honolulu operation, a former catholic priest, now is number 2 man, but John McDonald has done a magnificent job. He's not trained medically, he's just a great administrator.

Now, all of a sudden, we put out a bill, and the bill does one

little tiny thing, it changes 'shall' to 'may' and by so doing, it says that the Department of Health no longer has to contract with the county, and what we're really referring to is the city and county of Honolulu, but that it may. And, when you say may, it means that you may not, and we have therefore allowed the Department of Health to completely circumvent the city and county of Honolulu. I think I have a little background music here (a siren was going past at this time). Do you hear the siren? That's your city and county ambulance responding and the good Lord just had it coincide here with this address.

Now, Mr. Speaker, no one knows better than you, the significance of words. Occasionally you hear people say, that's just idle syntax. But you and I, who have been trained to construe the statutes, know the great significance of one word, and when you delete the word shall and put in the word may, you have said to the Department of Health in so many words ok, don't deal with the city and county of Honolulu.

Now, we know for a fact that they are about \$700,000 over in their emergency medical service, but we know that all through the strike they continued their service day and night, 24-hours a day, seven days a week, 31 days a month and 29 days a month in leap year. And, Mr. Speaker, they do a wonderful job.

Are we going to be a party to putting an end to this, something that says the Department of Health can do a better job than the city and county of Honolulu when the Department of Health can't even run our hospitals. Believe me, they can't run our hospitals. There isn't one hospital that we, in the state of Hawaii, have that is run as efficiently as the private hospitals. And why, all of a sudden, do we give them this authority to circumvent their contractual past experience with this emergency medical service.

Throughout the United States of America, the federal government

has subsidized this knowing that this is a great problem of this age, tremendously crowded freeways, terrible accidents, accidents in the home, many, many things that did not occur many years ago but which now occur with immense frequency. We also know that these men have to be trained, trained in resuscitation, trained in how to handle and put a hurt human being into an ambulance, trained in exactly how to handle them in a helicopter, take them out of a helicopter. We have all sorts of telecommunications on the neighbor islands to bring a helicopter up there. We have advanced there tremendously. But, all of a sudden, we are aiming in and targeting in on one thing, city and county ambulance department of the city and county of Honolulu and I think it would be only fair on my part to ask you, to ask the senior member from Waianae whose mother has helped so much in this program, to please vote this particular bill down. Thank you."

Representative Segawa then rose to speak in favor of this bill:

"I would like to clarify the reason for the change of the word shall to may which appears very nocuous. However, if you read the original law, it says that in the event that any county shall apply to a department to operate emergency medical ambulance services within the respective county, it reads the Department of Health shall contract with the county for the provision of such services.

In our hearing on this particular subject of emergency medical services, we were surprised at the high cost of providing such services and it is true what the learned gentleman from Nuuanu has stated, that the emergency medical services of the city and county of Honolulu have been proclaimed nationally as one of the best services provided throughout the nation; however, Mr. Speaker, the state provides the funds to have these services provided to the people throughout the state.

In our deliberations on the budget, it was difficult to ascertain at this point, as to what kind of services

that the state was willing to pay for at what cost. Yes, Mr. Speaker, it is true that the best services can be provided on the basis that all the money is available for such services. In view of our limited funds, it is imperative that we state the kind of services we want and the amount of money that we are willing to expend for such services.

Therefore, Mr. Speaker, as the law presently reads, it states that the Department of Health shall contract with the county who offers to enter into a contract with the State of Hawaii; therefore, by changing the word shall to may, it provides the State of Hawaii an alternative to deal with the county or with private agencies if the amount of services will exceed the amount that the state is willing to spend.

In order to be sure that the high level of services are met, we have amended the bill, also, to state that the State Department of Health may contract with the county for the provision of such services provided that the Department of Health shall make every effort to continue the present level of services with the counties. And, therefore, Mr. Speaker, this small change in the wording is to provide the state the flexibility of dealing with the counties to ask for the kind of services we want at the price we are willing to pay.

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

Representative Silva then rose and spoke in favor of this bill:

"I speak in favor of this bill because it also gives the state an opportunity to choose a private industry to provide better service. If it takes the city and county of Honolulu ten minutes to get to the scene, then I would suggest that they get involved and come to the county of Hawaii to find out that it takes three to five minutes to get to our scenes of accidents.

I am really proud to say that I was at one time associated with the fire department and the medical

service that they did provide was of good standing, but during the strike, if they were not able to obtain the medical service, this gives the state an opportunity to provide the service that is needed for the people of the State of Hawaii."

Representative Sutton then rose to speak in rebuttal:

"Mr. Speaker, I rise to rebut the statements of the learned gentleman from the town of Hilo. Mr. Speaker, we here on Oahu have a very different situation than Hilo, very different. We have almost 900,000 people, and we call them by classification a county of under 100,000. We have here an immensely more difficult problem from the point of view of a private contractor. I recognize that the county of Maui has a private contractor, but as the previous speaker has said, the nation has accorded the highest honors to what the city and county of Honolulu has done with ambulances.

And then we say that it's costing too much money. Do we put a dollar sign on human suffering and human compassion and the saving of a human life, Mr. Speaker? No, we do not. You know, what we've been doing this session is trying to figure out what to do with an enormous surplus. Last night we were playing around with figures, you never saw so many, \$30,000,000 for a land bank; \$30,000,000 for repair and maintenance, that makes \$60,000,000; a refund to our citizenry here of \$42,000,000, that's up to \$100,000,000 right there. We're not talking in figures like that for this ambulance, we're talking about the fact there happens to be a deficit by the city and county of Honolulu of something around \$700,000.

We're not talking about huge figures. We're talking about something around \$5,000,000; and this means training people, it means getting a team, it means a 24-hour vigil, and, therefore, I do not see how there's any relevance in the argument of the learned gentleman from Hilo, I'll have to identify him from the other man from Hilo, who I'll just say the man who was

on television asking us to believe in our Lord Jesus Christ."

Representative Kobayashi then rose to speak in favor of this bill:

"The services presently offered throughout the city and county of Honolulu are not presently all provided directly by city and county personnel. Of the approximate thirteen ambulance stations presently in existence, two are presently privately contracted so we have a situation in which the state is obligated by Act 148 passed in 1978 to contract with the city and county of Honolulu, and only with the city and county of Honolulu, to provide emergency medical service.

What has happened is that the county has now gone and sub-contracted its obligation paid for by the state to private contractors for two of those thirteen stations. This bill would allow the State of Hawaii to contract directly with private contractors for stations such as those presently already run by private contractors other than the city and county of Honolulu. Thank you."

Representative Nakamura also rose to speak in favor of H.B. No. 2944-80, HD 2:

"After this bill becomes law, hopefully it passes the Senate, and the Governor signs it into law, I hope that the state will attempt to contract emergency ambulance services with the hospitals throughout the island of Oahu. The hospitals do want this type of emergency ambulance service contract because this will mean revenue to the hospitals, the hospitals will be able to hire emergency personnel who can also work in the hospitals while they stand by for emergency calls.

We all know that many of these hospitals like Wahiawa General, Kahuku Hospital, Castle Hospital, do come to the state legislature for funding every session. Now, if the state would grant this type of emergency ambulance contract to the hospitals, this would certainly

help out with their revenue situation and consequently the funding that they seek from the legislature can be reduced in proportion. So, hopefully, Mr. Speaker, the state would do its best to grant these emergency ambulance service contracts to the various hospitals on this island of Oahu."

Representative Silva then rose on a point of information stating that **he is** proud of coming from Hilo, but the district that he does represent is the Puna district.

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.B. No. 2944-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES", having been read throughout, passed Third Reading by a vote of 45 ayes, with Representatives Evans, Kamalii, Lacy, Narvaes and Sutton voting no and Representative Garcia being excused.

Stand. Com. Rep. No. 599-80 on H.B. No. 2328-80, HD 2

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2328-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

Stand. Com. Rep. No. 600-80 on H.B. No. 2660-80

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2660-80, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2944-80, HD 2; 2328-80, HD 2; and 2660-80 passed

Third Reading at 4:50 o'clock p.m.

Stand. Com. Rep. No. 601-80
on H.B. No. 2458-80

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2458-80, entitled: "A BILL FOR AN ACT RELATING TO PROCEDURE WHEN TITLE OF VEHICLE TRANSFERRED; DELIVERY OF CERTIFICATE MANDATORY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

Stand. Com. Rep. No. 602-80
on H.B. No. 3047-80

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 3047-80, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

Stand. Com. Rep. No. 605-80
on H.B. No. 1987-80

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 1987-80, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM SECURITIES ACT (MODIFIED)", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2458-80, 3047-80 and 1987-80 passed Third Reading at 4:51 o'clock p.m.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the follow-

ing actions taken:

H.B. No. 1991-80, HD1

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 1991-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE", passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 1991-80, HD 1, passed Third Reading at 4:52 o'clock p.m.

H.B. No. 2535-80

On motion by Representative Blair, seconded by Representative Uwaine, H.B. No. 2535-80, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE BY FUEL IMPORTERS, MANUFACTURERS, DISTRIBUTORS AND EXPORTERS", passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2535-80 passed Third Reading at 4:53 o'clock p.m.

H.B. No. 2189-80

On motion by Representative Blair, seconded by Representative Honda and carried, H.B. No. 2189-80, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF REGULATORY AGENCIES", was recommitted jointly to the Committees on Consumer Protection and Commerce and Judiciary.

H.B. No. 2572-80, HD1

On motion by Representative Blair, seconded by Representative Honda, H.B. No. 2572-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PEST CONTROL OPERATORS LAW", passed Third Reading by a vote of 49 ayes, with Representative Sutton voting no and Representative Garcia being excused.

The Chair directed the Clerk to

note that H.B. No. 2572-80, HD 1, passed Third Reading at 4:54 o'clock p.m.

H.B. No. 1784-80, HD1

Representative Shito moved that H.B. No. 1784-80, HD 1, pass Third Reading, seconded by Representative Blair.

At this time, Representative Medeiros rose to speak in favor of H.B. 1784-80 HD 1, with some reservations:

"Mr. Speaker, before I speak about my reservations regarding this bill, let me give the honorable body here the purpose of this bill and just exactly what's happening in our state today. This is regarding condominiums and townhouses as well as residential homes. This bill prefaces its remarks to condominiums so I will stay with the development of condominiums.

Today, the developer develops his condominium and he puts it on the market only after his investors have purchased this condominium. Now, these units are purchased by associates of the developer, by those in the real estate industry and by those who are aware of this construction through the governmental agencies.

This construction then takes place. At that time, these investors purchase the unit and by the time this construction is actually completed, one unit turns over as many as three or four times on paper. Where it originally sold for \$90,000, it is now being resold for the fourth time before the occupancy date and it's selling now for \$150,000.

So, the problem as I see it is that the public is not aware of this construction. The basic remedy of this bill is to curb this type of investor without letting the public know what's going on.

Now this bill calls for the developer to advertise this construction to the public within an 'x' amount of days so that the public can be

aware of what's going on and let them be the first-time buyer.

My concern is this, Mr. Speaker, it says here that the developer shall cause to be published in the classified section of at least one newspaper published in the state and having a general circulation in the county in which the project is to be located, not less than once in each of four successive weeks, an announcement containing, and it goes on about what the announcement should be containing. What I understand here is that this is the biggest loophole and the biggest sham and shibai that will ever take place. The developer can use this as a loophole.

I ask this honorable body that if I was the developer developing a condominium in Waianae, as an example, geographically speaking, only hypothetically, that how many people out there would be reading, as an example again, the Catholic Herald or the Hawaii Hochi, for that matter. Now, this is the loophole that the developers can use. I have talked about my reservations to the Chairman of the Housing Committee and he concurs with me; the Committee members did concur with me at the hearing where I made my concern known at that time and I am wishing and I am very confident that the Chairman of the Housing Committee will take this concern to the Senate and have the proper wording placed in this bill where it would read the probability of a daily statewide circulation paper with a subscription of not less than 90,000 per day.

So, I urge all of you to vote for this bill because I believe sincerely that this legislation would be one of our better legislations that will come out of this session. Thank you."

Representative Shito also rose to speak in favor of this bill:

"Mr. Speaker, I just want to clarify one thing. The provision that was mentioned here specifically addressed a newspaper of general circulation. He was concerned with the language that was contained in there, but

it is meant for the islands of Hawaii, Kauai or Maui where not everybody subscribes to the Star-Bulletin or the Advertiser. We talk in terms of the Herald Tribune, the Garden Isle newspaper, or the Maui News, and this is why we used general language without specifically emphasizing the number of circulation involved. Thank you."

The motion to pass H.B. No. 1784-80, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", on Third Reading was put by the Chair and carried by a vote of 49 ayes, with Representative Lee voting no and Representative Garcia being excused.

H.B. No. 2063-80

On motion by Representative D. Yamada, seconded by Representative Honda, H.B. No. 2063-80, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

H.B. No. 2537-80, HD1

On motion by Representative Blair, seconded by Representative D. Yamada, H.B. No. 2537-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EVICTION", passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 1784-80, HD 1; 2063-80 and 2537-80, HD 1, passed Third Reading at 5:00 o'clock p.m.

H.B. No. 2809-80, HD1

On motion by Representative D. Yamada, seconded by Representative Honda, H.B. No. 2809-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDUCT OF ELECTIONS", passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

H.B. No. 1873-80

On motion by Representative D. Yamada, seconded by Representative Honda, H.B. No. 1873-80, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES", passed Third Reading by a vote of 49 ayes, with Representative Stanley voting no and Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos 2809-80, HD 1, and 1873-80 passed Third Reading at 5:01 o'clock p.m.

H.B. No. 2773-80, HD1

Representative Morioka moved that H.B. No. 2773-80, HD 1, pass Third Reading, seconded by Representative Inaba.

At this time, Representative Sutton rose to speak against the passage of the bill:

"Mr. Speaker, this bill will remove the interest rate ceiling on bonds. Now, Mr. Speaker, I hold in my hand, here, a Wall Street Journal that indicates the prime rate today is 15-1/2 and has been raised now to 16-1/2. I recognize, Mr. Speaker, that even tax-free municipalities will rise, but I do not feel that we need to completely give a blank check, a carte blanche to all the agencies, including ourselves, that might issue bonds, on the question of what interest rate to charge.

We have had testimony that indicates that we can very possibly operate with 12%. Sometimes we pass legislation as if we were going to go out of business. We are here, and many of these legislators and myself tell our constituents we're here for twelve months of the year. We're only in session for 6 months, but we can always call a special session. There's no need to completely remove the clamp and say that we should sell GO bonds at any type of interest rate. It is our job, under the constitution, to supervise something of this nature and what we're doing, in

so many words, is advocating.

Mr. Speaker, we live in a day and an age of terribly high inflation, the like of which we have never seen in this country. We've looked to the Republic of Germany just after the Versailles Treaty and seen what happened there. We recognize that the counterpart of inflation is high interest. We recognize that even with the tremendous advantages of being tax-free the municipal bond is still something that we have to gauge as an interest expense of the state or the counties it might interest. And, therefore, Mr. Speaker, I would urge you to vote no and ask that those members, particularly the one from Kauai who's had more experience than any of us, to come in with a negative vote on this measure. Thank you very much."

At this time, Representative Narvaes requested that the following speech be inserted into the Journal reflecting his comments in favor of the bill but with certain reservations:

Mr. Speaker, I rise to speak in favor of this bill, but I would also like to express some reservations about this measure.

H.B. No. 2773-80, HD1, would remove the interest rate ceiling on general obligation bonds.

The reasoning given in this Committee report suggests that since municipal bond interest rates have risen steadily from 5.47% in 1977 to 8.46% this year, the law must be amended to allow for continued, orderly financing of the state's capital improvement program.

Mr. Speaker, while I agree that we have good reason to assure that our borrowing capacity is continued, I am extremely concerned that we may be contributing toward the high inflation rate by this action.

Inflation in this state and in this country, in my opinion, is the most critical problem at this time.

Government officials especially should pay greater attention to those

actions, particularly in setting out legislative changes and policy-making, which add to inflation.

Ten years ago we were talking about a 4% rate of inflation; today we are devastated by double-digit inflation that is taking us up to 20% and more. I believe one of the major culprits of inflation today is government itself.

The message from the 1978 Constitutional Convention, just as the message from citizen groups across the country declared to the nation's lawmakers that we have a mandate to spend more cautiously and hold the line on taxes.

Over-extending ourselves in bonded debt has been part of this inflationary situation, and I am concerned that lifting the limits on interest rates, as this bill suggests, only prolongs this trend and delays reining it in.

I would suggest, and sincerely hope, that the state make every effort to establish the best interest rates possible for general obligation bonds it sells.

I am concerned that lifting the ceiling on interest rates will be interpreted as a signal for escalating these rates far above what a normal increase might have been.

If we can at least have some assurances that the effort will be made to get the best rates, I feel this bill is justified.

I urge that it receive favorable consideration. Thank you."

Representative Kunimura then rose to speak in favor of this bill:

"If the writers of the state constitution wanted the legislature to act as administrators, then they would have put us as 76 and the governor, plus one, 77, plus another one, the lieutenant governor, as administrators.

Mr. Speaker, we should have some trust in our administrators, both county and state. We do come

back into session every year and people are going to get irresponsible and sell bonds at an extremely unreasonable interest rate, then we also have the people that have the ultimate power to throw them out of office. These are the safeguards in our system and if we were to come back every time they wanted to close the barn over and above 8%, there would be hell to pay because of the cost of calling the legislature back into session and I think it would be penny wise and pound foolish to do such a thing.

I would like to urge every member of this House to vote in favor of this bill."

Representative Sutton then rose in rebuttal:

"Mr. Speaker, I would draw your attention to the fact that in this bill what we are doing is diluting the fact that for many years we have had this limitation not exceeding 8% a year. Therefore this body, in the past, has put a lid on the interest rate we are paying. It is not a question of being 76 administrators and then adding Lt. Governor Jean King, 77, this is not a question of our engaging in administration, this is our duty, and our role in previous sessions of this legislation was to put on the books 8%. All I'm asking is that you put 12%, I'm giving you 4 percentage points more. All I'm asking is that we not take the lid off completely. This lid has been on for a great many years and we've had this concept. This is not a new concept. Every state in the union has a limitation. Now, all of a sudden, we in Hawaii want to completely take the lid off, sell the bonds at any interest rate, the counties can do it, the Transportation Department can do it, the Housing Department can do it and one of these days we are going to have hospital bonds, and they can do it, one of these days we may have Hawaiian Electric bonds, and they can do it. This is excessive delegation. We should not delegate our power that way.

So, Mr. Speaker, I would ask

that you please vote no."

The motion to pass H.B. No. 2773-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS", on Third Reading was put by the Chair and carried by a vote of 48 ayes, with Representatives Ikeda and Sutton voting no and Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2773-80, HD 1, passed Third Reading at 5:08 o'clock p.m.

H.B. No. 2733-80

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 2733-80, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LICENSES", passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2733-80 passed Third Reading at 5:09 o'clock p.m.

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

The House of Representatives reconvened at 5:14 o'clock p.m.

At this time, the Chair directed the Clerk to note the presence of Representative Garcia.

H.B. No. 2368-80, HD1

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 2368-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATORY PRICING IN THE SUPPLYING OF LIQUOR", passed Third Reading by a vote of 50 ayes, with Representative Sutton voting no.

H.B. No. 2443-80, HD1

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 2443-80, HD 1, entitled:

"A BILL FOR AN ACT RELATING TO STATE CHARTERED CREDIT UNIONS", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2368-80, HD 1 and 2443-80, HD 1, passed Third Reading at 5:15 o'clock p.m.

H.B. No. 2850-80

On motion by Representative Blair, seconded by Representative D. Yamada, H.B. No. 2850-80, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2850-80 passed Third Reading at 5:16 o'clock p.m.

H.B. No. 1875-80, HD1

Representative Blair moved that H.B. No. 1875-80, HD 1, pass Third Reading, seconded by Representative Shito.

Representative Medeiros then rose on a possible conflict of interest stating that he was the owner of an apartment.

The Chair ruled no conflict.

Representative Sutton also rose on a potential conflict of interest stating that he was the owner of a hotel.

The Chair ruled no conflict.

At 5:17 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:24 o'clock p.m.

The motion to pass H.B. No. 1875-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIME", on Third Reading was put by the Chair and carried by a vote of 41 ayes, with Representatives Anderson, Andrews, Dods,

Ikeda, Kawakami, Kiyabu, Lee, Sutton, Uechi and D. Yamada voting no.

The Chair directed the Clerk to note that H.B. No. 1875-80, HD 1, passed Third Reading at 5:25 o'clock p.m.

S.B. No. 2134-80, HD1

Representative Blair moved that S.B. No. 2134-80, HD 1, pass Third Reading, seconded by Representative Segawa.

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

"Mr. Speaker, I would like to request the Chairman of the Consumer Protection Committee and his counterpart in Health to withdraw this bill and recommit this bill at this time and I ask this for the following reason.

The House version of this bill is in place and does satisfy my primary objection to our voting on this measure. The constitutionally required 48 hours of bill, and I quote, 'availability', was not observed by the Senate.

I have an opinion from the Attorney General, which I would like to have included in the Journal, which clarifies exactly what constitutes a bill being available.

Finally, Mr. Speaker, this is a bill for which I believe we must have a very sensitive and sensible approach. Last year, the Governor vetoed another version of this bill precisely because of a technical error. I do not think that we can assume that the significance of the body of the bill will override the executive concern for the strict adherence of the legislature to due process dictates of the constitution.

I would like my letter of inquiry to the Attorney General inserted in the Journal and also the Attorney General's opinion as to what constitutes availability in 48 hours.

Mr. Speaker, I have the chronological events of the Senate Bill as well as ours. The Senate Bill was passed on Second Reading on the fifth day of February and was sent over here and passed on the sixth, which does not constitute 48 hours. If we in the House allow this to happen, then we ought to take stock of what's happening here. Our bill, H.B. No. 1781-80, HD 1, passed Second Reading and was placed on the calendar for Third Reading and is in place, and has sat on our desks for the required 48 hours. That's the bill that should be passed, not the Senate Bill.

I move that we recommit this bill."

Representative Evans then seconded the motion.

The Chair then declared Representatives Kamalii and Evans out of order stating that they were not recognized for that purpose.

Representative Blair then rose to speak in favor of Senate Bill No. 2134-80, HD 1:

"I share somewhat the concerns of the prior speaker although I have not been privy to the letter at this point. However, I would urge that all members vote in favor of this bill. If it then passes on Third Reading in the House, we can take this matter up with the Senators in Conference Committee and, if we can persuade them of the error by showing them the letter from the Attorney General, then perhaps we can push out the House Bill if this proves to be necessary. But, until that's resolved, I think the best thing to do, at this point, would be to go ahead and vote on Third Reading on this bill."

At 5:28 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:05 o'clock p.m.

Representative Blair recalled his motion to pass S.B. No. 2134-80, HD 1, on Third Reading. Representa-

tive Segawa also withdrew his Second.

Representative Dods then requested a waiver of the 48-hour notification for House Bill No. 2541-80, relating to Van Go Hawaii.

The Chair granted Representative Dods' request.

At 6:07 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives recessed until 7:30 o'clock p.m.

The House of Representatives reconvened at 8:04 o'clock p.m.

At this time, Representative Kunimura made a late introduction to the members of the House. He introduced Mr. David Trask.

Representative Blair then moved that S.B. No. 2134-80, HD 1, pass Third Reading, seconded by Representative Segawa.

Representative Kamalii then rose and stated:

"Mr. Speaker, I have no doubt about the legal interpretation which has been offered by the Chairman of the Consumer Protection and Commerce Committee."

Representative Peters then rose on a point of order stating:

"Mr. Speaker, is she speaking for or against the measure?"

Representative Kamalii stated she was speaking against the measure and then continued:

"Mr. Speaker, I have no doubt about the legal interpretation that has been offered by the Chairman of the Consumer Protection and Commerce Committee and the implied concern from the Health Committee Chairman on this matter, but I am still left with what I consider a serious ethical problem. I am no longer accustomed to the loneliness of such a position, but I am still disappointed and saddened by its occurrence. I do not believe, Mr. Speaker, that if you were to

poll the members of the constitutional convention or the general public which ratified this amendment to insure a 48-hour layover of bills, ever intended that we split hairs over whether such a time limit applied according to whether a bill had been amended or not.

Does this interpretation now mean that we will have respectfully found a way to also waive the 48-hour notice on Third and Final Reading?"

Representative Kunimura then rose on a point of order stating that he didn't think Representative Kamalii was debating the merits or demerits of the bill, but rather some vague Attorney General's opinion on what happened across the aisle.

The Chair then asked Representative Kamalii to be concise as to the reasons why she believed the bill to be faulty and not get into constitutional requirements.

Representative Kamalii replied:

"Mr. Speaker, I think I am trying to attempt to do that.

Does this interpretation now mean that we will have respectfully found a way to also waive the 48-hour notice on Third and Final Reading? If that is the situation, then I hope we have more than the Attorney General's opinion issued before the constitutional convention to substantiate our position.

I say our position, Mr. Speaker, because the actions of the majority of this body are also reflected on me. I may try to disassociate myself but to literally and completely do so is impossible. And for that, Mr. Speaker, I am deeply offended by the irresponsible and unethical action taken by this House.

Ultimately, however, I must only answer to and live with myself, and when I go home tonight I will be angry, but I will not be sorry. I hope that my colleagues can say the same thing. Personally, I doubt it."

Representative Kunimura then rose to speak in favor of this bill:

"As far as I'm concerned, this bill has met all of the constitutional requirements as to hearings, posting of bills on the floor of this House, making it available to the members of this House.

Mr. Speaker, many times we ought to be the keeper of our brother, but in a bicameral situation there is nothing in the constitution which governs the legislative body and administration and entire state government, that calls upon this body or any body to be the keeper of our brothers across the hall.

As I look at the constitutional requirement, I see it in a different light, that the Senate Bill sailed over from the alien House in its original form as introduced. This House amended Senate Bill No. 2134-80. I did not hear, Mr. Speaker, the hue and cry when the collective bargaining bill, the money appropriating the retroactive and current cost of collective bargaining, come sailing across because that bill, too, Mr. Speaker, according to their interpretation of the constitutional requirement, had met the test.

In our system of government, Mr. Speaker, if we have any doubt as to meeting the test of the constitutional requirements, then it is not for us to judge because then we would be taking the law into our own hands. We have the third branch of government which is called the Judiciary, and the Attorney General's opinion is just an opinion, it is not law; and I heard this said many times over in these halls, it's just an opinion. But that opinion, because of the constitutional nature, giving power to the Attorney General as the legal officer of the State of Hawaii, has some credence as to the effect of law until it is overturned.

We may disregard the Attorney General's opinion and we are not breaking the law, but we will be treading on dangerous waters when we do that; but I have always known

that if we do have any disagreement with the Attorney General's opinion, then it is for those who disagree to take it to court and have the court decide by requesting a declaratory judgment.

Mr. Speaker, I have before me an opinion received on the 25th of February, 1980, a reply to a query made by the honorable Minority leader. I appreciate any member of this House seeking the opinion of the Attorney General, but I do not appreciate that at this late hour, that this opinion is sprung upon us and we are requested to recommit this bill.

Had we had enough time, Mr. Speaker, I am pretty sure we would have been able to call the Attorney General and see him ourselves and have this matter discussed, but I have the very strong feeling that passing this bill out of the House, Senate Bill No. 2134-80, HD 1, would have met the constitutional requirement and this particular bill can be and will be enacted into law and, therefore, I request all members to vote in favor of this bill.

Representative Kamalii then rose on a point of personal privilege stating:

"I think I have just been aggrieved by the previous speaker. We are the Minority, and as the Minority leader..."

The Chair then stated:

"Representative Kamalii, the Chair will recognize you to have the floor for rebuttal purposes. Proceed on that basis."

Representative Kamalii:

"I am standing on a point of personal privilege."

Mr. Speaker:

"The Chair rules you out of order. What is your point? Proceed with your point."

Representative Kamalii:

"My point is I have just been aggrieved in my opinion by the previous speaker, but because my letter is dated February 26, it doesn't mean that what is in that letter isn't right. Earlier this morning we made contact with various chairmen on this floor about faulty bills and it came out as democrat amendments which were our amendments."

Representative K. Yamada then rose on a point of order:

"I believe there is a prior motion on the floor and the Minority Leader's arguments do not go to that motion or to the bill being considered."

Representative Kamalii then rose on a point of personal privilege.

The Chair requested that she state her point so the Chair could rule on it.

Representative Kamalii:

"Well, if everybody on that side would just quit jumping up, I might try to get to it. I feel very strongly, Mr. Speaker, that when I say I have been aggrieved, let me point out to this House that I am not against this bill and what is being said by my colleague from Kauai gives that impression. The Republican Caucus will vote aye on this measure but feel that it is important to point out the ethical wrongs that are being made here."

If you can convince us that we're not wrong, no sweat."

At this time, the Chair ruled Representative Kamalii out of order on the point of personal privilege stating:

"I think the argument that you are raising can be well incorporated into your rebuttal."

The motion to pass S.B. No. 2134-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD, DRUGS AND COSMETICS", was put by the Chair and carried by a vote of 42 ayes, with Representatives Anderson, Evans, Ikeda, Kamalii, Lacy, Marumoto, Medeiros, Narvaes and Sutton voting no.

The Chair directed the Clerk to note that H.B. No. 2134-80, HD 1, passed Third Reading at 8:18 o'clock p.m.

H.B. No. 2589-80

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 2589-80, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", passed Third Reading by a vote of 49 ayes, with Representatives Andrews and Silva voting no.

H.B. No. 2555-80, HD1

On motion by Representative Blair, seconded by Representative Uwaine, H.B. No. 2555-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEALERS OF SOLAR ENERGY DEVICES", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2589-80 and 2555-80, HD 1, passed Third Reading at 8:19 o'clock p.m.

H.B. No. 1945-80, HD1

On motion by Representative Blair, seconded by Representative Uwaine, H.B. No. 1945-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1945-80, HD 1, passed Third Reading at 8:20 o'clock p.m.

H.B. No. 2668-80, HD1

Representative Blair moved that H.B. No. 2668-80, HD 2, pass Third Reading, seconded by Representative D. Yamada.

At this time, Representative Sutton rose to ask for a ruling on a potential conflict of interest stating that he is a representative from Hawaii on the Anti-Trust Committee of

the Federal Bar Association National Committee.

The Chair declared no conflict.

Representative Sutton then spoke in favor of this bill:

"I would like to bring to your attention, Mr. Speaker, that the anti-trust laws were a long time coming to Hawaii. Finally, after we got statehood, we put our anti-trust laws on the books. I am delighted to see a bill coming before us tonight that circumvents the inhibitions of Illinois Brick vs. Illinois, 431, US 720, 1977, when the United States Supreme Court held that consumers who were indirect purchasers as opposed to direct or first-time purchasers, did not have the right to serve under the Clayton Act; and, therefore, could not bring a class action per se.

Tonight, we are allowing the attorney general to represent the indirect purchaser and this will mean one further step in bringing Hawaii in step with the entire nation on anti-trust laws. Thank you, sir."

The motion to pass H.B. No. 2668-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATION AND PRACTICE", was put by the Chair and carried by a vote of 50 ayes, with Representative Ikeda voting no.

The Chair directed the Clerk to note that H.B. No. 2668-80, HD 2, passed Third Reading at 8:22 o'clock p.m.

H.B. No. 1985-80, HD1

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 1985-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", passed Third Reading by a vote of 50 ayes, with Representative Narvaes voting no.

H.B. No. 2322-80

On motion by Representative Blair,

seconded by Representative Shito, H.B. No. 2322-80, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF PRIVATE DETECTIVES AND GUARDS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2732-80, HD1

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 2732-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING COMPANIES OR REPAIR BUSINESSES", passed Third Reading by a vote of 51 ayes.

H.B. No. 3046-80

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 3046-80, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATE OF REGISTRATION; CERTIFICATE OF OWNERSHIP; CONTAINERS", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1985-80, HD 1; 2322-80; 2731-80, HD 1; and 3046-80 passed Third Reading at 8:23 o'clock p.m.

H.B. No. 2226-80

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 2732-80, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2226-80 passed Third Reading at 8:24 o'clock p.m.

H.B. No. 2219-80, HD1

On motion by Representative Morioka, seconded by Representative Inaba, H.B. No. 2219-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Third Reading by a vote of 51 ayes.

H.B. No. 2590-80, HD1

On motion by Representative D. Yamada, seconded by Representative Blair, H.B. No. 2590-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURE ACT", passed Third Reading by a vote of 51 ayes.

H.B. No. 2558-80, HD1

On motion by Representative D. Yamada, seconded by Representative Honda, H.B. No. 2558-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL", passed Third Reading by a vote of 50 ayes, with Representative Sutton voting no.

The Chair then directed the Clerk to note that H.B. Nos. 2219-80, HD 1; 2590-80, HD 1; and 2558-80, HD 1, passed Third Reading at 8:25 o'clock p.m.

H.B. No. 2810-80

On motion by Representative D. Yamada, seconded by Representative Honda, H.B. No. 2810-80, entitled: "A BILL FOR AN ACT RELATING TO ELECTION REGISTRATION", passed Third Reading by a vote of 51 ayes.

H.B. No. 2454-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba, H.B. No. 2454-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO POLITICAL SUBDIVISION POLLUTION CONTROL BONDS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2540-80

On motion by Representative Morioka, seconded by Representative Inaba, H.B. No. 2540-80, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2810-80; 2454-80, HD 2; and 2540-80 passed Third Reading at 8:26 o'clock p.m.

H.B. No. 1813-80, HD1

On motion by Representative Stanley, seconded by Representative Kunimura, H.B. No. 1813-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", passed Third Reading by a vote of 51 ayes.

H.B. No. 2163-80, HD1

On motion by Representative Stanley, seconded by Representative Kunimura, H.B. No. 2163-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1813-80, HD 1 and 2163-80, HD 1 passed Third Reading at 8:27 o'clock p.m.

H.B. No. 1807-80

On motion by Representative Stanley, seconded by Representative Kunimura, H.B. No. 1807-80, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION EMPLOYMENT PROGRAMS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2666-80, HD1

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 2666-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RETAIL INSTALLMENT SALES", passed Third Reading by a vote of 49 ayes, with Representatives Anderson and Sutton voting no.

The Chair directed the Clerk to note that H.B. Nos. 1807-80 and 2666-80, HD 1, passed Third Reading at 8:28 o'clock p.m.

H.B. No. 1782-80, HD2

Representative Blair moved that H.B. No. 1782-80, HD 2, pass Third Reading, seconded by Representative Shito.

Representative Sutton then rose to speak against H.B. No. 1782-80, HD 2:

"Mr. Speaker, I would like to draw your attention to these basic facts. We have before us, a bill which in effect will completely remove the ceiling on usury for real estate loans.

No longer will there be any ceiling at all for real estate loans. We don't set a new ceiling and we have a five year deal here. Now, Mr. Speaker, we are up against a proposition where the 12% ceiling is abolished. Who's going to be the big winner? I'll tell you who the big winners are going to be - the banks and other financial institutions which have recorded such enormous profits in Hawaii during the past year. They will reap even bigger profits if we approve this bill before.

Sure, the big losers, Mr. Speaker, will be the low income earners - either the aged on fixed incomes or the young married couples struggling to make ends meet. Although some of these residents, Mr. Speaker, will lose out if the state's legal limit is raised even slightly, still others in this vast class would be helped by our keeping interest rates in check.

Now, we cannot disregard the basics in life. We're a capital short state. We understand that the Federal Reserve Board has raised their prime rate. That's not the point. My point is that we should put some feeling and put a time limit. In other words, not have a five year period as we have had.

Placing aside this five year provision in this bill is ridiculous at this exceptionally

critical moment when our economy is so precariously dangling between recession and inflation. A far more judicious step, Mr. Speaker, would be to limit this period to one or even two years. This shorter period would give the legislature the option of holding an annual or biennial review of the usury law. This would give the legislature not only the control, but also the flexibility, Mr. Speaker, to act wisely as our economic pendulum swings between higher unemployment and higher living costs, including the cost of everything that goes into the index.

I want Hawaii's legislature, rather than the big banks, to set the maximum interest rates on real property loans in the years 1983, 1984 and 1985. And so, my dear colleagues, I hope that this brief analysis will persuade you to vote no on this bill."

Representative Ushijima then asked for a ruling on a potential conflict of interest stating that he is an officer of a financial institution which may benefit by this measure.

The Chair ruled no conflict.

Representative Blair also asked for a ruling on a potential conflict of interest stating that his wife is employed by a financial institution.

The Chair again ruled no conflict.

Representative Shito asked for a ruling as he is also employed by a lending institution.

The Chair ruled no conflict.

Representative Blair then rose to speak in favor of H.B. No. 1782-80, HD 2:

"As I am sure all of us are aware, there is a market price for funds. There are two things that the state legislature can do. One is that we can set the usury rate below the market rate, in which case all funds will flow out of Hawaii; the second alternative is to set it at a level sufficient to let the market

price prevail. We have chosen the latter course, Mr. Speaker. It's not pleasant, but we have a choice of allowing most of the people to be hurt because of the fact that there is a tight money policy existing in our nation right now, or alternatively, we could have done nothing, and hurt all of the people. It really wasn't a particularly pleasant choice, Mr. Speaker, but I think that it's one that in good conscience we must make. Thank you."

Representative Narvaes rose to speak against this bill:

"Inflation is the biggest problem in our country today and I feel the states that are removing the usury limitation are going the wrong way. I think if all the states across the country were to stick together and keep usury limitations, then I think it would help, but in this situation we're damned if we do and damned if we don't. I think I would rather be damned and set limitations."

Representative Narvaes then requested that further remarks of his be inserted into the Journal:

"Mr. Speaker, we are beginning to experience firsthand the effects of uncontrolled inflation and our economic future doesn't look very attractive.

What the fluctuations will be in the interest rates, the price of gold, the inflation rates, no one except God truly knows, but Mr. Speaker, one thing is certain, the trends are pointing upward. The inflation rate will go higher, the purchasing power of our money will decline further.

It amazes me that good publications in the financial field are always discussing the question of whether or not inflation will continue and guessing or predicting what the inflation rate will be next year. In my opinion, this displays a great weakness in thinking.

As the inflation continues and feeds on itself, the rate will increase. Mr. Speaker, remember 1970, the inflation rate then was 4% and everybody

thought 4% was outrageous and unacceptable. Now the rate is 20%, five times higher. I hate to think what the inflation rate will be five years from now.

If our present course continues, I see nothing but an eventual disaster. We can go on with our present inflation rate for several years before we reach a crisis. Our state and country may be looking at 50% inflation in the not too distant future.

Mr. Speaker, the American political decision making generation is still re-living the last great deflationary depression of the 30's. Our most predictable reaction will always be to inflate interest rates to fight inflation because of an unseen fear of deflation and depression. These decision makers don't seem to understand how to handle inflation.

Mr. Speaker, despite signs that the economy is slowing, the greatest single domestic problem remains. Inflation destroys savings, wrecks pension and retirement incomes, consumes the capital needed to provide jobs and increased living standards, destroys insurance programs, impoverishes the thrifty, and destroys the middle class and the poor. Inflation lets the strong exploit the weak. Accounting becomes deceptive, profits become illusory, contracts cannot be kept, taxes and unemployment go ever upward and business cycles fluctuate ever more widely.

Mr. Speaker, today the retired living on fixed incomes, the poor and middle income earners, even the rich are desperately looking somewhere for a means of preserving what they have earned.

Mr. Speaker, we are damned if we do and damned if we don't in this issue of raising the usury limits.

Fellow legislators, high interest rates is one of the major products of inflation; allowing for higher interest will be added fuel that will push inflation dangerously higher. I cite one example: home

financing costs skyrocketed 34.7% in 1979.

Fellow legislators, that is why I'm voting no on this measure."

Representative Sutton then rose in rebuttal:

Our learned representative from the fourteenth representative district has come forth with very weak arguments. It's sort of like a piper pleading in the state of California where they confess and then try to avoid.

He confesses we shouldn't be doing this and then doesn't really succeed in avoiding it. What he has done in so many words is not really answer the two basic issues that I have tried to bring out - that we should put a limit, maybe similar to what State Representative Larsen talked about, 20%, and we should put a time limit, not five years. And we should, if we are going to do this, not just take care of loans concerning real estate, we should have taken care of the farmer. There is nothing here to take care of the man that has cattle on the hoof, sheep or anything of that nature. We have totally disregarded the livestock market and we have not encompassed anything but taking care of the large banks and the large real estate dealers, like myself.

I would suggest, Mr. Speaker, that the learned gentleman from the fourteenth district is a very brilliant scholar and I think he certainly could have presented arguments that were stronger. Either he's understating his case or not stating it at all. Therefore, I would ask you, Mr. Speaker, to vote no against this bill."

Representative Blair again rose to speak in favor of this bill:

"I would like to make two points very briefly. The first is that I didn't want to repeat the Committee report on the assumption that all the Committee members and members of the House had read it.

The second is with regard to their bill. If you would look at subsection F at the bottom of page 3, he would find his concern resolved.

The motion to pass H.B. No. 1782-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY", on Third Reading was put by the Chair and carried by a vote of 48 ayes, with Representatives Fukunaga, Narvaes and Sutton voting no.

The Chair directed the Clerk to note that H.B. No. 1782-80, HD 2, passed Third Reading at 8:36 o'clock p.m.

At 8:37 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representative reconvened at 8:45 o'clock p.m.

H.B. No. 2845-80, HD1

Representative D. Yamada moved that H.B. No. 2845-80, HD 1, pass Third Reading, seconded by Representative Honda.

Representative D. Yamada then rose to speak on H.B. No. 2845-80, HD 1:

"Mr. Speaker, just for the record, the Committee report refers to the fact that the statute as it presently stands is in conflict with Article 3, Section 7. Section 7 should read 'section 6.' When we first went through the bill, we didn't realize that the Constitutional Convention re-numbered some of these sections."

The motion to pass H.B. No. 2845-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS", on Third Reading was put by the Chair and carried by a vote of 45 ayes, with Representatives Anderson, Evans, Ikeda, Medeiros, Narvaes and Sutton voting no.

H.B. No. 2929-80, HD1

On motion by Representative D. Yamada, seconded by Representative

Honda, H.B. No. 2929-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF DEFENDANTS", passed Third Reading by a vote of 49 ayes, with Representatives Baker and Hagino voting no.

H.B. No. 2816-80

On motion by Representative D. Yamada, seconded by Representative Honda, H.B. No. 2816-80, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2845-80, HD 1; 2929-80, HD 1; and 2816-80 passed Third Reading at 8:47 o'clock p.m.

H.B. No. 1775-80, HD2

Representative Kiyabu moved that H.B. No. 1775-80, HD 2, pass Third Reading, seconded by Representative Kawakami.

Representative Kiyabu then rose to speak in favor of H.B. No. 1775-80, HD 2:

"This bill contains two things: land use policies to guide our state Land Use Commission in making boundary amendments; and land use priorities to guide all state and county land use decisions. These land use policies are needed to fill the gap between the expiration date of existing guidelines used by the Land Use Commission (these will expire in May of this year) and the adoption of the 12 functional plans required under the Hawaii State Planning Act.

The land use priorities are set forth for state and county land use decisions and will be operative until the state functional plans for agriculture, water, recreation, conservation lands and tourism are adopted. These priorities are designed to preserve our agricultural, recreational and water resources and to confine resort development to designated areas in the State.

Perhaps one of the more controversial items in this bill is the requirement

that all resort development in these designated areas be set back 100 yards from the beach. Public access to the shoreline in the resort areas is another requirement.

I believe, Mr. Speaker, that what this bill shows is that we are 'getting our act together', by having a clearer idea and therefore, a public statement on what we want and don't want happening to our natural resources. This bill makes a significant commitment to the people of Hawaii by helping implement the intent of the Hawaii State Plan and the several 1978 constitutional amendments relating to the environment and land use. It is the next logical step in the progression of Hawaii's historic efforts, dating back to the 1950's, to integrate statewide planning with land use management policies.

Mr. Speaker, I believe that this bill will again place the State of Hawaii in the lead as far as national efforts in pioneering innovative land use legislation. We will again be looked upon as leaders, as we take a giant step toward balancing essential economic development with the judicious and wise use of our islands' limited natural resources.

We have talked long and hard about fulfilling our obligation to future generations by preserving Hawaii's agricultural lands, recreational resources, water resources and public shoreline access. We have continually talked about these objectives and this bill takes positive action toward their achievement. I believe that if we continue to act on legislation like this, we will in fact, be able to manage future growth so we can achieve desired employment opportunities for Hawaii's present and future population in an environmentally, socially and economically sound manner.

I believe House Bill No. 1775-80, as amended, reflects the collective concern of the legislature and the people of Hawaii to manage our growth in a manner which is consistent with the long term beneficial use of our natural resources.

Therefore, Mr. Speaker, I would

like to thank the members of the Committees on State General Planning and Water, Land Use, Development and Hawaiian Affairs and everyone else who has been involved in this bill and, in closing, I would like to urge all of my colleagues here in the House to vote in favor of H.B. No. 1775-80, HD 2."

The motion to pass H.B. No. 1775-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE PLANNING", on Third Reading was put by the Chair and carried by a vote of 50 ayes, with Representative Dods voting no.

H.B. No. 1777-80

On motion by Representative Kiyabu, seconded by Representative Kawakami, H.B. No. 1777-80, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PLAN AND EXECUTIVE BUDGET", passed Third Reading by a vote of 49 ayes, with Representatives Dods and Lee voting no.

The Chair directed the Clerk to note that H.B. Nos. 1775-80, HD 2, and 1777-80 passed Third Reading at 8:52 o'clock p.m.

H.B. No. 2842-80, HD1

Representative Kawakami moved that H.B. No. 2842-80, HD 1, pass Third Reading, seconded by Representative Larsen.

Representative Hagino then rose to speak against H.B. No. 2842-80, HD 1:

"I believe that this bill is going to weaken and pretty much destroy the Animal Species Advisory Commission. Let me read to you the current statute governing the Commission so that you people will understand how the decision-making structure currently works whenever the Department of Land and Natural Resources wishes to introduce a new species of animal to any habitat within the state.

The present law reads, 'No species of animal shall be deliberately introduced by the Department unless the introduction

is recommended by the Fish and Game Division.' Then, after that, the law states, 'The Fish and Game Division, in determining whether to recommend the deliberate introduction of a species of animal shall make the following findings after consultation with the Animal Species Advisory Commission.' I think those of you who have been in the legislature for a long time, or have followed conservation measures for the last 15 or 20 years will remember that there have been moments of great controversy over the introduction of new species of animals; for example, the introduction of the axis deer into the Big Island.

The reason why the Commission was set up was to advise the Fish and Game Division at the very beginning of its planning process. In other words, the structure of the law is such that the Fish and Game Division or the new divisions under the reorganization of the Department of Land and Natural Resources, they come up with the proposals to introduce a new species and the law requires that the Animal Species Advisory Commission make its advice known then, at the very critical moment when research is being done, when the possible effects of the introduction on the environment is being researched.

Under the new law, the Animal Species Advisory Commission advises the Board of Land and Natural Resources and some people may say that that is better because they are advising the decision-making body of the Department of Land and Natural Resources by maintaining that it takes scientists, and the Animal Species Advisory Commission is composed of scientists, it takes them a long time to determine what the effects of the environment will be when they introduce new species into the various ecological natures of Hawaii, and if they are not given sufficient time to do their research from their viewpoint, not the Fish and Game or whatever division will handle the introduction of the species under the new reorganization, but from their viewpoint, the viewpoint of an invertebrate zoologist, for

example, it will take some time to do that kind of research to make the proper advice to any governing body.

I think it's very critical that we keep the present law that the Animal Species Advisory Commission comes into play at the very moment that the division wants, or is beginning to consider the introduction of new animals into the Hawaiian habitat.

Secondly, the proposed law makes their advice discretionary rather than mandatory. It's true that under the present law, as well as under the proposed amendment, the Advisory Commission just gives advice, but I think it makes a lot of difference when the law states that the advice be mandatory rather than discretionary. I think under controversial decisions many times the advice of the Animal Species Advisory Commission in the future if this law is passed, will not be sought. I know when people ask the Board, why did you decide this way, didn't you consider the advice of others. There's nothing for them to fall back on. Under the present law, they have to seek the advice of the scientists and I wish to point out that although it's a simple commission, the Hawaiian habitat is a very fragile environment and any introduction of new animals can have devastating havoc, it's happened before when Captain Vancouver just let off a few cattle on the Big Island and they ravaged half the island, and it's a simple commission, but I think its work has been very successful. The very presence of the Commission, you don't hear of it very much, but the very presence of the Commission has prevented the introduction of very dangerous animals into the Hawaiian environment.

I urge all of you to vote against this measure. It changes the structure of the Commission, at what point its advice is going to come into play and, secondly, its advice is now discretionary under the new proposed changes, rather than mandatory."

The motion to pass H.B. No. 2842-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISH AND

GAME", on Third Reading was put by the Chair and carried by a vote of 46 ayes, with Representatives Andrews, Baker, Fukunaga, Hagino and Say voting no.

The Chair directed the Clerk to note that H.B. No. 2842-80, HD 1, passed Third Reading at 8:58 o'clock p.m.

At 8:59 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:04 o'clock p.m.

H.B. No. 2712-80, HD1

Representative Lunasco moved that H.B. No. 2712-80, HD 1, pass Third Reading, seconded by Representative Say.

Representative Marumoto then rose to speak against H.B. No. 2712-80, HD 1:

"This bill would require that the DOE certify future teachers in language arts, reading and mathematics. It might be helpful to have a teacher specialized in a particular field; however, remember that one teacher oversees only one class of elementary school children.

Unless the children are shuttled to two other teachers who hold certificates in the other areas, a child will not receive the full benefits of this change. If the teacher holds certificates in all three areas, then the child is indeed fortunate.

One can also assume that teachers who now come out of college are prepared to teach the 3 R's. This bill presumes that they still need further training and this may not be the case.

My last objection to this bill rests on another bill now pending before the 1980 legislature. The University of Hawaii following the dictates of the recent Constitutional Convention now says that the DOE approval of the teacher curriculum is no longer

necessary. In other words, if the College of Education does not feel it is necessary to comply with the requirements of this bill before us now, the College does not have to do so.

Should both these bills pass, there could be a conflict. Though I believe it is unlikely that the UH will graduate teachers who cannot get DOE certification, this is a distinct possibility.

I favor teachers receiving as much specialized training as possible, especially in the basic skills, but because of the problems I have enumerated, I am voting no on this bill."

Representative Lunasco then rose to speak in favor of this bill:

"I rise to speak in favor of this bill and rebut some of the statements made by the previous speaker.

Mr. Speaker, what really concerns me in education is that too many times the University dictates to our educational system. As an example, they treat us like employees rather than the employer. Fortunately, Mr. Speaker, we've hemmed and hawed for years on the basic skills and presently, Mr. Speaker, you can't cite the teachers for not being competent enough to teach the basic skills because they haven't had the intensive training.

What this bill does is to assure our kids in the years after 1983, that all teachers teaching the basic skills, reading, writing and arithmetic, would have to be professionals in those fields.

Mr. Speaker, our teachers coming out of the system are not qualified to teach in our educational system although they are certified as a teacher, so what we have to do, after we hire them, is spend additional money to train them, hopefully, in accomplishing the job that we see fit.

Mr. Speaker, what I am saying is that we are the employer and not the employee and if we feel that these kinds of things are needed in the system, then we should mandate it and not have the University dictate

to us what we can accept.

I think one of the biggest concerns is trying to take care of our local kids who graduate from the College of Education and go on to look for employment. My concern, Mr. Speaker, is that we're dealing with our youngsters and our future leaders of tomorrow and I'm not here to make jobs for our local residents if they can't cut the mustard.

All I'm saying, Mr. Speaker, with these kinds of qualifications, we won't have to in-service or spend a lot of money in supporting the basic skill teacher whom we already assume should be able to teach. Unfortunately, Mr. Speaker, many of the teachers within these areas are not, and let me also state, it's not their fault because they haven't had the special training, but what this bill does is to assure that after 1983 all these teachers will have these certifications."

Representative Evans rose to speak against H.B. No. 2712-80, HD 1:

"I believe I understand what the Chairman of the Education Committee is attempting to do but my concern is what is currently not happening. I believe in the bill that he addresses that after 1983 these teachers would have to be certified in these special areas; however, if the birth rate keeps dropping, we're not going to need very many new teachers and what we should be doing is attempting to provide in-service training to those who are already placed in classrooms.

That, of course, means more funding, but if the training of basic skills is important to us, then we should be attempting to provide funds for in-service training. I believe that the problems are current and the problems perhaps will not be with us after 1983. I believe we are not addressing the current problems."

Representative Toguchi then rose to speak in favor of this bill:

"First of all, I would like to say

that I support the statements made by the Chairman of the Education Committee. In addition, I would like to clarify a point made by the representative from Waialae-Kahala. She said that there might be a possible conflict with another bill that we considered here in the House earlier and I can assure her that there is no conflict with that bill.

If I remember correctly, the bill mentioned basically what the role of the University will be and what the role of the Department of Education will be and in that it actually mentioned what the DOE will come out with the requirements, at least a large portion of it, and the University of Hawaii will handle the 'how' it's going to be done, as far as in the teacher training. So there's a clear-cut distinction in the bill that the DOE will determine what the requirements are for teacher training and the University will determine how that is going to be achieved, so there's really no conflict there.

I would also like to say in response to the representative from Kaneohe, that there is in-service training going on. In fact, if you look at many of the districts, they already have special reading programs going on and these teachers have been in service to conduct those special reading programs for example, and this is over and above the training that they received at our local University here.

In essence, what this bill is trying to accomplish is that since we are placing more emphasis in the area of basics, that is in reading, language arts and mathematics, what we are trying to do is we are trying to, in their training, have them accumulate more hours and I know that when I was going to school, and I'm a former school teacher, we had a wide choice as to what we could select and many times we avoided some of these courses, and we are hoping that through this piece of legislation, in the future when teachers come out of the College of Education, that they have a little more background in these three

areas because I think the public is demanding that we do a better job in the area of the basics.

So, with these statements, I would like to ask that all of you vote in support of this bill."

Representative Uwaine asked the Chair to rule on a potential conflict of interest stating that he is an elementary school teacher by profession.

The Chair ruled no conflict.

Representative Uwaine then spoke in favor of this bill:

"I would like to emphasize again what the Chairman of the Education Committee and the previous speaker said. It is the Committee's hope that teachers do go back and get the basic skills. In fact, it is my hope that teachers graduating after 1983 will have three certificates or the curriculum at the University of Hawaii in the College of Education to emphasize that.

Mr. Speaker, in speaking before this body, I want to say some facts. Right now, presently, you need 126 credits to graduate from the College of Education majoring in Elementary Education. Mr. Speaker, it is a known fact that the person can graduate with 126 credits in four years and just be required to take these credits: one course in math, five credits in English which might be two courses, and two credits in language arts, which is just about one half of a class; and the person could get by with this minimum and graduate with 126 credits in the College of Education with a major in Elementary Education.

I think the Chairman and the Committee are trying to emphasize the fact that we don't think this is sufficient and that teachers graduating from college after 1983 should put some emphasis in these areas and I think that's the way the Committee is trying to get at the basic problem in schools right now."

Representative Larsen then rose

to speak on H.B. No. 2712-80, HD 1:

"Mr. Speaker, I am going to vote in favor of this measure because I lack the specific knowledge that has been enumerated on the floor tonight about what we really need in the educational system. It's obvious from the statistics on people that are being graduated from high school that they are definitely lacking in these basic skills. Now the question is how do you get at correcting the problem.

The Chairman of the Education Committee has submitted a bill to us that by 1983 we are going to start to correct it. The Minority Floor Leader has suggested that maybe, if we concentrate on upgrading the present teaching staff, we would be better put spending our money in that area. I tend to favor that approach because everyone here knows that these classes are held by tenured teachers and they're not going to step aside when somebody with extra credits in these different fields just steps up to bat and decides they want to start teaching school. This is the basic problem.

People who don't have the high qualifications have the job locked up and I think this is the problem before us and I hope we address it sometime in the near future."

Representative Evans then rose in rebuttal to some of the previous speakers:

"I believe that some in-service training is ongoing, but not enough. It is only cursory. When the question was asked in the Committee hearing about those who are currently in the teaching profession, currently in place in the schools, it was said that they were grandpersoned in and this, to me, is the core of the problem when you do not have properly trained people.

And I also believe it is presumptuous to say that those coming out of the UH system will be certified and therefore teaching in our school system. There are many other colleges

and universities clear across the nation. Are you saying then that you are going to be discriminating and only hiring teachers from the UH system? I believe that to be very discriminatory. That could apply to our local kids who go away to college."

Representative Lunasco again rose to speak in favor of H.B. No. 2712-80, HD 1:

"Mr. Speaker, let me just leave the members with a thought. You know, we phased out 3 on 2 several years ago and how many of you realize the majority of the teachers in the 3 on 2 program are servicing the basic skill classes in reading, writing and arithmetic because our test scores have been going down.

As I said, Mr. Speaker, I cannot blame the teachers. Let me just expand a little and say how a teacher is placed in elementary education. As you already heard from my colleague, Representative Uwaine, you take general education in elementary education. Assuming you majored in music and I'm the principal at Waialua School and you come for an interview with me at my school and I like you and I hire you, but tomorrow you're going to teach reading.

Now, Mr. Speaker, you've got to expect these teachers, fumbling and trying to learn how to teach reading, unless you had a general course in reading, the kids are going to get hurt. What I am saying is that we're the employer and if you feel that these kinds of things are needed, then we should mandate it and let the universities, whether it's the University of Hawaii or the mainland, develop programs in these areas.

Now, one of the previous speakers said in-service training. It's great, but everytime we pass the money around, we run out of money for this kind of purpose and if we do call in-service training on a weekend, unless we pay the teachers, they aren't going to show up. So who are you going to teach in in-service

training? Are we going to waste more money. We should be running the state government as a business. Castle and Cooke don't run an operation like this. They'd go bankrupt in a flash, and this is why we're losing a lot of money and these are the kinds of things that have to be done.

But one of the biggest concerns is about the teachers in the system and I challenge anybody here, I'll take them on, if you're willing to do so, do; but don't leave me hanging out and say we're going to charge the teachers and have them trained and then turn around and we end up with nothing. This, to me, Mr. Speaker, is a better route to go."

Representative Toguchi again rose to speak on this bill:

"Mr. Speaker, I just want to say a few thing here in rebuttal to the previous speaker. It was not the intent of the Committee to have these requirements met only by the University of Hawaii and this is why we did not take the approach that we would mandate certain requirements, as far as number of credits at the University of Hawaii. We could have taken that approach, but we knew that there are other colleges and universities involved, and therefore, this is why we left the requirement with the Department of Education and the Department then would let everybody know that these are the requirements that they have to meet in order to teach in the schools here in Hawaii."

Representative Larsen rose to make one more point on this bill:

"Number one, the reason why Castle and Cooke isn't going broke is because they're not tenured down there. When they stub their toe, they put a bandage on and go look for another job.

The other part here that I don't know why these people are avoiding is that your Committee further believes that the provisions stated in the bill should not affect teachers who are already employed by the DOE, those who have already begun their training, etc. That's the nut of

the problem.

As long as we keep avoiding that issue and saying that anybody in there can keep on going forever, we've got a serious problem. I agree with the Chairman of the Education Committee. We have to do something about it, but waiting until the end of the pipeline and everybody retires and gets out of it and then putting in new people, I don't think is going to solve the problem. I still will support the measure."

The motion to pass H.B. No. 2712-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF TEACHERS", on Third Reading was put by the Chair and carried by a vote of 46 ayes to 5 noes, with Representatives Evans, Ikeda, Kamalii, Marumoto and Sutton voting no.

The Chair directed the Clerk to note that H.B. No. 2712-80, HD 1, passed Third Reading at 9:24 o'clock p.m.

H.B. No. 2870-80

Representative Shito moved that H.B. No. 2870-80 pass Third Reading, seconded by Representative Lee.

Representative Kamalii rose to speak against H.B. No. 2870-80 and requested that her remarks be inserted into the Journal:

"Mr. Speaker, this bill raises, at least for me, questions of 'special legislation' and ex post facto law. I do not believe that this reduction in the lease duration is proper, even the Committee report very explicitly addresses, but does not answer my concerns. This legislation is meant to bring specific leases in Kaaawa under the terms of the Land Reform Act.

Mr. Speaker, it has been my suspicion, but never so blatantly evident before, that the Land Reform Act was meant to totally eliminate the possibility of the long-term lease as a legal property concept. To

my mind, this period of fifteen years violates a common sense approach to find the middle ground between appropriate lease arrangements and fee conversions.

What we may be doing by this bill is forcing certain property owners to simply leave the lands unused or risk final alienation of title. That would be intolerable, and a fundamental contradiction of the whole system of private property.

I find that a very dangerous situation and one which could eventually affect just those individuals whose implied property rights you now pretend to be guaranteeing.

I ask my colleagues to consider this bill very carefully before they vote.

Thank you."

The motion to pass H.B. No. 2870-80, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLDS", on Third Reading was put by the Chair and carried by a vote of 47 ayes to 4 noes, with Representatives Anderson, Ikeda, Kamalii and Sutton voting no.

H.B. No. 2318-80

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 2318-80, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2319-80

On motion by Representative Blair, seconded by Representative Shito, H.B. No. 2319-80, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF VETERINARY EXAMINERS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2680-80, HD1

On motion by Representative D. Yamada, seconded by Representative

Honda, H.B. No. 2680-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC RECORDS", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

The Chair directed the Clerk to note that H.B. Nos. 2870-80; 2318-80; 2319-80 and 2680-80, HD 1 passed Third Reading at 9:25 o'clock p.m.

H.B. No. 2646-80

On motion by Representative D. Yamada, seconded by Representative Honda, H.B. No. 2646-80, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2646-80 passed Third Reading at 9:26 o'clock p.m.

H.B. No. 2669-80, HD1

Representative D. Yamada moved that H.B. No. 2669-80 pass Third Reading, seconded by Representative Honda.

At this time, Representative Sutton rose to speak against H.B. No. 2669-80, HD 1:

"Mr. Speaker, this is an administrative hearing procedure and special subpoena powers and we are told that the purpose of this bill is to allow the Department of Education Rule 49 hearings officers to subpoena witnesses in their administrative proceedings.

Now, Mr. Speaker, let me give you a little bit of this language, and I would like you to know that these administrators are not attorneys but they are given all the power of a judicial trial and they can compel witnesses under oath, cross examination of witnesses, obtain a written or electronic verbatim record of the proceedings, compel the attendance of witnesses on their behalf, and then, we proceed, Mr. Speaker, in case of failure of any

person to comply with a subpoena, then they are under contempt.

Now, it seems to me that the whole concept here of Rule 49 was to have an administrative hearing and get at the facts, but not have something with the teeth that this has in it, powers of perjury, powers of contempt, powers of subpoena and I imagine, it doesn't say it here, but I think it's implied, powers of subpoena duces tecum.

Mr. Speaker, this is too harsh, way too harsh. What they want to do is set an atmosphere of more informality in getting the facts, not make people feel that the sword of Damocles is hanging over their head. So, Mr. Speaker, I would urge you to vote against this bill. Thank you."

The motion to pass H.B. No. 2669-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", on Third Reading was put by the Chair and carried by a vote of 47 ayes to 4 noes, with Representatives Evans, Ikeda, Marumoto and Sutton voting no.

H.B. No. 1957-80

On motion by Representative Stanley, seconded by Representative Kunimura, H.B. No. 1957-80, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF CIVIL SERVICE ELIGIBLES", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2669-80, HD 1 and 1957-80 passed Third Reading at 9:29 o'clock p.m.

H.B. No. 2191-80, HD1

Representative Stanley moved that H.B. No. 2191-80, HD 1, pass Third Reading, seconded by Representative Nakamura.

Representative Kamalii then rose to speak against H.B. No. 2191-80, HD 1:

"Mr. Speaker, my reservations about this bill are larger than the specific issue of arming resident aliens. As in the past, my concern is for the instrumental development of a virtuous state police force for which there are no uniform trained procedures, no cross-departmental standards affecting hiring of final performance criteria.

Instead, we continue to give full police powers to airport and harbor guards, conservation enforcement officers, national guard and the capitol guard. Each of these groups of police officers is subject to a different department with different circumstances of citizen contact and, this is most important, to different circumstances determining the proper level of force and when firearms should or should not be used. I find that frightening. Hawaii does not have capital punishment, but we do exercise the fullest degree of state authority over the literal rise of our citizens when we arm an individual and specifically give him the power of life and death, an awesome power, and one generally without limits except the discretion of the individual officers. If we feel the need for a state police force, then let's have one.

However, such a state force should not be slapped together and pieces assembled from the limited recognition of need as it appears. Are we, by this bill, now saying that we have employment problems or that there is a general imperative for arming more individuals. All studies on violence, regardless of the final conclusion, make note of cultural differences about the circumstances and degree of response.

I am not saying that an alien should be armed, but I do feel the need to offer the most extraordinary assurance to the people of Hawaii that a sanctioned police force will not be effective by cultural differences.

Shouldn't we have sensitivity training for all of our officers. Shouldn't we have some definition as to the specific instances when an officer is authorized to use a

weapon, and shouldn't these standards be uniform for all state officers so that the public may have the assurance of a constant response?

These questions are very serious and until I have some answers, I cannot support any further extension of police forces and power.

Representative Stanley rose to answer some of the questions brought up by the previous speaker:

"Mr. Speaker, presently there are 378 correctional officers of which 15 are resident aliens. These 15 resident aliens are employed at Hawaii State Prison and in the course of their duties are often required to carry firearms. Our present statutes prevent this and that's what this bill seeks to correct and that's exactly what the bill does and in a letter that we have received and distributed to the members of the PEGO Committee and Corrections Committee, they have outlined the training that these adult correctional officers receive and I think that this letter will answer many of the questions the previous speaker raised, so I would ask all members of this House to support this measure. Thank you."

The motion to pass H.B. No. 2191-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNERSHIP AND POSSESSION OF FIREARMS", on Third Reading was put by the Chair and carried by a vote of 46 ayes to 5 noes, with Representatives Evans, Kamalii, Lacy, Larsen and Sutton voting no.

H.B. No. 1958-80

On motion by Representative Stanley, seconded by Representative de Heer, H.B. No. 1958-80, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SICK LEAVE CREDITS WITH WORKERS' COMPENSATION BENEFITS", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2191-80, HD 1, and 1958-80 passed Third Reading at 9:34 o'clock p.m.

H.B. No. 2533-80, HD1

Representative Takamine moved that H.B. No. 2533-80, HD 1, pass Third Reading, seconded by Representative de Heer.

Representative Sutton then rose to speak against H.B. No. 2533-80, HD 1:

"Mr. Speaker, we have very, very harsh conditions here. Let me look at the language and I will give you an example. Now, Mr. Speaker, it says that 'his failure to operate or handle' and it goes on to any one of these various devices that is engaged in work, like an apparatus or equipment, which are in violation of this chapter or standard, rule, regulation, order or variance issued under authority wherein such failure or refusal is based on a reasonable fear that death or serious injury could result.

Now, Mr. Speaker, right in front of you is a chandelier. That chandelier, we'll say, has some trouble, so I am ordered to get a step ladder and go up and fix that. Now, as I go up and fix that, I have fears of my own. I don't know how well it is anchored, it might come right down on me assuming my step ladder is directly under that, and the basic information might be that that chandelier is very well anchored into the ceiling above and therefore my fear of death and that falling on me is unreasonable, or my fears of serious injury.

I think we have put a test that is too stringent and I think that we have put something where the subjective process of the individual worker is totally neglected and I would like to ask you, Mr. Speaker, if you would please join me in voting no."

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

The House of Representatives reconvened at 10:07 o'clock p.m.

Representative Evans then rose

to ask if the Chairman of the Public Employment and Labor Relations Committee would yield to a question.

Representative Takamine yielded.

Representative Evans asked:

"I wonder if it was an oversight, and I am certain that it was not intentional, but there is some discriminatory language on pages 2 and 3 of the bill regarding a person's gender. There is much reference to 'his' throughout those two pages and I wondered, perhaps, if this had been an oversight and could be corrected in the Senate."

Representative Takamine answered that he would do his best to have the terminology corrected.

The motion to pass H.B. No. 2533-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW", on Third Reading was put by the Chair and carried by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

H.B. No. 2577-80

On motion by Representative Morioka, seconded by Representative Inaba, H.B. No. 2577-80, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2533-80, HD 1 and 2577-80 passed Third Reading at 10:07 o'clock p.m.

H.B. No. 2059-80

On motion by Representative Morioka, seconded by Representative Inaba, H.B. No. 2059-80, entitled: "A BILL FOR AN ACT RELATING TO THE GRAND JURY", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2059-80 passed Third Reading at 10:08 o'clock p.m.

H.B. No. 2224-80, HD1

Representative Morioka moved that H.B. No. 2224-80, HD 1, pass Third Reading, seconded by Representative Inaba.

Representative Kamalii then rose to speak against H.B. No. 2224-80, HD 1:

"Mr. Speaker, a little earlier I expressed my concern regarding the piecemeal establishment of a state police force. This bill would put that concern to another level of what I feel is state irresponsibility in this area. Now we would support the incremental development of police powers.

In this instance, I can thoroughly, confidently predict that we'll be asked to grant judiciary personnel the right to carry firearms next year. Why? Because the first time a court guard moves to make an arrest and is resisted, there will be a cry for their need of self-protection and the protection of those around them.

Further, there is some dispute over the full powers of the Honolulu police to subdue or restrain a prisoner. Here, again, there may be instances in which the court guards will be asked to give partial police powers.

We are attempting the impossible, Mr. Speaker. We are increasing the duties of officers without giving them additional powers or enforcement. And, for these reasons, and those I cited in opposition to H.B. No. 2191, I ask that this measure be defeated."

The motion to pass H.B. No. 2224-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", on Third Reading was put by the Chair and carried by a vote of 50 ayes to 1 no, with Representative Kamalii voting no.

The Chair directed the Clerk to note that H.B. No. 2224-80, HD 1, passed Third Reading at 10:10 o'clock p.m.

H.B. No. 2286-80, HD1

On motion by Representative Lee, seconded by Representative Shito, H.B. No. 2286-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2286-80, HD 1, passed Third Reading at 10:11 o'clock p.m.

H.B. No. 2795-80

On motion by Representative Lee, seconded by Representative Shito, H.B. No. 2795-80, entitled: "A BILL FOR AN ACT RELATING TO NURSING HOME ADMINISTRATORS", passed Third Reading by a vote of 51 ayes.

H.B. No. 1997-80

On motion by Representative Lee, seconded by Representative Baker, H.B. No. 1997-80, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF SOCIAL SERVICES", passed Third Reading by a vote of 51 ayes.

H.B. No. 2073-80, HD1

On motion by Representative Lee, seconded by Representative Baker, H.B. No. 2073-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2795-80; 1997-80; and 2073-80, HD 1, passed Third Reading at 10:12 o'clock p.m.

H.B. No. 2173-80

On motion by Representative Lee, seconded by Representative Baker, H.B. No. 2173-80, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE PROGRAM VIOLATIONS AND PENALTIES", passed Third Reading by a vote of 51 ayes.

H.B. No. 2362-80, HD1

On motion by Representative Lee, seconded by Representative Baker, H.B. No. 2362-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMICILIARY CARE", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2173-80 and 2362-80, HD 1, passed Third Reading at 10:13 o'clock p.m.

H.B. No. 2388-80

Representative Lunasco moved that H.B. No. 2388-80, HD 1, pass Third Reading, seconded by Representative Say.

Representative Evans then rose to speak in opposition to H.B. No. 2388-80:

"The main purpose of this bill is to allow District School Advisory Council members to be appointed by the governor without consideration of the appointed persons party affiliation or preference or nonpartisanship. The present requirement that not more than a bare majority of each council be members of the same political party or be nonpartisan members would therefore lapse.

Although the Board of Education testified in favor of H.B. No. 2388 on the grounds that it would allow the appointment to School Advisory Council's of those best equipped to address problems in education, I cannot agree that this would be the happy outcome. Since it is the governor who appoints council members, it is equally plausible and possible that such appointments would come to represent nothing more than political patronage, each and every appointee being affiliated with the Democrat party.

The trouble with this approach is that the general public is becoming increasingly anxious about the extent to which political considerations determine the quality of our entire public educational system. This bill is particularly ill-timed in that

it does nothing to allay these concerns. It merely confirms those who are not involved in the political process in their opinion, that concern over the education of our children ranks second to political, administrative and bureaucratic priorities.

In addition, I strongly feel that adoption of this bill would create unhealthy precedents for the composition of other commissions and councils within the State of Hawaii. Having opened the door for the School Advisory Councils to be made up entirely or primarily of affiliates of one party, where would the process end? Is it not foreseeable that eventually a time would come when all such advisory bodies would consist of representatives of one political persuasion?

One of the great strengths of our country, and the State of Hawaii, has always been its ability to accommodate various viewpoints and approaches to a matter of general concern. I believe that H.B. No. 2388-80 would inevitably lead to a watering down of this asset in the case of our School Advisory Councils.

Given this fact, and the fact that the public education system in Hawaii stands at a crucial crossroad, I respectfully request members of the House to reject H.B. No. 2388-80."

Representative Lunasco then rose to speak in favor of H.B. No. 2388-80:

"Mr. Speaker, using the previous speaker's rationale about party affiliation, I would assume, me being a Democrat, the Republicans wouldn't get any input as far as education matters are concerned.

Mr. Speaker, education does not draw party lines. I think each and everyone of us here are sincere about education. It doesn't matter whether you are a Republican or a Democrat. I think all of us would be fighting for the same end, and that is to educate our children."

Representative Evans rose in rebuttal:

"I wish that were so in these appointed bodies, but it is not; and I would like to reference the one point where he said if he wasn't so fair, we wouldn't have Republican input. Perhaps we have some Republican input in the Education Committee, but it doesn't go much further."

The motion to pass H.B. No. 2388-80, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT SCHOOL ADVISORY COUNCILS", on Third Reading was put by the Chair and carried by a vote of 46 ayes to 5 noes, with Representatives Evans, Lacy, Marumoto, Narvaes and Sutton voting no.

H.B. No. 2418-80, HD1

On motion by Representative Kawakami, seconded by Representative Uechi, H.B. No. 2418-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY PRODUCTION FACILITIES IN AGRICULTURE DISTRICTS", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2388-80 and 2418-80, HD 1, passed Third Reading at 10:18 o'clock p.m.

H.B. No. 2661-80, HD1

On motion by Representative Shito, seconded by Representative Lee, H.B. No. 2661-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2661-80, HD 1, passed Third Reading at 10:19 o'clock p.m.

H.B. No. 3048-80, HD1

Representative Segawa moved that H.B. No. 3048-80, HD 1, pass Third Reading, seconded by Representative Kobayashi.

Representative Sutton then rose to speak in favor of H.B. No. 3048-80, HD 1:

"Mr. Speaker, I would first of all like to ask the Chairman if he would yield to a question."

Representative Segawa yielded.

Representative Sutton:

"I hold in my hand, here, a very thick document. It seems to, possibly, just be conforming to the federal requirement. And as I read through, I am quite pleased to see that what I hope is the case, is there. Now, we had a certificate of need for a dental facility at St. Francis Hospital, in the middle of a residential facility, and this certificate of need was never open to due process, to a public hearing, it did not get a chance for any appellate review, and what I want to ask, Mr. Speaker, is whether or not this will correct that situation."

Representative Segawa:

"Mr. Speaker, I believe that the subject matter that he brought up would have been taken care of. I cannot answer the question directly since I do not know the details of the particular certificate of need program that he is talking about."

Representative Sutton:

"Thank you very much. That was an excellent answer, and now may I proceed?"

Mr. Speaker, I submitted to the Health Committee evidence of the lack of due process in the certification of the dental clinic at St. Francis Hospital. I also attempted, myself, to perfect some sort of appellate review. I failed therein.

I am delighted to see this bill, and delighted to get the answer, and I would urge you, Mr. Speaker, to vote in favor of this regardless

of anybody's contention that you might have a conflict."

The motion to pass H.B. No. 3048-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING", on Third Reading was put by the Chair and carried by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 3048-80, HD 1, passed Third Reading at 10:22 o'clock p.m.

H.B. No. 1685, HD1

Representative Lee moved that H.B. No. 1685, HD 1, pass Third Reading, seconded by Representative K. Yamada.

Representative Lee then rose to speak in favor of H.B. No. 1685, HD 1:

"To simply refer to this bill as innovative or creative is to do it an injustice. This is significant legislation, perhaps the most significant to pass through your Committee on Public Assistance and Human Services.

The purpose of H.B. No. 1685, HD 1, is to establish a statutory base for the Department of Social Services and Housing to apply liens on real property owned by applicants or recipients under the Department's various public assistance programs. The purpose of this bill, however, goes quite a lot deeper. It goes right to the heart of the matter, that of establishing public assistance as a loan concept, and I repeat, as a loan concept, as opposed to the present outright gift or grant of public monies concept.

Mr. Speaker, with your permission, I would like to move right on to square one so that every member of this honorable body can clearly see the methodology which appears between the lines of H.B. No. 1685, HD 1.

Today, under the present system, a resident of Hawaii is not eligible

for public assistance if he or she has an excess of \$40,000 equity in real property. In today's booming real estate market, \$40,000 equity is not all that difficult to acquire.

Let me cite an example of how the policy on \$40,000 equity could be applied. A family faces catastrophic illness and mounting medical bills. And this could happen to any family or to anyone, at any time and at any age. They own a home valued over \$40,000. Under the present system, they are required to take certain steps before they can qualify for assistance to fight that illness.

Those steps, Mr. Speaker, are called 'pauperization'. In order to become eligible for public assistance, they must liquidate, consume or transfer their equity and property and thereby become paupers.

Then, and only then, can this family qualify for assistance. The state is not repaid any of the assistance provided.

In contrast to the present system, H.B. No. 1685, HD 1, will eliminate the need for any further 'pauperization' and will transform grants and gifts of public monies into loans, through the lien process.

An applicant for public assistance, irrespective of how much equity he or she may have in real property may be eligible as long as that applicant enters into an agreement with the Department of Social Services and Housing. Of course, other resources that the applicant may have must also be considered before that individual can be found eligible. The lien provision, simply stated, means that future assistance constitutes a lien against the applicant's real property, and that the lien remains in force until it is satisfied.

Mr. Speaker, let me cite a study made of the recovery of public assistance payments from the January 1973 edition of the Stanford Law Review. The study made the following points:

1. In the 30 states where public assistance payments are treated as loans which must be repaid, as

ours will be, assuming this bill passes, more than \$38 million dollars was collected in the calendar year 1969.

2. By the same token, public assistance officials in those states estimated that the deterrent effect of their recovery laws annually saved them 20 times more than the sum they collected.

3. Assuming the experts know what they are talking about, the recovery system in those 30 states produced a budgetary savings of more than \$700 million dollars in 1969.

4. And finally, \$700 million represented 6% of the national public assistance budget for the year 1969, even though 21 other states, including our own, did not have the lien provision.

Mr. Speaker, H.B. No. 1685, HD 1, in addition to establishing the mechanics for Hawaii to become a recovery state, also sets up the machinery for making the public assistance system more humane and more equitable. Those in need shall retain their self-respect and dignity.

An inordinate amount of time in checking and rechecking was required before I, as Chairman of the Public Assistance and Human Services Committee, was satisfied with this bill. Not only was every 'i' properly dotted and every 't' properly crossed, but consultation and input was requested and received from every corner of the community. In fact, Mr. Speaker, attorneys for the Legal Aid Society and the Office of the Attorney General and social work specialists from the Welfare Recipient Advisory Council and the Department of Social Services and Housing gave us their knowledge, expertise and their blessings.

Mr. Speaker, I wish to point out another very important aspect of this bill, and that is, the provision which sets a ceiling or a 'cap' on the size of the lien which the Department

can attach. This limitation guarantees the state a certain amount of recovery, and yet, at the same time, guarantees the recipient and certain heirs an opportunity to maintain financial independence and not become a further burden to the state.

This \$20,000 'cap' would in no way limit the amount of assistance an eligible and needy recipient could receive.

It would, in a sense, be similar to the deductible portion of our automobile collision insurance. We pay the deductible portion of an accident first, then the insurance company takes care of the remainder. For example, if we have a \$100 deductible and the repairs cost \$85, we would pay the entire amount. If, however, the repair bill was \$500, we would pay only the first \$100 and the insurance company would be responsible for the balance. In other words, the \$100 deductible is equivalent to the \$20,000 'cap' in the lien provision.

Under H.B. No. 1685, HD 1, if a recipient received \$17,000 in assistance, he or she or the heirs would satisfy the lien by repaying \$17,000. On the other hand, if \$32,000 of assistance was provided, the state would recover only up to the \$20,000 ceiling on the lien.

Granted, Mr. Speaker, this might limit the state's ability to recover more; however, the Department may provide the recipient family an opportunity to repay a set amount of the assistance they received and yet retain enough money and equity to allow them to maintain themselves without seeking additional public assistance.

Mr. Speaker, another aspect of the bill is that it calls for an annual accounting of liens attached and implemented by the Department of Social Services and Housing. In this way, not only lawmakers, but the taxpayers of Hawaii, will know exactly how much was, in fact, recovered in any calendar year and how much was pledged for recovery at a later date.

H.B. No. 1685, HD 1, will not force an applicant or recipient to sell or transfer property in order to receive or be eligible for assistance. In the event the recipient dies, the bill provides that various expenses, such as funeral expenses, residual expenses for the last illness, cost of administering the estate, and the cost of supporting the surviving spouse and children would be settled before the lien obligation needs to be satisfied.

Furthermore, Mr. Speaker, the bill has provisions to protect the surviving spouse, minor children, or any physically or mentally handicapped adult who occupy the property. In other words, they would not be forced to sell the property in order to satisfy the lien.

In conclusion, Mr. Speaker, we have finally arrived at a point where we can, in clear conscience, place dignity into the public assistance programs of the State of Hawaii by enacting H.B. No. 1685, HD 1. No longer will an applicant or recipient have to consider making himself a pauper or attempt to commit fraud in order to qualify. No longer will the courts have to decide on eligibility for assistance based on the equity of real property, as happened recently in Judge Samuel King's court in *Kanda vs. Chang*.

Mr. Speaker, I thank you and I urge you and the members of the House to support passage of H.B. No. 1685, HD 1, a most significant piece of legislation.

Mahalo."

Representative Kobayashi then rose to speak against H.B. No. 1685, HD 1:

"Mr. Speaker, this is a terrible bill. This bill raises the spectacle, the very unfortunate spectacle, of the government, the State of Hawaii, holding a lien against poor unfortunate individuals in the full scope of all public assistance programs in the State of Hawaii, including some programs which are increasingly

troublesome to us.

It holds the spectacle of the government filing a lien with the Bureau of Conveyances. It holds the spectacle of the government enforcing a lien against small citizens. It has the spectacle of government as overlord and as landlord.

It raises problems in terms of the government going after heirs of deceased people who were formerly under public assistance. Imagine the public spectacle of the government enforcing a lien against a 19 year old individual, because that 19 year old individual is no longer a minor child.

Imagine what would happen. This is a bill to keep poor people poor. This is a bill in which a person, even 18 years old, conceivably still in high school, can be saddled with a lien of \$20,000 which his deceased parents may have obligated him to because of illness and related compensation through the medicaid program.

This is a bill which sees government as, possibly, a collection agency. Literally, lien against rather unfortunate individuals, not providing them public assistance as our present laws call for, but rather extracting from them dollar for dollar, some sort of obligation for what, up to now, has been a generous and compassionate stand on the part of government."

Representative Silva rose to speak against H.B. No. 1685, HD 1:

"The State of Hawaii is having a difficult time running its own budget, yet alone trying to be a savings and loan type of situation. I feel that this bill would put more poor people back into debt, rather than assisting them."

Representative Sutton also rose to speak against this bill:

"Mr. Speaker, the quality of mercy is not strained, it falls from the heaven like the dew. Mr. Speaker, I know that you have read *Les Miserables*

by Victor Hugo, and as we proceed from that generation to ours, we think that we have become a compassionate society. Then here, tonight, we're talking in terms of slapping a lien on the house of somebody who happens to need and require public assistance.

This particular reference that the learned gentleman from Kalihi has made, the Stanford Law Review, is unfortunate. I shall look at the Harvard Law Review next.

Mr. Speaker, much has been said, and I will not repeat it, but it is my opinion that this lien provision contained herein violates the equal protection, the due process and the supremacy clauses of the Constitution of the United States of America and should be declared unconstitutional."

At 10:38 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:14 o'clock p.m.

Representative Hagino then stated:

"I would like to speak against this bill, but I know it's a long night and I don't think I can state my objections to the bill any better than Representative Kobayashi, so I wish the Journal would reflect his statements in opposition to the bill, I fully agree with them and I urge all of you to vote against this bill."

Representative Peters then rose to speak in favor of H.B. No. 1685, HD 1:

"Again, I realize it's a late hour, but there seems to be some misunderstandings expressed on this floor.

First of all, Mr. Speaker, the rules of DSSH right now disallows any individual who may have a home which value exceeds \$40,000, this bill tries to correct that. Right now, if you go down, and maybe you get into an accident and become a paraplegic, use up all your assets for hospital costs, you lost all your

money, you're down and out and you need help. Right now, because you own a house, a home that has a value of \$40,000 or more, you don't qualify.

This bill, under the present situation, a guy has the option of either transferring that property and that house that he's worked very hard for over the years, or he can turn around and sell it. If you sell it, obviously he's still not qualified because he has all those assets to use up, but he has given away a very valuable property, something that has great personal attachment for him. Everyone of you who have a home should understand that.

In this case, here, if the house is worth \$40,000 or more, the Department can look at that situation and say, OK, we will service you, you will qualify; and in the case of this guy who is a paraplegic, he can go on for maybe 20 or 30 years down the line, using up all of his revenue from both the state and federal government under medicaid, as an example, and it could have come up to maybe \$200,000 or \$300,000. This bill places a limit of \$20,000 as a lien on that property. But at least he has a home. If you take away that home, the Department will have to pay rent and everybody knows the speculation market today, how much do you pay? I guarantee you, much more than that individual having that home put in there. In addition to his medical costs and other kinds of amenities that have to be paid off.

With this bill, if he passes away, talking about surviving spouses, the lien shall not be enforced against the home or the beneficiary while it is being occupied by the beneficiary or any surviving spouse who does not remarry or by any surviving minor child or any physically or mentally handicapped child of the recipient, and such other persons as the Department may by regulation designate under chapter 91.

In the case of a child, maybe 17, his parent passes away, this lien is not enforceable. By rules and regulations,

it will become enforceable, but as I've indicated here, and this language is right in the bill, such other persons as the Department may by regulation designate under chapter 91.

I know the Department, in its deliberations, its dealings with people, have always tempered their actions with what I would call a touch of social consciousness and I trust that they will maintain a public trust on one hand and a keen eye to the service of our people."

Representative Anderson then rose to speak in favor of H.B. No. 1685, HD 1:

"There has been a lot said this evening about this particular bill, Mr. Speaker. It just so happens that we have experienced it at one time in our family, and I believe that this bill would serve to save the dignity of those that are getting on in age.

If you forced them to sell their home after they've worked so hard, I believe we would be doing an unjust favor because a lot of people on a fixed income actually, by the time they pay their bills, they're in debt. The banks will not give them a loan because of the collateral that they have on their home would not be sufficient because they already don't have enough income, and I think that this bill provides that. There are some faults with anything that we do which makes everybody a little hesitant, but believe me, I think that this is a step in the right direction and it will afford dignity to those that are getting along in age."

Representative Sutton then rose in rebuttal:

"Mr. Speaker, I would like to draw your attention, after hearing the gentleman from Waianae, to page three and the language is that the lien shall be enforceable by the Department by suit in the appropriate court or shall be enforceable as a claim against the estate of the

recipient under section 346-37, having priority over all other debts except taxes, the actual funeral expenses, the expenses of last sickness, the cost of administration of the estate, and any allowance made to the surviving spouse and children for their support, only during the administration of the estate.

And, whumbo, there goes that lien, right after that, and that lien is stuck in there, in the Bureau of Conveyances, and the individual is not as sophisticated as the 51 members here and doesn't really recognize what is going to happen, and that 18 year old, who has reached majority, and is in that house, wham, that lien hits and it hits like a ton of bricks.

I think that this period of our history, this is the type of thing you might see come into existence during the 1930's, but not in this period when we have advanced to a social consciousness where we do not try to put individuals in a position where they need to be encumbered with this sort of a lien."

Representative Toguchi then spoke against H.B. No. 1685, HD 1:

"I won't repeat some of the statements made by other people in opposition to this bill. I would like to say that I agree with the representative from Waianae that the present law is inadequate, but I cannot go along with this solution to the problem.

In essence, what he was saying by using this method, all we're saying if we go along with this bill, is that this negative approach of using a lien is the only solution to correct the present law. I cannot go along with that. Why do you have to use this type of a negative approach? You haven't addressed the question.

I agree there is a problem, but I don't think this is the solution to the problem.

Representative Kamalii rose to speak in favor of H.B. No. 1685, HD 1:

"I didn't intend to speak this evening on this, but we talked about businesses, we talked about being able to face people who have the stigma of welfare, we talked about children who no longer need to take care of their parents; I find it very hard to swallow when here is a chance that we can give our people in trouble the opportunity to hold their heads high and if you call a lien on a home which I think they will welcome this opportunity to pay back the other taxpayers of this state, I think their children will also welcome this opportunity to pay back the citizens of this state, when they were in need. I find it appalling that some of the members of this House think that this is degrading or we are taking away more than we should. It is my opinion that we are giving them what they want.

Representative Kunimura also rose to speak in favor of H.B. No. 1685, HD 1:

"It is really difficult, Mr. Speaker, for any person, except maybe a very learned attorney, to know exactly what every bill will do and the ramifications if we do any other thing. As a layman, it becomes an encumbrance that we have a lot of trust in people and the integrity of the people that we get information from, and tonight, in my very unprofessional manner, Mr. Speaker, I approached a person I trust very, very much, and I was told by this person who was at the hearing, that nobody spoke against this bill.

The Department of Social Services spoke for the bill, Legal Aid, the people who usually are adversaries of the DSSH, spoke for the bill, the Welfare people spoke for the bill, the attorney general's representative spoke for the bill, I am told, yet, Mr. Speaker, when you use lien, it's a very hard and cruel and frightening word; but I would rather, if I were in this kind of predicament, aged and with need, but with property that I paid for during the years that I worked, I would rather have this roof and the ground underneath that I owned

and take a lien on it, then to give it up by transfer or by any other means, because, Mr. Speaker, we talk so much about child abuse. Only yesterday or the day before yesterday, while I was coming to the capitol, I heard on the radio the frightening expose of elderly abuses. People, at this advanced age, when they are caused to transfer property, you are taking away from them the last thing they have in life.

Yes, if the children or whoever they transfer their property to are good, there is no trouble, but if they are mean or a little greedy, then I would hate to be in that kind of predicament and forevermore, they are going to be wards of the state.

Maybe we can take care of them, pay their rent, but the whole thing is I think we owe it to these people that they live in dignity, heads high, walk high, walk strong and walk tall. Someday we are going to reach that age and I respect very much my colleague, freshman member of this House, Mr. Kobayashi, because he does his homework and also I went over to talk with him and maybe this bill alone is not the avenue, but plugging up the welfare fraud area, and maybe whoever comes back next session should try and insist on more positions and more money for plugging the loopholes in welfare fraud; and together, double-barrelled with this, we can be very proud of how we treat and how we try to solve the whole problem of welfare and I ask you, this is going to be, I am pretty sure, one of the most important pieces of legislation that is going to come out of this House this session, as far as humanitarian goals are concerned, and may I ask you, Mr. Speaker and members of this House, that let us not look at the Committee, the personalities, but rather look at what this bill really intends, the intent of this bill and what the goals are."

Representative Segawa then rose to speak in favor of H.B. No. 1685, HD 1:

"Mr. Speaker, until I heard the

honorable Representative Lee extoll on the virtues of this bill, I really did not realize the far reaching effects of this bill. My experience as Chairman of the House Health Committee, I have had the experience of coming across many persons who are now or have been in a long term care unit.

I have had experiences of one person coming to me and saying, 'Herb, you've got to do something. I have spent all my savings, I now have to get rid of my investments to pay the bill for my wife who is in a coma, \$1500 per month'. This person asked me to look into it and I checked into it and there was nothing I could do. And his wife lived for two years in a state of coma and I am sure he had to get rid of much of his investments.

This is one case. In another case, this woman had a husband in the same unit and when the monthly payments were raised to \$1300, she called me to say she could not pay the full amount of the monthly payment. In this case, an arrangement was made whereby she could pay a portion of the payment and, at the time of the death of her husband, the balance would be worked out with the Department of Health.

With these experiences, I have been looking for some answers to such a catastrophic insurance whereby all members of the public would be involved in an insurance policy with a large deductible in which every person would contribute and would indicate a \$25,000 or \$50,000 deductible whereby when the person's bills may run to that extent, this catastrophic insurance plan would come into being.

Tonight, this total force of this bill has come to my attention in that it provides such an assistance to a family who own a home who is now excluded from receiving assistance from the state.

This bill will provide such assistance and, furthermore, Mr. Speaker, this state has a wonderful law which

provides that the children of the parents are not responsible for the debts of their parents. Through this law, many of the younger generation of our society have become prosperous and leading citizens and have not had to be burdened with the debts of their parents.

Mr. Speaker, this is a very deep, philosophical question stated tonight in this bill. A question of whether a person who worked hard all his life in accumulating some wealth, needs to own a home; whether he is to lose his home and live in a rental unit or whether he is to be allowed some help from the state. The other alternative may be that he would sell or give away to his children and be declared a pauper in order that he may receive such help. In either case, Mr. Speaker, it's a very deep, philosophical question whether one shall take care of his own debts and this bill, by allowing the person to put up his home as a lien, and to receive this help that he would need at the time that he needs it, and yet his surviving children may have to sell the home in order to pay off that lien, but yet, Mr. Speaker, it is either that or the other taxpaying members of the state picking up the tab for people who become engaged in such an unfortunate situation.

And so, Mr. Speaker, as the person who has been responsible for this bill has said, this bill has very far reaching effects and it is really something that will help our society and for future generations to become aware, perhaps, that we will have to take care of our own, our own sick, our own loved ones, and not at the same time have to become paupers ourselves.

So, Mr. Speaker, I urge you and the members of this honorable body, to vote in favor of this bill."

Representative Ikeda then rose to speak in favor of H.B. No. 1685, HD 1:

"Mr. Speaker, I didn't intend to say anything; however, I believe

that the Majority Leader very succinctly explained the merits of this legislation. My colleague, however, has pointed out a section of the bill which seems harsh, almost to the extent of being cruel. But if he had read on to page 4, he would find a very compassionate section:

'Whenever the department is satisfied that the collection of the amount of assistance paid a recipient will not be jeopardized or that the release or waiver of the priority of the lien against his property, in whole or in part, is necessary to provide for the maintenance or support of the recipient, his spouse, or any minor or incapacitated child, it may release or waive the priority of the lien with respect to all or any part of the real property.' And it goes on to extoll other ways that the lien may also be waived.

On this basis, Mr. Speaker, I ask everybody to vote in favor of this bill."

The motion to pass H.B. No. 1685, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", on Third Reading was put by the Chair and carried by a vote of 39 ayes to 12 noes, with Representatives Baker, de Heer, Fukunaga, Garcia, Hagino, Kobayashi, Larsen, Lunasco, Stanley, Sutton, Toguchi and Uwaine voting no.

The Chair directed the Clerk to note that H.B. No. 1685, HD 1, passed Third Reading at 11:40 o'clock p.m.

H.B. No. 2487-80

On motion by Representative Lunasco, seconded by Representative Say, H.B. No. 2487-80, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION", passed Third Reading by a vote of 51 ayes.

H.B. No. 2051-80, HD1

On motion by Representative D.

Yamada, seconded by Representative Honda, H.B. No. 2051-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CODE OF ETHICS", passed Third Reading by a vote of 51 ayes.

H.B. No. 1982-80

On motion by Representative Kawakami, seconded by Representative Fukunaga, H.B. No. 1982-80, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF PUBLIC LANDS", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

The Chair directed the Clerk to note that H.B. Nos. 2487-80; 2051-80, HD 1 and 1982-80 passed Third Reading at 11:43 o'clock p.m.

H.B. No. 2711-80, HD1

On motion by Representative Lunasco, seconded by Representative Say, H.B. No. 2711-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", passed Third Reading by a vote of 51 ayes.

H.B. No. 1787-80, HD1

On motion by Representative Kobayashi, seconded by Representative Segawa, H.B. No. 1787-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE HANDICAPPED", passed Third Reading by a vote of 51 ayes.

H.B. No. 2629-80, HD1

On motion by Representative Shito, seconded by Representative Lee, H.B. No. 2629-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2711-80, HD 1; 1787-80, HD 1 and 2629-80, HD 1 passed Third Reading at 11:44 o'clock p.m.

H.B. No. 2339-80

On motion by Representative Dods, seconded by Representative Shito, H.B. No. 2339-80, entitled: "A BILL FOR AN ACT RELATING TO PORT PILOTS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2367-80, HD1

On motion by Representative Shito, seconded by Representative Masutani, H.B. No. 2367-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE IMPORTATION, PURCHASE AND SALE OF INTOXICATING LIQUOR", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2339-80 and 2367-80, HD 1, passed Third Reading at 11:45 o'clock p.m.

H.B. No. 2892-80, HD1

On motion by Representative Shito, seconded by Representative Masutani, H.B. No. 2892-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII BANK ACT OF 1931", passed Third Reading by a vote of 51 ayes.

H.B. No. 721, HD1

Representative Shito moved that H.B. No. 721, HD 1, pass Third Reading, seconded by Representative Masutani.

At this time, Representative Lacy requested that his remarks in favor of this bill be inserted into the Journal as follows:

"Mr. Speaker, H.B. No. 721, HD 1, provides legislative support and statutory authority to the principle that ordinary citizens should understand the written agreements which commit them to action. This principle is a logical extension to the mandate of the Hawaii Constitution that all governmental writing be plainly worded.

This bill requires contracts involved in everyday consumer transactions, and in residential leases, to be written in a clear manner, in plain language, and in words with common and everyday meanings. It would not prohibit technical terms if they are clearly explained.

The bill would not void any contract, but it would allow the ordinary consumer to recover any actual damages suffered as a direct result of being misled by a confusing contract.

Mr. Speaker, this bill is not a legislative slap at the business community. On the contrary, it recognizes the considerable and commendable progress by retailers, lending institutions, insurance companies and realtors toward clear, understandable, plain language contracts. It would penalize only those who refuse to make a good faith effort to follow the example set by the Bank of Hawaii and others.

I believe that, with increased use of plain language contracts, we will have fewer misunderstandings, and therefore, a reduction in the litigation which overtaxes our courts.

Thank you, Mr. Speaker."

The motion to pass H.B. No. 721, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER TRANSACTIONS", on Third Reading was put by the Chair and carried by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2892-80, HD 1 and 721, HD 1, passed Third Reading at 11:46 o'clock p.m.

H.B. No. 1925-80, HD1

On motion by Representative Shito, seconded by Representative Masutani, H.B. No. 1925-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", passed Third Reading by a vote of 51 ayes.

H.B. No. 2321-80, HD1

On motion by Representative Shito, seconded by Representative Masutani, H.B. No. 2321-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES", passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives de Heer and Silva voting no.

H.B. No. 2789-80

On motion by Representative Shito, seconded by Representative Masutani, H.B. No. 2789-80, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Ikeda and Sutton voting no.

The Chair directed the Clerk to note that H.B. Nos. 2321-80, HD 1 and 2789-80 passed Third Reading at 11:47 o'clock p.m.

H.B. No. 2264-80, HD1

By unanimous consent, H.B. No. 2264-80, HD 1, was recommitted to the Committee on Judiciary.

H.B. No. 2549-80, HD1

By unanimous consent, H.B. No. 2549-80, HD 1, was recommitted to the Committee on Judiciary.

H.B. No. 2930-80, HD1

Representative D. Yamada moved that H.B. No. 2930-80, HD 1, pass Third Reading, seconded by Representative Honda.

Representative Evans then requested that her remarks in favor of this bill be inserted into the Journal as follows:

"Mr. Speaker, the seriousness of many of the crimes committed today by juvenile offenders is of grave concern to us all. The original version of this bill would have lowered

the age at which jurisdiction over a juvenile would have been waived by Family Court to 14, and would have provided an automatic waiver of such jurisdiction in certain cases.

In the bill's present form, the minimum age at which jurisdiction over a juvenile may be waived by the Family Court is 16. This is disappointing - extremely serious crimes are committed by offenders under the age of 16. To protect Hawaii's people the seriousness of the crime committed by the juvenile must be the major consideration in deciding how to deal with the offender, not the juvenile's age. This is what the original draft of this bill called for, and this is what should be seriously considered.

The standing committee report for HD 1 of this bill says that the committee finds lowering the age from 16 to 14 is not desirable philosophically. It says that juveniles at the age of 14 are still in an early stage of development and are very vulnerable and impressionable.

Philosophically I cannot agree with the committee's conclusion. A juvenile's vulnerability and impressionability is no reason to not make the offender accept responsibility for his or her actions - a responsibility equal to the seriousness of the crime. The State of New York recognizes this and has no minimum age requirement for the waiver of jurisdiction over a juvenile who has committed a serious crime.

H.B. No. 2930-80, HD 1, also provides for an automatic waiver of Family Court jurisdiction where the juvenile has an extensive juvenile record. Such a waiver is necessary because, as the committee report indicates, this type of juvenile is obviously not being helped by the Family Court.

Even with my reservations, I urge support of this measure."

The motion to pass H.B. No. 2930-80, HD 1, entitled, "A BILL FOR AN ACT RELATING TO FAMILY COURTS",

on Third Reading was put by the Chair and carried by a vote of 44 ayes to 7 noes, with Representatives Baker, de Heer, Fukunaga, Hagino, Marumoto, Stanley and Sutton voting no.

The Chair directed the Clerk to note that H.B. No. 2930-80, HD 1, passed Third Reading at 11:48 o'clock p.m.

H.B. No. 2448-80, HD1

On motion by Representative D. Yamada, seconded by Representative Honda, H.B. No. 2448-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ABUSE", passed Third Reading by a vote of 51 ayes.

H.B. No. 2674-80, HD1

On motion by Representative D. Yamada, seconded by Representative Honda, H.B. No. 2674-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL REMEDIES AND DEFENSES AND SPECIAL PROCEEDINGS, LIMITATION OF ACTION", passed Third Reading by a vote of 51 ayes.

H.B. No. 2826-80, HD1

On motion by Representative D. Yamada, seconded by Representative Honda, H.B. No. 2826-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY OF DOG OWNERS", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2448-80, HD 1; 2674-80, HD 1 and 2826-80, HD 1 passed Third Reading at 11:49 o'clock p.m.

H.B. No. 2196-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba, H.B. No. 2196-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUPIL TRANSPORTATION", passed Third Reading by a vote of 51 ayes.

H.B. No. 2225-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba, H.B. No. 2225-80, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES", passed Third Reading by a vote of 51 ayes.

H.B. No. 1826-80

On motion by Representative Stanley, seconded by Representative Kunimura, H.B. No. 1826-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2372-80, HD1

On motion by Representative Stanley, seconded by Representative Kunimura, H.B. No. 2372-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SELECTIVE EMPLOYMENT AND THE CIVIL SERVICE", passed Third Reading by a vote of 51 ayes.

H.B. No. 2874-80, HD1

On motion by Representative Stanley, seconded by Representative Kunimura, H.B. No. 2874-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2196-80, HD 2; 2225-80, HD 2; 1826-80; 2372-80, HD 1; and 2874-80, HD 1 passed Third Reading at 11:50 o'clock p.m.

At 11:51 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:53 o'clock p.m.

H.B. No. 2168-80

By unanimous consent, action on H.B. No. 2168-80 was deferred until tomorrow, March 11, 1980.

H.B. No. 2175-80

By unanimous consent, action on H.B. No. 2175-80 was deferred until tomorrow, March 11, 1980.

H.B. No. 3045-80

By unanimous consent, action on H.B. No. 3045-80 was deferred until tomorrow, March 11, 1980.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 302, 303 and 305) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 302) congratulating the Kailua High School Surfriders on becoming Windward District Basketball Champions of the OIA Eastern Division was jointly offered by Representatives Medeiros, Anderson, Evans, Ige and Sakamoto.

On motion by Representative Medeiros, seconded by Representative Anderson and carried, H.R. No. 302 was adopted.

A resolution (H.R. No. 303) honoring Mr. Totaro Nomiyama and commending him for his lifelong accomplishments and achievements was jointly offered by Representatives Hashimoto, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Hashimoto, seconded by Representative K. Yamada and carried, H.R. No. 303 was adopted.

A resolution (H.R. No. 305) congratulating Janice Higashi of Hilo, Hawaii, for having been selected "Secretary

of the Year" for the Big Island chapter of the National Secretaries Association International was jointly offered by Representatives Segawa, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Segawa, seconded by Representative K. Yamada and carried, H.R. No. 305 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 301 and 304) and concurrent resolution (H.C.R. No. 98) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 11, 1980:

A resolution (H.R. No. 301) requesting a study on external degree programs offered in Hawaii by mainland-based institutions of higher learning was jointly offered by Representatives Ushijima, Anderson, Andrews, Baker, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Honda, Ige, Inaba, Kamalii, Kawakami, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Say, Segawa, Shito, Stanley, Takamine, Takitani, Toguchi, Uechi and K. Yamada.

A resolution (H.R. No. 304) requesting continuation and evaluation of the Stay Straight Youth Awareness program was jointly offered by Representatives Nakamura, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi,

Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

A concurrent resolution (H.C.R. No. 98) requesting the Department of Planning and Economic Development to plan for the redevelopment of the Aloha Tower complex was jointly offered by Representatives Kawakami and Dods.

RECONSIDERATION OF ACTION TAKEN

Representative D. Yamada moved that the House reconsider its action taken on Stand. Com. Rep. No. 615-80 on H.B. No. 2932-80, HD 1, seconded by Representative Honda and carried.

Representative D. Yamada then moved that Stand. Com. Rep. No. 615-80 and H.B. No. 2932-80, HD 1, be recommitted to the Committee on Judiciary, and the Chair, noting no objection, so ordered.

STANDING COMMITTEE REPORT

Representatives Dods and Morioka, for the Committees on Transportation

and Finance, presented a joint report (Stand. Com. Rep. No. 668-80) recommending that H.B. No. 2541-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Dods, seconded by Representative Morioka and carried, the joint report of the Committees was adopted and H.B. No. 2541-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VAN GO HAWAII", passed Second Reading and was placed on the calendar for Third Reading Wednesday, March 12, 1980.

The Chair directed the Clerk to note that printed copies of H.B. No. 2541-80, HD 1, were made available to the members of the House at 8:30 o'clock p.m.

At 11:55 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

ADJOURNMENT

The House of Representatives adjourned at 12:00 o'clock midnight.

THIRTY-FOURTH DAY

Tuesday, March 11, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 12:20 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Henry Peters, after which the Roll was called showing all members present with the exception of Representatives Blair, Holt, Lunasco, Takitani and D. Yamada, who were excused.

By unanimous consent, reading and approval of the Journal of the Thirty-Third Day was deferred.

UNFINISHED BUSINESS

H.B. No. 2168-80, HD 1, on Third Reading:

Representative Stanley moved that H.B. No. 2168-80, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, I would address your attention to the bill itself. Section 1: 'Essential employee means any employee designated by the board to be necessary to avoid or remove any imminent or present danger to the public health or safety.'

In other words, what we have said is we are not going to define an essential employee. We are not going to let a court with its inherent equity powers of definition define what is essential to the public health or welfare, but we are going to say that essential employees are the ones who have been designated by the board. And what is this board? It is the Hawaii Public Employee Relations Board. And what is their function? Well, Mr. Speaker, the function of the Hawaii Public Employee Relations Board is to be the monitor -- the referee. What if we had a baseball game, Mr. Speaker, and the referees were out there and then all of a sudden they were given the authority to designate the players and pretty soon, they would end up coaching the players instead of performing their roles and when you slide into home base there, they could call

you out very easily, Mr. Speaker.

Now we would have, in other words, a transfer of this role. They are supposed to be the determining body of violations; they are not supposed to be the ones defining. If we use words to define the essential workers, we would be far better off, or if we just didn't even put it in, a court of equity right at the present time can determine what is essential for the health and welfare for the public safety and this has been done in many jurisdictions. I have never seen anything where the judge was both judge and jury and victim. I have never seen anything where the role was so confused.

Now, Mr. Speaker, we had a very bad strike and it hurt our entire State. It hurt the image. The image was broadcast to the other 49 states and those 49 states had TV coming in each evening showing an airport so dirty that nobody would want to land there. We had pictures of Waikiki with garbage cans on Kalakaua Avenue and, today, we are suffering from our image. The island of Kauai, as reported by our Representative from Kauai in the Finance Committee earlier tonight, was down 21 percent and this is part of that image of that strike.

Our school children missed an essential part of their educational careers. They can never make it up. They've got to take College Boards; they've got to take SAT if they want to get into colleges and they are months behind those that they are competing with on the mainland if they want to get into mainland colleges. Everybody suffered. They suffered because we did not have something on the books.

Here is the only bill that I have seen that has come before us and, lo and behold, what do we see? We see something that further complicates the situation; it does not give a definition of what essential workers are.

You and I are trained to make definitions, Mr. Speaker, and we could certainly define if we sit down. We could define essential workers in fifteen-twenty minutes, incorporate it in this bill, and we would have something that would serve. But, oh no, we are designating this to the referee -- the referee is going to call the players and therefore, Mr. Speaker, we have an essentially defective mechanism. We have confused the roles, and I

would urge you to please vote no."

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

"Mr. Speaker, although I agree in principle that some reform must be made to the Hawaii collective bargaining law, if you understand the delicate balance of collective bargaining, you cannot favor employer nor can you favor the employee. There must always be this very delicate balance so that one will not take advantage of the other. The greatness of our country, Mr. Speaker, rests with this principle of free labor and free capital. Government can, in no way, interfere with this type of collective bargaining to assure that only when and if national welfare, national security is threatened, and in this case, Mr. Speaker, I would say when essential services like hospitals and very few others, maybe the police and fire, at best, but for us to enact a legislation immediately after a strike, I would say that we are panicking and not using good judgment at this time.

I feel we have the time now that the strike has been concluded, negotiations concluded, contracts signed, sealed and delivered, that this legislature and the next legislature has the luxury of time to call an interim study session to really look into what went wrong and how can we best bring back into center some of the problems and the inequity in the law that caused these problems.

Mr. Speaker, therefore I signed 'I do not concur' because I am, I feel, a long-time supporter of labor. I have been with the labor organization since 1944. I am not giving up my identity with labor because I was born in the working class and I still remain in the working class, and I feel a very, very strong affinity although I do disagree with some unions at times for some labor legislation. But this does not make me anti-labor.

So, Mr. Speaker, I feel very strongly about this because once we enact anything of this nature because of the kinds of panic situation, that it is going to be very difficult to bring it back to center. We may be going too far to the right and this is my fear; maybe too far to the left at this time and I hate to have this matter go too far to the right, but rather, bring it back to center so that we can have a well balanced collective bargaining act.

Thank you."

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

"Mr. Speaker, I would like to call your attention and the rest of my colleagues to the bill that is before us and to urge them, upon careful consideration, to realize that this is a very balanced and modest fine tuning of our present fine collective bargaining law. What your Committee has tried to do is maintain the integrity of the collective bargaining process by clarifying certain of the procedures which brought about undue delays during the recent UPW strike.

The major amendment that we have made is to remove the Hawaii Public Employee Relations Board from the conflicting role of trying to enforce its own order. Now, as many of you know, the unions do not particularly favor this bill but on this point which is one of the major amendments proposed, they agreed HPERB should not be the body to seek enforcement in the court of its own order. Therefore, we have changed the law in this respect to have the employer go to court to seek relief if they believe that the HPERB order has been violated.

With respect to some of the comments and concerns raised by previous speakers, it is indeed true that we need to look at our collective bargaining law so your Committee will also act favorably upon a resolution that asks us to do the same thing.

I would also like to point out that it is timely that we make these amendments now because at this time next year, we may well be in impasse of cooling off periods and be looking very directly at the possibility of a strike from one of our collective bargaining units.

So with these thoughts in mind, I would like to urge all the members here to support this very modest, but timely, fine tuning of our collective bargaining law."

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

"Mr. Speaker, I will be voting for this bill but I have several reservations.

House Bill 2168-80 will be a much heralded bill if enacted into law. Citizens who were aggrieved during the recent strike by Unit 1 employees will be happy to see that the procedure has been drawn up to name essential employees who are necessary to maintain the public health and safety.

My reservations to this procedure has to do with several areas, the first being that it may not be as expeditious or efficient in determining exactly which employees are essential.

Secondly, we must wait, under this bill, until a strike is upon us or very imminent. This process should be done as a matter of course before the public is directly threatened.

Those positions determined before a strike as essential and agreed upon by the unions should not be a bone of contention when danger threatens, and further, time is consumed by hearings and when a temporary injunction is appealed.

With all these reservations, you must be wondering why I am voting yes on this bill. It is because it is a step forward. It demonstrates legislative intent that certain positions are indeed necessary at all times, and it spells out a procedure for establishing affirmative duties and employees. In addition, sympathy strikes are prohibited.

Let us take this step forward, Mr. Speaker, by voting 'aye' on House Bill 2168-80.

Thank you."

At 12:36 o'clock a.m., Representative Kamalii asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:40 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Holt, Takitani and D. Yamada.

Representative Kunimura then rose and stated:

"Mr. Speaker, to prove my point that this is really rushing -- fools rush in -- that this bill, Mr. Speaker, did not really, you know, for the gravity of the contents and the subject matter, did not, in my opinion, have a real day in court.

Even admitted in the Committee Report that it was generally, you know, testimony generally supporting the purpose of this bill. You take a look at those supporting: Boranian, City and County personnel; Botelho, State Director of Personnel Services; and you have Odachi from Collective Bargaining; William Jones, Sr., I am pretty sure he must be from the Honolulu Police Department -- must be in the hierarchy; and Mr.

Hashimoto, Chamber of Commerce. And on the other side, testimony by Mr. Radcliffe stating that this is premature, and I wouldn't agree that it is unnecessary, but it sure is premature, and I wouldn't agree with everything said here about Mr. Epstein that the law operated well during the last strike. Certainly not, but I feel at least when you really work on bills like this, it becomes very. . . you know, it becomes incumbent that we spend as much time as possible to really understand what we are doing, and to call one or two days of hearings and one afternoon after the session to go up and make decisions on a bill like this is a serious travesty of justice."

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

"Mr. Speaker, I cannot remember when I've taken a different position with the Chairman of the PEGO Committee, but I feel that. . . and I signed the Committee Report 'I do not concur' because I feel that we should now that we have the time, now that all of the collective bargaining units have completed their contracts for two years, that we have the time to review the collective bargaining act for the government employees. I know it would have been almost impossible to discuss this matter unemotionally a few months ago but now that we do have the time, that I think we should take more time and as the Chairman of the PEGO Committee said that the Committee has also acted on House Resolution 15, that the whole matter can and will be reviewed.

I have visited and talked to those on the picket line many, many times, and I could not help but feel that the picketers felt hopeless day by day as more and more of the essential workers were called to go back to work.

The Committee Report says that, 'Your Committee believes that employees should continue to have a limited right to strike. . .', but I think it is almost impossible for the strike to be effective if all of the essential work is being done. I think there is no way, no way, can those group of employees that are found to be essential by the board can have an equal chance on the bargaining table, and the whole purpose of the collective bargaining act is to give the workers a fair chance of coming up with decent wages and working conditions. I feel that for those groups, it makes sense that we may consider what the firefighters took and that is the compulsory arbitration.

We are now just discussing the matter

of essential workers and I think the collective bargaining act is more than just the essential workers' problems. It has to go into the whole principle of whether the government employees should have the right to collective bargaining and should have the right to strike to ultimately win their objective, so I think that this is premature right now, at this time, to act on this bill, so with a wish that we can all work on House Resolution 15 and discuss the total matter that I have signed this report, 'I do not concur.'

Thank you."

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

"Mr. Speaker, I don't think I am for labor or for business in this particular deal. I think I am more people oriented. The people of this State were very hurt, I feel, in this last strike. The health and welfare was the thing that we were all worried about. It was at a point where people were getting into fist fights, essential workers were being asked to go to court, the unions were having a hard time, and we needed something in this session that I think would clear the air for everybody. Now, this may not be the best; I had hoped we would come out with some legislation maybe we could be a little choosy on. But this seems to be the only vehicle and it may have flaws, but believe me, we need something that would definitely take care of the essential workers.

I don't think that would hurt bargaining if the airport, for instance, were loaded with a bunch of plastic bags loaded with rubbish that couldn't go anywhere, but it was at least picked up so that the health of the people down there would not be hurt, and I don't think this would hurt any schools, and rubbish from my own home or yard where rodents were coming around and we took to the garbage dump -- that wouldn't hurt. But everybody was in such an uproar.

I think that this will really help if we can have essential workers that would at least do a part of this while the bargaining is going on and, hopefully, that it will not hurt labor and it won't hurt business and it will as sure as heck help the people of this State.

Thank you very much, Mr. Speaker."

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

"Mr. Speaker, the people of this State are asking for this bill, and yes, we still have time and we can work on this measure and improve on it more next year. There is nothing to preclude us from that.

Mr. Speaker, I urge all members to vote in favor of this measure."

Representative Kamalii then rose and stated:

"Obviously, I am not speaking for the caucus. Mr. Speaker, I rise to speak against this bill.

Mr. Speaker, the intent of this bill is important and vital to the full and equitable implementation of the essential workers now present in our public employee collective bargaining law. The experiences of last year's UPW strike is still a very vivid reminder of the clear present danger which may confront the community if there is no provision for a prompt and accurate designation of such workers.

We, as Republicans, held a conference and introduced four collective bargaining bills which we don't see on the agenda tonight.

What I am speaking to would create an even greater violation of the entire sense of public collective bargaining. This bill will violate the neutral third party position of the Hawaii Public Employee Relations Board and would do so without accurately assigning the responsibility for designating essential workers. As I read this bill, it will become HPERB's responsibility to set the level of essential worker force and then to name the employees who would fulfill those service levels.

As HPERB itself finally ruled last year, the actual determination of which specific employee should be required as essential should be the responsibility of management. How can HPERB determine the worker or whether the position as being essential? Would they have a random selection? A drawing of lots? This bill doesn't say.

Further, by placing HPERB in the position of decision-making on the essential nature of jobs and workers, we have eliminated their usefulness as an arbiter of this very significant aspect of collective bargaining. Thus, if the union were to challenge the

number of jobs or individuals rendered as essential, have we placed HPERB in a contradictory role of being an active party to a labor dispute? Wouldn't HPERB have to appear before a judge and justify the determination instead of providing advice or mediating influence?

For me, then, this bill only complicates and compromises the imperfect mechanism that we now have and does so at an intolerable price, Mr. Speaker, at the integrity and neutrality of the HPERB and its role.

Thank you."

At 12:50 o'clock a.m., Representative Toguchi asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock a.m.

Representative Stanley then rose and stated:

"Mr. Speaker, I wish to speak again for the bill in response to the previous speakers' concerns.

Mr. Speaker, the amendments before us to the collective bargaining law tonight address the problems the previous speakers have brought to our attention, and that is the role of HPERB.

HPERB is the body that is to handle the administration of the collective bargaining law. Therefore, as a result of this last experience of strike, they were put in the uncomfortable position of having to go to court to seek enforcement of their order and that put them in a very conflicting role as a management. Therefore, tonight we are looking at the proposal to place the burden of going to court for enforcement of an HPERB order with the proper people and that is either the employer or the employee organization.

HPERB's neutrality and proper role is therefore corrected and strengthened by this bill before us and I urge all members to vote for it."

Roll call having been requested, the motion was put by the Chair and carried, and H.B. No. 2168-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", having been read throughout, passed Third Reading by a vote of 36 ayes to 13 noes,

with Representatives Baker, de Heer, Evans, Fukunaga, Garcia, Hagino, Ige, Kamalii, Kunimura, Say, Sutton, Takamine and Uechi voting no, and Representatives Blair and Lunasco being excused.

The Chair directed the Clerk to note that H.B. No. 2168-80 had passed Third Reading at 1:01 o'clock a.m.

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

H.B. No. 2175-80 on Third Reading:

On motion by Representative D. Yamada, seconded by Representative Aki and carried, H.B. No. 2175-80, entitled: "A BILL FOR AN ACT RELATING TO NAMES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Blair and Lunasco being excused.

H.B. No. 3045-80 on Third Reading:

On motion by Representative Shito, seconded by Representative Masutani and carried, H.B. No. 3045-80, entitled: "A BILL FOR AN ACT RELATING TO PROCEDURE WHEN TITLE OF VEHICLE TRANSFERRED; DELIVERY OF CERTIFICATE MANDATORY", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Blair and Lunasco being excused.

The Chair directed the Clerk to note that H.B. No. 2175-80 had passed Third Reading at 1:02 o'clock a.m. and H.B. No. 3045-80 at 1:03 o'clock a.m.

At 1:04 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:05 o'clock a.m.

At this time, Representative Kiyabu rose and requested the waiver of the House Rules requiring the 48-hour notice on public hearings so that decision-making could be held on the Tourism Functional Plan and the Agricultural

Functional Plan on Wednesday,
March 12, 1980.

The waiver was granted by the
Chair.

At 1:07 o'clock a.m., on motion
by Representative K. Yamada, seconded
by Representative Evans and carried,
the House of Representatives stood
in recess until 11:30 o'clock a.m.
today.

MORNING SESSION

The House of Representatives
reconvened at 11:43 o'clock a.m.

The Chair then directed the Clerk
to note the presence of Representative
Lunasco.

SENATE COMMUNICATIONS

The following communications
from the Senate (Sen. Com. Nos.
72 to 92) were read by the Clerk
and were disposed of as follows:

A communication from the Senate
(Sen. Com. No. 72) returning House
Bill No. 55, HD 1, entitled: "A
BILL FOR AN ACT RELATING TO
THE HAWAII STATE PLANNING ACT",
which passed Third Reading in
the Senate on March 10, 1980, was
placed on file.

A communication from the Senate
(Sen. Com. No. 73) transmitting
Senate Bill No. 1897-80, SD 1, entitled:
"A BILL FOR AN ACT RELATING
TO PUBLIC UTILITIES", which passed
Third Reading in the Senate on March
10, 1980, was placed on file.

A communication from the Senate
(Sen. Com. No. 74) transmitting
Senate Bill No. 1944-80, SD 1, entitled:
"A BILL FOR AN ACT RELATING
TO THE JUDICIARY", which passed
Third Reading in the Senate on March
10, 1980, was placed on file.

A communication from the Senate
(Sen. Com. No. 75) transmitting
Senate Bill No. 1985-80, SD 2, entitled:
"A BILL FOR AN ACT RELATING
TO RECORDING FEES IN THE STATE
BUREAU OF CONVEYANCES", which
passed Third Reading in the Senate
on March 10, 1980, was placed on
file.

A communication from the Senate
(Sen. Com. No. 76) transmitting
Senate Bill No. 1986-80, entitled:

"A BILL FOR AN ACT RELATING TO
DISPOSITION OF PUBLIC LANDS",
which passed Third Reading in the
Senate on March 10, 1980, was placed
on file.

A communication from the Senate
(Sen. Com. No. 77) transmitting Senate
Bill No. 1988-80, entitled: "A BILL
FOR AN ACT RELATING TO THE USE
OF SICK LEAVE CREDITS WITH WORKERS'
COMPENSATION BENEFITS", which
passed Third Reading in the Senate
on March 10, 1980, was placed on
file.

A communication from the Senate
(Sen. Com. No. 78) transmitting Senate
Bill No. 1999-80, entitled: "A BILL
FOR AN ACT RELATING TO PUBLIC
ASSISTANCE", which passed Third
Reading in the Senate on March 10,
1980, was placed on file.

A communication from the Senate
(Sen. Com. No. 79) transmitting Senate
Bill No. 2107-80, SD 1, entitled:
"A BILL FOR AN ACT RELATING TO
PUBLIC LANDS", which passed Third
Reading in the Senate on March 10,
1980, was placed on file.

A communication from the Senate
(Sen. Com. No. 80) transmitting Senate
Bill No. 2155-80, SD 1, entitled:
"A BILL FOR AN ACT RELATING TO
INTAKE SERVICE CENTERS", which
passed Third Reading in the Senate
on March 10, 1980, was placed on
file.

A communication from the Senate
(Sen. Com. No. 81) transmitting Senate
Bill No. 2211-80, entitled: "A BILL
FOR AN ACT RELATING TO RECORDING
FEES IN THE OFFICE OF THE ASSISTANT
REGISTRAR OF THE LAND COURT
IN THE STATE BUREAU OF CONVEYANCES",
which passed Third Reading in the
Senate on March 10, 1980, was placed
on file.

A communication from the Senate
(Sen. Com. No. 82) transmitting Senate
Bill No. 2253-80, SD 1, entitled:
"A BILL FOR AN ACT RELATING TO
LAND USE", which passed Third Reading
in the Senate on March 10, 1980, was
placed on file.

A communication from the Senate
(Sen. Com. No. 83) transmitting Senate
Bill No. 2275-80, SD 1, entitled:
"A BILL FOR AN ACT RELATING TO
THE JUDICIARY", which passed Third
Reading in the Senate on March 10,
1980, was placed on file.

A communication from the Senate
(Sen. Com. No. 84) transmitting Senate
Bill No. 2277-80, entitled: "A BILL

FOR AN ACT RELATING TO THE JUDICIARY", which passed Third Reading in the Senate on March 10, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 85) transmitting Senate Bill No. 2278-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", which passed Third Reading in the Senate on March 10, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 86) transmitting Senate Bill No. 2323-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", which passed Third Reading in the Senate on March 10, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 87) transmitting Senate Bill No. 2360-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF PUBLIC EMPLOYEES AND OFFICERS", which passed Third Reading in the Senate on March 10, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 88) transmitting Senate Bill No. 2571-80, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT", which passed Third Reading in the Senate on March 10, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 89) transmitting Senate Bill No. 2581-80, entitled: "A BILL FOR AN ACT RELATING TO LEASED OR RENTED PERSONAL PROPERTY", which passed Third Reading in the Senate on March 10, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 90) transmitting Senate Bill No. 2587-80, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE BY FUEL IMPORTERS, MANUFACTURERS, DISTRIBUTORS, AND EXPORTERS", which passed Third Reading in the Senate on March 10, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 91) transmitting Senate Bill No. 2719-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", which passed Third Reading in the Senate on March 10, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 92) transmitting Senate Bill No. 2888-80, SD 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION", which passed Third Reading in the Senate on March 10, 1980, was placed on file.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, S.B. Nos. 1897-80, SD 1; 1944-80, SD 1; 1985-80, SD 1; 1986-80; 1988-80; 1999-80; 2107-80, SD 1; 2155-80, SD 1; 2211-80; 2253-80, SD 1; 2275-80, SD 1; 2277-80; 2278-80, SD 2; 2323-80, SD 1; 2360-80, SD 2; 2571-80; 2581-80; 2587-80; 2719-80, SD 1; and 2888-80, SD 1, passed First Reading by title and further action was deferred until later in the calendar.

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

Representative Stanley introduced 17 students from Cannon's School of Business. These students are from Japan, Tahiti, Thailand, Tonga, Micronesia, Okinawa, Western Samoa and Michigan. They were accompanied by their teachers, Sistenn Ann Laffan, Deborah Forbis, Nyuen Chung, and Jeannette Fukuzawa.

Representative Medeiros introduced 33 students from Kailua Elementary School. They were accompanied by their teacher, Mrs. Sato, and a parent, Mrs. Emory.

Representative Masutani introduced 50 fourth and fifth grade students from Pearl Ridge Elementary School. They were accompanied by their teachers, Mrs. Kuramoto and Mrs. Charles Toguchi.

Representative Aki introduced members of the Hawaii Joint State Legislative Committee of the National Retired Teachers Association and American Association of Retired Persons, as follows: Mrs. Grace Tarranella, State Director, AARP; Mr. Gabriel I, State Director, NRTA; Mr. William Wong, Assistant State Director; Mrs. Josephine Day, President of the Hawaii State Retired Teachers; and members, Lucille Burg (Maui); Masao Uyematsu (Kauai); Louise Machado, Pearl Fisher, Lillian Givens and Edward Webster, all from Oahu; Richard Penhallow and Howard Cate from Hawaii; and John Kwon and Arthur Flynn from Maui. These persons were here earlier in the session and are here again to see how far their bills have gone.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate bills (S.B. Nos. 2275-80 and 2277-80) were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
2275-80	Committee on Judiciary, then to the Committee on Finance
2277-80	Committee on Judiciary, then to the Committee on Finance

By unanimous consent, further action on S.B. Nos. 1897-80, SD 1; 1944-80, SD 1; 1985-80, SD 1; 1986-80; 1988-80; 1999-80; 2107-80, SD 1; 2155-80, SD 1; 2211-80; 2253-80, SD 1; 2278-80, SD 2; 2323-80, SD 1; 2360-80, SD 2; 2571-80; 2581-80; 2587-80; 2719-80, SD 1; and 2888-80, SD 1, was deferred until Thursday, March 13, 1980.

DEFERRED RESOLUTIONS

The following resolution (H.R. No. 301) and concurrent resolution (H.C.R. No. 98) were disposed of as follows:

<u>H.R. No.</u>	<u>Referred to:</u>
301	Committee on Higher Education, then to the Committee on Finance

H.C.R. No.

98	Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Transportation, then to the Committee on Finance
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STANDING COMMITTEE REPORT

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 669-80) informing the House that House Resolution Nos. 301 to 305, House Concurrent Resolution No. 98, and Standing Committee Report Nos. 488-80 to 611-80, have been printed and distributed.

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

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 308 to 310) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 308) extending heartiest congratulations of the House of Representatives to the University of Hawaii Rainbow Warriors football team and best wishes for continued success in the seasons ahead was jointly offered by Representatives Ushijima, Holt, Aki, Anderson, Andrews, Baker, Blair, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Honda, Ige, Inaba, Kamalii, Kawakami, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Holt, seconded by Representative Takitani and carried, H.R. No. 308 was adopted.

A resolution (H.R. No. 309) expressing appreciation on behalf of the people of Hawaii to the commissioner and franchise owners of the National Football League for bringing the 1980 Pro Bowl to Hawaii was jointly offered by Representatives Ushijima, Holt, Takitani, Aki, Anderson, Andrews, Baker, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Honda, Ige, Inaba, Kamalii, Kawakami, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Sakamoto, Say, Segawa, Shito, Stanley, Takamine, Toguchi, Uechi and K. Yamada.

On motion by Representative Holt, seconded by Representative Takitani and carried, H.R. No. 309 was adopted.

A resolution (H.R. No. 310) recognizing and congratulating the Hilo County Farm Bureau, winner of "The 1979 Outstanding Farm Bureau County of the Year" was jointly offered by Representatives K. Yamada, Aki, Andrews, Baker, Blair, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Inaba, Kobayashi, Kunimura, Larsen, Lee, Lunasco, Morioka, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Uechi, Ushijima, Uwaine and Wakatsuki.

On motion by Representative K. Yamada, seconded by Representative Uechi and carried, H.R. No. 310 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 306 and 307) and concurrent resolutions (H.C.R. Nos. 99 and 100) were referred to the Committee on Legislative Management and further action was deferred until Thursday, March 13, 1980:

A resolution (H.R. No. 306) requesting

a study on the feasibility of establishing a Hawaii State Veterans Home was jointly offered by Representatives Segawa, Aki, Baker, Blair, Honda, Ige, Lacy, Lee, Shito, Ushijima and D. Yamada.

A resolution (H.R. No. 307) requesting the Legislative Auditor to develop a uniform accounting and reporting system for hospitals and related health care services in hospital facilities in the State was jointly offered by Representatives Segawa, Aki, Baker, Blair, Honda, Ige, Kobayashi, Lee, Shito, Ushijima and D. Yamada.

A concurrent resolution (H.C.R. No. 99) requesting a study on the feasibility of establishing a Hawaii State Veterans Home was jointly offered by Representatives Segawa, Aki, Baker, Blair, Honda, Ige, Lacy, Lee, Shito, Ushijima and D. Yamada.

A concurrent resolution (H.C.R. No. 100) requesting the Legislative Auditor to develop a uniform accounting and reporting system for hospitals and related health care services in hospital facilities in the State was jointly offered by Representatives Segawa, Aki, Baker, Blair, Honda, Ige, Kobayashi, Lee, Shito, Ushijima and D. Yamada.

At 11:50 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

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

MISCELLANEOUS BUSINESS

At this time, the Chair announced:

"The action of the House needs to be reconsidered on S.B. No. 1703, SD 1, HD 1, CD 2, inasmuch as the orders to the Governor in respect to the proposed constitutional amendment has not met the ten days notice."

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action taken on S.B. No. 1703, SD 1, HD 1, CD 2.

RECONSIDERATION OF ACTION TAKEN

Representative D. Yamada moved to reconsider action taken on S.B. No. 1703, SD 1, HD 1, CD 2, on Wednesday, March 5, 1980, seconded by Representative Honda and carried.

The Chair then said:

"The bill shall lay on the Clerk's desk and will be acted upon upon the expiration of the ten days notice."

At 12:04 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:16 o'clock p.m.

ADJOURNMENT

At 12:17 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives adjourned to 12:00 o'clock noon tomorrow, Wednesday, March 12, 1980.